

## SENATE.

WEDNESDAY, August 23, 1922.

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

Our Father and our God, we give Thee thanks for the brightness of the morning and for all the privileges of life which have been continued unto us. We pray that in the midst of the duties of the day there may be brought to us the consciousness of the largest responsibility, so that the things which are highest and best shall be chiefly in our thought and dominate our action. We pray Thy blessing constantly upon each one who bears these anxious moments of care, wondering which way is the best to take. We ask Thee to blaze the path, and when there is uncertainty give direction, we beseech of Thee.

Remember, we would ask this morning, the stricken home of one so long related to the other House of Congress. We pray, in the multitude of Thy mercies, vouchsafe the comforts of Thy infinite consolation, and thus guide us all, whether in brightness or in gloom, along the pathway that leads to the life eternal. We ask through Jesus Christ our Lord. Amen.

On request of Mr. McCUMBER, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Thursday, August 3, 1922, was dispensed with and the Journal was approved.

## FOREIGN COMMERCE AND THE LAW.

Mr. FLETCHER. I move that the paper which I hold in my hand, entitled "Jus Gentium, a Stepping Stone to Better Law and Lawyers," by Henry C. Clark, member of the Jacksonville, Fla., bar and of the bar of the Supreme Court of the United States, with a foreword by William Reynolds Vance, be printed as a Senate document, and I ask that the motion, with the paper, be referred to the Committee on Printing.

The PRESIDENT pro tempore. It is so ordered.

## ADDRESS BY THE VICE PRESIDENT.

Mr. SHORTRIDGE. Mr. President, at a meeting of the American Bar Association held at San Francisco, Calif., the Vice President delivered a masterly address. I think it is worthy of reproduction, and I ask unanimous consent that it be printed in the Record in the larger type.

Mr. ROBINSON. I inquire of the Senator from California what is the subject matter of the address?

Mr. SHORTRIDGE. The subject matter of the address, broadly and generally speaking, is government, laws, constitutional forms, and the observance and enforcement of the laws of our land.

Mr. ROBINSON. I have no objection to the Senator's request.

Mr. SHORTRIDGE. I think it will meet the approval in sentiment of every Senator and of the people, quite regardless of any differences upon other matters.

There being no objection, the address was ordered to be printed in the Record in 8-point type, as follows:

## ADDRESS BY THE VICE PRESIDENT BEFORE THE AMERICAN BAR ASSOCIATION AT SAN FRANCISCO, CALIF., AUGUST 10, 1922.

The growing multiplicity of laws has often been observed. The National and State Legislatures pass acts, and their courts deliver opinions, which each year run into scores of thousands. A part of this is due to the increasing complexity of an advancing civilization. As new forces come into existence new relationships are created, new rights and obligations arise, which require establishment and definition by legislation and decision. These are all the natural and inevitable consequences of the growth of great cities, the development of steam and electricity, the use of the corporation as the leading factor in the transaction of business, and the attendant regulation and control of the powers created by these new and mighty agencies.

This has imposed a legal burden against which men of affairs have been wont to complain. But it is a burden which does not differ in its nature from the public requirement for security, sanitation, education, the maintenance of highways, or the other activities of government necessary to support present standards. It is all a part of the inescapable burden of existence. It follows the stream of events. It does not attempt to precede it. As human experience is broadened, it broadens with it. It represents a growth altogether natural. To resist it is to resist progress.

But there is another part of the great accumulating body of our laws that has been rapidly increasing of late, which is the result of other motives. Broadly speaking, it is the attempt to raise the moral standard of society by legislation.

The spirit of reform is altogether encouraging. The organized effort and insistent desire for an equitable distribution of the rewards of industry, for a wider justice, for a more consistent righteousness in human affairs, is one of the most stimulating and hopeful signs of the present era. There ought to be a militant public demand for progress in this direction. The society which is satisfied is lost. But in the accomplishment of these ends there needs to be a better understanding of the province of legislative and judicial action. There is danger of disappointment and disaster unless there be a wider comprehension of the limitations of the law.

The attempt to regulate, control, and prescribe all manner of conduct and social relations is very old. It was always the practice of primitive peoples. Such governments assumed jurisdiction over the action, property, life, and even religious convictions of their citizens down to the minutest detail. A large part of the history of free institutions is the history of the people struggling to emancipate themselves from all of this bondage.

I do not mean by this that there has been, or can be, any progress in an attempt of the people to exist without a strong and vigorous government. That is the only foundation and the only support of all civilization. But progress has been made by the people relieving themselves of the unwarranted and unnecessary impositions of government. There exists, and must always exist, the righteous authority of the state. That is the sole source of the liberty of the individual, but it does not mean an inquisitive and officious intermeddling by attempted government action in all the affairs of the people. There is no justification for public interference with purely private concerns.

Those who founded and established the American Government had a very clear understanding of this principle. They had suffered many painful experiences from too much public supervision of their private affairs. The people of that period were very jealous of all authority. It was only the statesmanship and resourcefulness of Hamilton, aided by the great influence of the wisdom and character of Washington, and the sound reasoning of the very limited circle of their associates that succeeded in proposing and adopting the American Constitution. It established a vital Government of broad powers, but within distinct and prescribed limitations. Under the policy of implied powers adopted by the Federal party its authority tended to enlarge. But under the administration of Jefferson, who, by word, though not so much by deed, questioned and resented almost all the powers of government, its authority tended to diminish and, but for the great judicial decisions of John Marshall, might have become very uncertain. But while there is ground for criticism in the belittling attitude of Jefferson toward established government, there is even larger ground for approval of his policy of preserving to the people the largest possible jurisdiction and authority. After all, ours is an experiment in self-government by the people themselves, and self-government can not be reposed wholly in some distant capital; it has to be exercised in part by the people in their own homes.

So intent were the founding fathers on establishing a Constitution which was confined to the fundamental principles of government that they did not turn aside even to deal with the great moral question of slavery. That they comprehended it and regarded it as an evil was clearly demonstrated by Lincoln in his Cooper Union speech when he showed that substantially all of them had at some time by public action made clear their opposition to the continuation of this great wrong. The early amendments were all in diminution of the power of the Government and declaratory of an enlarged sovereignty of the people.

It was thus that our institutions stood for the better part of a century. There were the centralizing tendencies and the amendments arising out of the War of '61. But while they increased to some degree the power of the National Government, they were in chief great charters of liberty, confirming rights already enjoyed by the majority and undertaking to extend and guarantee like rights to those formerly deprived of equal protection of the laws. During most of this long period the trend of public opinion and of legislation ran in the same direction. This was exemplified in the executive and legislative refusal to renew the United States Bank charter before the war, and in the judicial decision in the Slaughterhouse cases after the war. This decision has been both criticized and condemned in equally high places, but the result of it was perfectly clear. It was on the side of leaving to the people of the several States, and to their legislatures and courts, jurisdiction over



the privileges and immunities of themselves and their own citizens.

During the past 30 years the trend has been in the opposite direction. Urged on by the force of public opinion, national legislation has been very broadly extended for the purpose of promoting the general welfare. New powers have been delegated to the Congress by constitutional amendments and former grants have been so interpreted as to extend legislation into new fields. This has run its course from the Interstate Commerce act of the late eighties, through the various regulatory acts under the commerce and tax clauses, down to the maternity aid law which recently went into effect. Much of this has been accompanied by the establishment of various commissions and boards, often clothed with much delegated power, and by providing those already in existence with new and additional authority. The National Government has extended the scope of its legislation to include many kinds of regulation, the determination of traffic rates, hours of labor, wages, sumptuary laws, and into the domain of oversight of the public morals.

This has not been accomplished without what is virtually a change in the form, and actually a change in the process, of our Government. The power of legislation has been to a large extent recast, for the old order looked on these increased activities with much concern. This has proceeded on the theory that it would be for the public benefit to have government to a greater degree the direct action of the people. The outcome of this doctrine has been the adoption of the direct primary, the direct election of United States Senators, the curtailment of the power of the Speaker of the House, and a constant agitation for breaking down the authority of decisions of the courts. This is not the Government which was put into form by Washington and Hamilton and popularized by Jefferson. Some of the stabilizing safeguards which they had provided have been weakened. The representative element has been diminished and the democratic element has been increased; but it is still constitutional government; it still requires time, due deliberation, and the consent of the States to change or modify the fundamental law of the Nation.

Advancing along this same line of centralization, of more and more legislation, of more and more power on the part of the National Government, there have been proposals from time to time which would make this field almost unlimited. The authority to make laws is conferred by the very first article and section of the Constitution, but it is not general; it is limited. It is not "All legislative powers," but it is "All legislative powers herein granted shall be vested in a Congress of the United States." The purpose of that limitation was in part to prevent encroachment on the authority of the States, but more especially to safeguard and protect the liberties of the people. The men of that day proposed to be the custodians of their own freedom. In the tyrannical acts of the British Parliament they had seen enough of a legislative body claiming to be clothed with unlimited powers.

For the purpose of protecting the people in all their rights so dearly bought and so solemnly declared, the third article established one Supreme Court and vested it with judicial power over all cases arising under the Constitution. It is that court which has stood as the guardian and protector of our form of government, the guaranty of the perpetuity of the Constitution, and above all the great champion of the freedom and the liberty of the people. No other known tribunal has ever been devised in which the people could put their faith and confidence, to which they could intrust their choicest treasure, with a like assurance that there it would be secure and safe. There is no power, no influence, great enough to sway its judgments. There is no petitioner humble enough to be denied the full protection of its great authority. This court is human, and therefore not infallible; but in the more than 130 years of its existence its decisions which have not withstood the questioning of criticism could almost be counted upon one hand. In it the people have the warrant of stability, of progress, and of humanity. Wherever there is a final authority it must be vested in mortal men. There has not been discovered a more worthy lodging place for such authority than the Supreme Court of the United States.

Such is the legislative and judicial power that the people have established in their Government. Recognizing the latent forces of the Constitution, which, in accordance with the spirit of the times, have been drawn on for the purpose of promoting the public welfare, it has been very seldom that the court has been compelled to find that any humanitarian legislation was beyond the power which the people had granted to the Congress. When such a decision has been made, as in the recent case of the child labor law, it does not mean that the court or Nation wants child labor, but it simply means that the Congress has

gone outside of the limitations prescribed for it by the people in their Constitution and attempted to legislate on a subject which the several States and the people themselves have chosen to keep under their own control.

Should the people desire to have the Congress pass laws relating to that over which they have not yet granted to it any jurisdiction, the way is open and plain to proceed in the same method that was taken in relation to income taxes, direct election of Senators, equal suffrage, or prohibition, by an amendment to the Constitution.

One of the proposals for enlarging the present field of legislation has been to give the Congress authority to make valid a proposed law which the Supreme Court had declared was outside the authority granted by the people by the simple device of reenacting it. Such a provision would make the Congress finally supreme. In the last resort its powers practically would be unlimited. This would be to do away with the great main principle of our written Constitution, which regards the people as sovereign and the Government as their agent, and would tend to make the legislative body sovereign and the people its subjects. It would to an extent substitute for the will of the people, definitely and permanently expressed in their written Constitution, the changing and uncertain will of the Congress. That would radically alter our form of government and take from it its chief guaranty of freedom.

This enlarging magnitude of legislation, these continual proposals for changes under which laws might become very excessive, whether they result from the praiseworthy motive of promoting general reform or whether they reflect the raising of the general standard of human relationship, require a new attitude on the part of the people toward their Government. Our country has adopted this course. The choice has been made. It could not withdraw now if it would. But it makes it necessary to guard against the dangers which arise from this new position. It makes it necessary to keep in mind the limitation of what can be accomplished by law. It makes it necessary to adopt a new vigilance. It is not sufficient to secure legislation of this nature and leave it to go alone. It can not execute itself. Oftentimes it will not be competently administered without the assistance of vigorous support. There must not be permitted any substitution of private will for public authority. There is required a renewed and enlarged determination to secure the observance and enforcement of the law.

So long as the National Government confined itself to providing those fundamentals of liberty, order, and justice for which it was primarily established, its course was reasonably clear and plain. No large amount of revenue was required. No great swarms of public employees were necessary. There was little clash of special interests or different sections, and what there was of this nature consisted not of petty details but of broad principles. There was time for the consideration of great questions of policy. There was an opportunity for mature deliberation. What the Government undertook to do it could perform with a fair degree of accuracy and precision.

But this has all been changed by embarking on a policy of a general exercise of police powers, by the public control of much private enterprise and private conduct, and of furnishing a public supply for much private need. Here are these enormous obligations which the people found they themselves were imperfectly discharging. They therefore undertook to lay their burdens on the National Government. Under this weight the former accuracy of administration breaks down. The Government has not at its disposal a supply of ability, honesty, and character necessary for the solution of all these problems, or an executive capacity great enough for their perfect administration. Nor is it in the possession of a wisdom which enables it to take great enterprises and manage them with no ground for criticism. We can not rid ourselves of the human element in our affairs by an act of legislation which places them under the jurisdiction of a public commission.

The same limit of the law is manifest in the exercise of the police authority. There can be no perfect control of personal conduct by national legislation. Its attempt must be accompanied with the full expectation of very many failures. The problem of preventing vice and crime and of restraining personal and organized selfishness is as old as human experience. We shall not find for it an immediate and complete solution in an amendment to the Federal Constitution, an act of Congress, or in the findings of a new board or commission. There is no magic in government not possessed by the public at large by which these things can be done. The people can not divest themselves of their really great burdens by undertaking to provide that they shall hereafter be borne by the Government.

When provision is made for far-reaching action by public authority, whether it be in the nature of an expenditure of a large



sum from the Treasury or the participation in a great moral reform, it all means the imposing of large additional obligations upon the people. In the last resort it is the people who must respond. They are the military power, they are the financial power, they are the moral power of the Government. There is and can be no other. When a broad rule of action is laid down by law it is they who must perform.

If this conclusion be sound it becomes necessary to avoid the danger of asking of the people more than they can do. The times are not without evidence of a deep-seated discontent not confined to any one locality or walk of life, but shared in generally by those who contribute by the toil of their hand and brain to the carrying on of American enterprise. This is not the muttering of agitators, it is the conviction of the intelligence, industry, and character of the Nation. There is a state of alarm, however unwarranted, on the part of many people lest they be unable to maintain themselves in their present positions. There is an apparent fear of loss of wages, loss of profits, and loss of place. There is a discernible physical and nervous exhaustion which leaves the country with little elasticity to adjust itself to the strain of events.

As the standard of civilization rises there is necessity for a larger and larger outlay to maintain the cost of existence. As the activities of government increase, as it extends its field of operations, the initial tax which it requires becomes manifold many times when it is finally paid by the ultimate consumer. When there is added to this aggravated financial condition an increasing amount of regulation and police control, the burden of it all becomes very great.

Behind very many of these enlarging activities lies the untenable theory that there is some short cut to perfection. It is conceived that there can be a horizontal elevation of the standards of the Nation, immediate and perceptible, by the simple device of new laws. This has never been the case in human experience. Progress is slow and the result of a long and arduous process of self-discipline. It is not conferred upon the people, it comes from the people. In a republic the law reflects rather than makes the standard of conduct and the state of public opinion. Real reform does not begin with a law, it ends with a law. The attempt to dragoon the body when the need is to convince the soul will end only in revolt.

Under the attempt to perform the impossible there sets in a general disintegration. When legislation fails, those who look upon it as a sovereign remedy simply cry out for more legislation. A sound and wise statesmanship which recognizes and attempts to abide by its limitations will undoubtedly find itself displaced by that type of public official who promises much, talks much, legislates much, expends much, but accomplishes little. The deliberate, sound judgment of the country is likely to find it has been superseded by a popular whim. The independence of the legislator is broken down. The enforcement of the law becomes uncertain. The courts fail in their function of speedy and accurate justice; their judgments are questioned and their independence is threatened. The law, changed and changeable on slight provocation, loses its sanctity and authority. A continuation of this condition opens the road to chaos.

These dangers must be recognized. These limits must be observed. Having embarked upon the Government upon the enterprise of reform and regulation it must be realized that unaided and alone it can accomplish very little. It is only one element, and that not the most powerful in the promotion of progress. When it goes into this broad field it can furnish to the people only what the people furnish to it. Its measure of success is limited by the measure of their service.

This is very far from being a conclusion of discouragement. It is very far from being a conclusion that what legislation can not do for the people they can not do for themselves. The limit of what can be done by the law is soon reached, but the limit of what can be done by an aroused and vigorous citizenship has never been exhausted. In undertaking to bear these burdens and solve these problems the Government needs the continuing indulgence, cooperation, and support of the people. When the public understands that there must be an increased and increasing effort, such effort will be forthcoming. They are not ignorant of the personal equation in the administration of their affairs. When trouble arises in any quarter they do not inquire what sort of a law they have there, but they inquire what sort of a governor and sheriff they have there. They will not long fail to observe that what kind of government they have depends upon what kind of citizens they have.

It is time to supplement the appeal to law, which is limited, with an appeal to the spirit of the people, which is unlimited. Some unsettlements disturb, but they are temporary. Some factious elements exist, but they are small. No assessment of the material conditions of Americans can warrant anything

but the highest courage and the deepest faith. No reliance upon the national character has ever been betrayed. No survey which goes below the surface can fail to discover a solid and substantial foundation for satisfaction. But our countrymen must remember that they have and can have no dependence save themselves. Our institutions are their institutions. Our Government is their Government. Our laws are their laws. It is for them to enforce, support, and obey. If in this they fail, there are none who can succeed. The sanctity of duly constituted tribunals must be maintained. Undivided allegiance to public authority must be required. With a citizenship which voluntarily establishes and defends these, the cause of America is secure. Without that all else is of little avail.

#### RESULTS OF PROHIBITION ENFORCEMENT IN MASSACHUSETTS.

Mr. JONES of Washington. Mr. President, we hear a great deal these days about the bootlegger and violations of the Volstead Act. There seems to be much anxiety for those who would run some risk in violating the law, and but little concern for those who benefit by the law. We do not hear very much about the good results growing out of that act. I hold in my hand an impartial survey made by the Scientific Temperance Federation of conditions in Massachusetts, a great industrial State. I understand Massachusetts has no State enforcement law, and the enforcement of prohibition there is carried out entirely under the national law. The results of the survey are very strikingly like the results which have come in other States where prohibition has been in effect. The survey is too long to print in full in the RECORD, so I have had a concise summary made of it, which I ask may be printed in the RECORD in 8-point type.

There being no objection, the summary was ordered to be printed in the RECORD in 8-point type, as follows:

#### WET AND DRY YEARS IN A DECADE OF MASSACHUSETTS PUBLIC RECORDS.

A study of the principal social phases of human life in the past 10 years is revealed by Massachusetts public documents. This report, compiled by the Scientific Temperance Federation, compares two prohibition years with seven preceding nonprohibition years and the half-prohibition year 1919. It includes information concerning public disorder, drunkenness, crime, sickness, and mortality, conditions of women and children, thrift, pauperism, and poverty in the most eventful period in the world's history and its social and economic changes; also the conditions in two periods of business depression.

"The object of this inquiry into public records," says Robert A. Woods in a foreword to the report, "is highly important, because it provides the large perspective in which the whole matter must be viewed and measured. If it is clear beyond peradventure that the net total result of prohibition is largely and uniformly, or almost uniformly, favorable, there can be little question but that an increasing majority will support it on its merits. This report will serve effectively to adjourn the discussion of the subject from the region of casual impression and hearsay to that of the comprehensive and total facts. It can leave no doubt in the open mind what the facts to date are."

The more than 100 tables of statistics published in the 50-page report cover a 10-year period. They show that when the year 1921 is compared with the seven successive "wet" years of the decade in more than three-quarters of the items conditions in 1921 were either the most favorable of the decade or better than any of the wet years, or they were better than the average of the wet years. The average for the two dry years is better than the average for the seven wet years in all but less than a dozen cases.

#### ARRESTS.

Arrests for drunkenness, for all causes, for serious offenses, despite unemployment and unrest following the war, were all far lower in 1921—from 12 to 69 per cent—than in the wet period, either absolutely or in proportion to the population. Arrests for drunkenness had steadily mounted in Massachusetts until in 1917 there were 129,455. In 1921 there were but 59,595. Arrests for all offenses had averaged 178,072 annually in Massachusetts in the wet years of the decade. In 1921 there were 152,066. Boston figures show that arrests for drunkenness among the foreign born fell off 60 per cent, while the general decrease was 55 per cent.

#### PENAL INSTITUTIONS.

The population of the penal institutions was from 9 to 64 per cent lower in 1921 than in the average wet year; 3,252 (September 30, 1921), as compared with an average of 5,839 in the seven wet years. The State farm, which, until prohibition came, was "one of the most populous prison farms for drunkards and vagrants in the United States" (Kelso), had only 440 prisoners September 30, 1921, as compared with an average of 1,258 in the wet years. Five jails closed in 1920. During the wet



period the courts sent to the Boston house of correction an average of 4,281 offenders for drunkenness a year; in 1921 the cases numbered 665. The total commitments to this institution dropped from an average of 6,339 in the wet years to an average of 1,023 in the dry years—83 per cent. In early 1919 the women's quarters were seriously overcrowded; 10 months later the board reported "there were nearly as many matrons as inmates," and the building was soon closed.

#### CONDITIONS OF HOME AND CHILDREN.

The number of women and children caught in the machinery of the law has markedly fallen. Arrests of women for all offenses in Massachusetts decreased 39 per cent as compared with a general decrease of 24 per cent. In arrests for drunkenness, the decrease among women was 69 per cent as compared with a general decrease of 55 per cent. There were but 314 women in the penal institutions of the State September 30, 1921; the average for wet years was 732. There were 839 in the preceding hard-times year, 1915.

Total arrests for offenses against chastity in Boston (both sexes) were 1,881 in 1921, a smaller number than in any of the seven wet years.

The number of children under 15 years of age arrested in Boston was the smallest of the decade, 600 fewer than the wet years' average. There was the smallest number of neglected, wayward, and delinquent children arrested in Boston (2,442), a decrease of almost 700 from the wet years' average. The Boston juvenile court saw the fewest cases begun in the decade except in 1916. Probation officers ascribe the improvement to better conditions in the homes due to prohibition. Parental drunkenness is nearly absent in cases of dependent and neglected children given into the care of the Boston Child Welfare Division. The number of neglected children thus admitted was smaller in 1921, as was the number of neglected children before the Massachusetts lower courts and the Boston juvenile court.

The Massachusetts Society for the Prevention of Cruelty to Children showed in 1921 a decrease of two-thirds in the proportion of cases in which intemperance was an important factor in cases of cruelty to children as compared with 1916. The Boston Family Welfare Society found intemperance a conspicuous factor in only about four cases in one hundred in 1921 as compared with twenty-seven per one hundred in 1917.

#### HEALTH AND MORTALITY.

Massachusetts and Boston have shared with the rest of the country the remarkable decline in general and infant mortality which began in 1919. The report recognizes the influence of general movements for the promotion of health and prevention of premature mortality. It also points out that the improved conditions where affected by prohibition may be due partly to decreased drinking; partly to improvement in home surroundings, food, care, recreation, and freedom from worry following economic conditions resulting from saving money formerly spent for drink.

Deaths from alcoholism in Boston and in Massachusetts in 1921 were the fewest of the decade except for 1919 and 1920, both prohibition or part prohibition years—97 deaths from this cause in Massachusetts in 1921; the wet years' average was 225. In Boston the number of deaths from accidents in 1921 was the smallest in the decade; of homicides, one less than the wet years' average. There were 102 suicides; the average number in the wet years was 126; in the previous hard-times year, 1915, there were 140. The 694 alcoholics admitted to the Washington Home in 1921 represent a genuine gain over the average of 955 admissions in the seven wet years during which about the same number were entering the former State Inebriate Hospital, which is now discontinued and used for injured soldiers. There were also formerly 11 small private hospitals for inebriates in Massachusetts; now there are but two.

In the Boston city hospital cases of delirium tremens in 1921 were the fewest since 1915. The number of admissions of alcoholics presents the only conspicuously unfavorable table of the report. But there are no comparable figures for the full seven years of the wet period, as the hospital's policy in handling and recording alcoholics was changed in 1916. The patients are largely confirmed drinkers, a legacy from preprohibition days, many of them idlers and ne'er-do-wells. The present number suggests an illegal source of liquor supply, one of the results of absence of a prohibition enforcement law in Massachusetts, while the effect of liquor and the methods of drinking seem now to make not only drunk but sick the drinker in the class taken to the hospital. The women drunkards who used to be sent to the city hospital from dance halls and cheap hotels have practically disappeared.

#### ALCOHOLIC INSANITY.

Alcoholic insanity was responsible for but 151 first admissions to public and McLean hospitals in 1921; there was an annual average of 340 in the seven wet years. The total number of first admissions of all insane was the lowest since 1912, except for 1920, also a prohibition year. Alcoholic insanity was responsible for 10.3 per cent of all first admissions in the average wet year; the two dry years' average was 4.24 per cent.

"Evidently bad liquor does not kill so many as we have been led to suppose. From the health standpoint, the lessening of deaths from alcohol and accidents goes hand in hand with the decrease of alcoholic insanity and chronic alcoholism," says Dr. Richard C. Cabot, of Harvard University, in a foreword to the report.

#### THRIFT.

Total deposits increased in Massachusetts savings banks 2.5 per cent in 1921, although withdrawals had been heavy owing to hard times. An increase of even 2 per cent for all New England was declared by the Federal reserve bank "a remarkably good performance in view of the depressed industrial conditions." Cooperative banks made the largest gain in any one year and their assets reported were the greatest in their history. Credit unions, in spite of heavy withdrawals, were reported by the bank commissioner as more substantially established than at any period since they began in the State. Foreign banks, which serve foreign-born desiring to send money home, forwarded over \$15,000,000 to other countries in 1921; in the three years 1919-1921, over \$49,000,000. The largest amount sent previous to 1919 had been \$10,000,000. Through the school savings banks, children's pennies turned into the regular savings banks of Massachusetts over \$243,000 in 1921. One Boston teacher remarked that children's savings were now going into the savings bank from homes that before prohibition had drawn on children's pennies and dimes to help pay the family grocery bill.

#### PAUPERISM AND POVERTY.

The latest figures available on pauperism and poverty, those for 1921, show a marked improvement over the wet period. After the winter of 1921, when unemployment had been the worst of the decade, the State and local almshouses had on March 31, 1921, the smallest population of the decade; it was only about one-half that for the seven wet years, three of which had been years of full employment and high wages. Outside relief was given by cities and towns in the year 1920-21 to nearly 10,000 fewer cases than in the average wet year and to 34,000 fewer cases than in the previous hard-times winter of 1915. Outside relief was given by the State to only 543 persons per 100,000 population, as compared with 638 per 100,000 population in 1915.

"The outstanding conclusion from this report is, I think, that to the poor prohibition in Massachusetts has been a signal blessing. The rich may, for all we know, be as foolish as ever, but beyond any question the poor are better off," says Dr. Richard C. Cabot in his foreword to the report.

The evidence thus far quoted compares the single year 1921 with the seven wet years of the decade. When the average of the two prohibition years, 1920 and 1921, is compared with the average of the seven wet years, the gain of the prohibition period is even more conspicuous. The record of 1919 and 1920, when prohibition first went into effect, shows what well-observed and well-enforced prohibition may mean to public order, health, and welfare.

Some of the facts shown by comparing the two periods are the following:

- Arrests for drunkenness are less than one-half.
- Arrests for drunkenness in women are less than one-third.
- Marked decline in arrests for offenses against chastity.
- Commitments to the State farm are only one-quarter.
- Total prison population is less than one-half.
- Great decrease in neglected children before courts.
- Where before prohibition 18 per cent of the dependent children had drunken fathers and 3 per cent drunken mothers, now only 1 per cent have drunken fathers and there were no drunken mothers of dependent children in either 1920 or 1921.
- School attendance has improved.
- Children are better fed and better clothed.
- Two funds for buying clothing for children who needed it to go to school had no applicants last winter.
- Deaths from alcoholism more than cut in two.
- Great decrease in alcoholic patients in the hospitals.
- The family man has largely dropped out from the drinkers' ranks.
- Great decrease in sex diseases.
- Marked gain in general health of the community.



Increase in savings deposits despite industrial depression.  
Alcoholic insanity cut in two.  
Almshouse population nearly cut in two.

In view of the fact that Boston was a consistently wet city, that there has been no adequate State law to assist local officials who desired to make prohibition thoroughly effective in Boston and throughout the State, the results so far are both significant and encouraging. Social welfare organizations find that "family life continues on an infinitely sounder basis"; that "many men who were complete wrecks are coming in sober and clear in mind, healthier in body, and clean of attire"; "many of the men are taking an interest and pride in seeing their children on an equal footing with their thrifty neighbors"; "there is a greater interest in the home as the result of closing the saloon; a larger number of people spend the evenings at home who formerly spent them in the saloon; a greater interest is developed for the provision of those in the home." One institution reports that Monday morning applications for loans to redeem clothing, shoes, and so forth, pawned in the Saturday night-Sunday debauch has been reduced by four-fifths. The welfare societies are able now to give more time to constructive work, helping men and families to help themselves, instead of spending so much time and effort in patching up the results of Intemperance in the homes.

Massachusetts has been handicapped in the enforcement of prohibition by the lack of an adequate State enforcement law. But liquor-law violation did not spring into existence with prohibition. It existed along with the licensed saloon. In 1919 there were 1,218 legal license holders in Boston, but 1,605 persons paid Federal taxes for selling, showing that at least 387 were selling illegally. In 16 Massachusetts cities in 1910 there were 2,586 liquor licenses granted, but there were 3,627 persons who paid Federal internal-revenue liquor taxes, a thousand traceable illegal sellers in only 16 cities, or about 40 per cent as many illegal places as legal places. Thus liquor-law violation went on before prohibition, when ample provision had been made for legal traffic in alcoholic liquors.

In view of the fact that Boston was a consistently wet city, that there had been during the period reviewed no adequate State law to assist honest officials who desired to make prohibition thoroughly effective in Boston and throughout the State, the results so far apparent are both significant and encouraging. The situation in 1921, in so far as it is an improvement over the old régime, as it is in all but a small minority of points, is cause for distinct encouragement. In so far as it is less favorable than in 1920, it is a challenge to defeat the menace of a traffic which organizes for lawless purposes at the expense of public welfare and to support loyally a law that in a brief time has brought so much benefit to the community and to individuals. What has been done the State and city can continue to do.

The words of Dr. Charles W. Eliot, president emeritus of Harvard University, in a letter written February, 1922, to be read at a hearing on a bill providing a State enforcement code, will summarize the whole matter:

"Evidence has accumulated on every hand that prohibition has promoted public health, public happiness, and industrial efficiency. This evidence comes from manufacturers, physicians, nurses of all sorts, school, factory, hospital, and district, and from social workers of many races and religions laboring daily in a great variety of fields. This testimony also demonstrates beyond a doubt that prohibition is sapping the terrible force of disease, poverty, crime, and vice. These results are obtained in spite of imperfect enforcement in some communities of the eighteenth amendment. \* \* \* Let Massachusetts at once take her whole share in putting into execution these prohibitory measures, which are sure to promote public health, public happiness, and industrial efficiency throughout the country and to eliminate the chief causes of poverty, crime, and misery among our people."

Extracts from tables.

[The full report gives the figures for each year of the decade.]

ARRESTS FOR DRUNKENNESS.

	Boston.	All cities.	Entire State.
Average 7 wet years 1912-1918.....	59,308	98,328	108,123
Average 2 dry years 1920-21.....	26,293	44,333	48,372
Decrease (per cent).....	55	55	55

ARRESTS ALL OFFENSES.

	Boston.	Massachusetts.
Average 7 wet years 1912-1918.....	90,079	178,072
Average 2 dry years 1920-21.....	65,489	133,846
Decrease (per cent).....	27	24

Extracts from tables—Continued.

ARRESTS OF WOMEN.

	Boston.		Massachusetts.	
	All causes.	Drunk-ness.	All causes.	Drunk-ness.
Average 7 wet years 1912-1918.....	8,231	4,743	12,943	7,273
Average 2 dry years 1920-21.....	4,652	1,494	7,884	2,251
Decrease (per cent).....	43	68	39	69

ARREST OF YOUTHS—BOSTON.

	Under 15 years.	Drunk-ness.	Wayward.
Average 7 wet years 1912-1918.....	2,426	663	3,124
Average 2 dry years 1920-21.....	1,818	436	2,454
Decrease (per cent).....	25	34	20

COMMITMENTS BY COURT, DEER ISLAND, BOSTON, SUFFOLK COUNTY HOUSE OF CORRECTION.

	All causes.	Drunk-ness.
Average 7 wet years, 1912-1918.....	6,339	4,281
Average 2 dry years, 1920-21.....	1,023	508
Decrease (per cent).....	83	88

PRISON POPULATION.

	State farm court commitments			Population in all penal institutions on Sept. 30.	
	Total.	Drunk-ness.	Va-grancy.	Total.	Women.
Average 7 wet years, 1912-1918..	2,959	2,483	347	5,829	732
Average 2 dry years, 1920-21....	507	344	138	2,819	281
Decrease (per cent).....	82	86	60	52	60

DEATHS FROM ALCOHOLISM.

	Boston.		Massachusetts, total.
	Total.	Women.	
Average 6 wet years, 1913-1918.....	134	33	225
Average 2 dry years, 1920-21.....	50	6	78
Decrease (per cent).....	62	80	65

DEATHS FROM CIRRHOSIS OF LIVER.

	Boston.	Massachusetts.
Average 6 wet years, 1912-1917.....	84	308
Average 2 dry years, 1920-21.....	46	178
Decrease (per cent).....	45	42

DEATHS FROM CAUSES RELATED TO ALCOHOLISM IN MASSACHUSETTS.

	Nonaccidental homicides.	Suicide.
Average 6 wet years, 1913-1918.....	107	489
Average 2 dry years, 1920-21.....	93	452
Decrease (per cent).....	13	11

FIRST ADMISSIONS TO MASSACHUSETTS PUBLIC HOSPITALS FOR INSANE AND M'LEAN HOSPITAL.

	Total first admissions.	Alcoholic psychoses, total.
Average 7 wet years, 1912-1918.....	3,287	340
Average 2 dry years, 1920-21.....	2,962	126
Decrease (per cent).....	10	62



Extracts from tables—Continued.

NUMBER OF POOR PERSONS SUPPORTED OR RELIEVED DURING THE YEAR ENDING MARCH 31, 1921.

	By all cities and towns.			By State treasury.		
	In institutions.	Outside relief.	Total.	In institutions.	Outside relief.	Total.
Average 7 wet years, 1912-1918.....	14,271	73,352	87,623	8,267	16,520	24,787
Average 2 dry years, 1920-21.....	8,566	73,257	71,853	4,118	17,929	22,548
Decrease (per cent).....	39	13	18	44	18	9

TEWKSBURY STATE INFIRMARY.

	Cared for during year.	Admissions year ending Nov. 30.	Population remaining Nov. 30.
Average 7 wet years, 1912-1918.....	4,751	4,304	2,237
Average 2 dry years, 1920-21.....	2,831	2,535	2,254
Decrease (per cent).....	39	41	1.07

<sup>1</sup> Increase.

ALMSHOUSE WARD STATE FARM.

	Poor persons supported or relieved.	Population remaining Apr. 1.
Average, 7 wet years, 1912-1918.....	1,031	457
Average, 1913-1919.....	571	282
Average, 2 dry years, 1920-21.....	64	38
Average, 1921-22.....		
Decrease (per cent).....		

NUMBER OF POOR PERSONS SUPPORTED OR RELIEVED DURING THE YEAR ENDING MARCH 31, BOSTON.

	Institutions.	Outside relief.	Total.
Average, 7 wet years, 1912-1918.....	2,664	11,868	14,533
Average, 2 dry years, 1920-21.....	1,508	10,796	12,304
Decrease (per cent).....	43	9	15

BOSTON ADMISSIONS TO ALMSHOUSES.

	State Infirmary, Tewksbury, from Boston.	Long Island Infirmary and Hospital.	Total from Boston.	Born at Long Island.
Average, 7 wet years, 1912-1918.....	1,844	1,400	3,542	34
Average, 2 dry years, 1920-21.....	927	744	1,672	22
Decrease (per cent).....	49	46	52	35

POPULATION REMAINING AT LONG ISLAND HOSPITAL AND INFIRMARY.

	Jan. 31.	Feb. 23.
Average, 7 wet years, 1913-1919.....	1,043	1,056
Average, 2 dry years, 1921-22.....	781	803
Decrease (per cent).....	25	23

THE WAYFARER'S LODGE, BOSTON.

	Individual lodgers.	Total lodgings.	Average lodgings per man.	Total meals.
Average, 7 wet years, 1912-1918.....	11,721	37,511	2.93	55,503
Average, 2 dry years, 1920-21.....	4,317	11,762	2.52	24,025

THE LIQUOR TRAFFIC.

Mr. SHEPPARD. Mr. President, at the request of the committee on temperance and social service of the Methodist Episcopal Church South, I ask unanimous consent to have printed in the RECORD resolutions adopted by that committee at a meeting held at Lake Junaluska, N. C., on July 8, 1922.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

At a meeting of the committee on temperance and social service of the Methodist Episcopal Church South, held at Lake Junaluska on July 8, 1922, the following action was taken:

1. The commission indorsed the position taken by the Anti-Saloon League of America: That the prohibition law be enforced within all territory subject to the jurisdiction of the United States, including ships carrying the American flag and especially ships under the control of the United States Shipping Board; approving the adoption of legislation excluding all ships selling or possessing beverage intoxicants on the high seas from entering our ports, such legislation to comply with our treaties which require that we treat the ships of all nations alike, thus putting foreign and American vessels on the same basis in this regard as far as it is legally possible to do so; approving the adoption of the Sterling amendment extending the jurisdiction of the law enforcement officials to 18 miles from the coast of the United States to prevent the smuggling of liquor into the United States. The liquor traffic though outlawed and a criminal before the law is as desperate, defiant, and murderous as it has always been. The legislation proposed above will surely meet the approval of all who really desire the effective enforcement of the prohibition amendment. Our people are urged to write their Senators and Congressmen requesting their support of this legislation.

2. This commission has read with amazement the statements attributed to Hon. John W. Weeks, the Secretary of War of the United States, in the secular press. We have waited to see whether Secretary Weeks would repudiate these press reports of his speech to the graduates of the Pennsylvania Military College at Chester. As he has not done so, it is fair to suppose that he was correctly reported by the press.

We condemn these utterances of Secretary Weeks as ill timed, as unsupported by facts, and as an appeal for practical nullification of the Constitution of the United States, which he has sworn to defend. It was ill timed to attack the Constitution of the United States in an address to a body of students. The declaration that there is "a general sentiment in favor of an amendment to the Volstead Act," that "the people want beer and light wine," are sweeping, reckless statements for which no proof is presented. Doubtless many people, like Secretary Weeks, who have always opposed prohibition "want beer and light wines," but the declaration that "the people want beer and light wines" is a contemptuous dismissal of the sentiment of the great mass of the moral citizenship of the Nation which is unbecoming in a high official of the people, all of whom he is supposed to represent. Finally, it is a distinct declaration in favor of nullification of the eighteenth amendment, which prohibits the manufacture and sale of all "intoxicating" beverages. It is undeniable that light wine is intoxicating and so is the beer which is wanted by the people to whom Secretary Weeks refers. To authorize its manufacture and sale would nullify the plain provision of the Constitution, and yet a Cabinet officer goes out of his way to advocate such nullifying legislation.

We appeal to the President of the United States to request the members of his Cabinet to refrain from public utterances which by implication, if not directly, favor the nullification of the Constitution. Every citizen has the right to advocate the repeal of the eighteenth amendment, but no officer of the Government has the right to openly advocate a policy of nullifying the Constitution, which he has sworn to uphold and defend.

The chairman of the commission is instructed to communicate this action to President Harding and to send a copy of the same to Senator MORRIS SHEPPARD and to Congressman W. D. URSHAW, to be presented to both Houses of Congress for entry on the Journal and reference to the proper committees.

JAMES CANNON, Jr., Chairman.  
F. S. PARKER, Secretary.

PETITIONS AND MEMORIALS.

Mr. ROBINSON presented letters and telegrams in the nature of petitions from members of Dugon Browning American Legion Post, No. 153, of Decatur; E. A. Stephens, post commander, of Jonesboro; the executive committee of Roy V. Kinard Post, No. 10, American Legion, of Eldorado; Mineral Springs Post, No. 86, American Legion, of Nashville; and sundry citizens of Bradford, all in the State of Arkansas, praying for the prompt passage of the so-called soldiers' adjusted compensation bill, which were ordered to lie on the table.

Mr. McCUMBER presented petitions of sundry citizens of Kathryn, Fingal, Fort Ransom, Valley City, and Underwood, all in the State of North Dakota, praying for the passage of Senate bill 3727, to authorize the War Finance Corporation to make advances to cooperative grain elevator associations, which were referred to the Committee on Finance.

Mr. JONES of Washington presented resolutions adopted at a mass meeting of more than 350 citizens of the Yakima Valley, Wash., representing all interests in the said valley, favoring the use of all the powers of the Government to continue the movement of interstate commerce and to protect the right of every man to labor, which were referred to the Committee on Interstate Commerce.

Mr. NELSON presented a memorial of 183 citizens of Blackduck and vicinity, in the State of Minnesota, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (S. 3917) to amend section 876 of the Revised Statutes, reported it with an amendment and submitted a report (No. 868) thereon.



Mr. BORAH, from the Committee on Education and Labor, to which was referred the bill (S. 3865) to establish a commission to be known as the United States Coal Commission, reported it with amendments.

Mr. WATSON of Georgia, from the Committee on Claims, to which were referred the following bills, reported them each with amendments, and submitted reports thereon:

A bill (S. 652) for the relief of Janie Beasley (Rept. No. 869); and

A bill (S. 2858) authorizing the Treasurer of the United States to pay to S. C. Davis the sum of \$617.70 as full compensation for services rendered as a member of the local draft board for Bibb County, Ga. (Rept. No. 870).

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 226) authorizing the acceptance of title to certain land within the Shasta National Forest, Calif., reported it without amendment and submitted a report (No. 872) thereon.

Mr. MYERS, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2832) authorizing the Secretary of the Interior to allow the additional homestead application of Otha Potter, reported it without amendment and submitted a report (No. 873) thereon.

Mr. KEYES, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 10672) to amend the act of July 24, 1919, entitled "An act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1920," reported it with an amendment and submitted a report (No. 874) thereon.

Mr. HEFLIN, from the Committee on Agriculture and Forestry, to which was referred the resolution (S. Res. 335) directing the Federal Reserve Board to require the Federal Reserve Banks of Atlanta, Dallas, St. Louis, and Kansas City to report to the Senate the rates of interest charged by them on loans and discounts in 1920 and 1921, reported it without amendment.

Mr. NEW, from the Committee on Claims, to which was referred the bill (S. 2078) for the relief of the estate of C. C. Spiller, deceased, reported it without amendment and submitted a report (No. 875) thereon.

#### REPEAL OF ST. MARYS RIVER BRIDGE ACT.

Mr. JONES of Washington. From the Committee on Commerce I report back favorably without amendment the bill (S. 3578) to repeal an act entitled "An act to authorize the construction of a bridge across the St. Marys River, at or near Wilds Landing Ferry, between Camden County, Ga., and Nassau County, Fla.," approved October 13, 1921.

It is a bill repealing a bridge act which we have passed. The repeal of the act is entirely satisfactory to the Senators from both the States affected. I ask for the present consideration 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 an act entitled "An act to authorize the construction of a bridge across the St. Marys River, at or near Wilds Landing Ferry, between Camden County, Ga., and Nassau County, Fla.," approved October 13, 1921, be, and the same is hereby, repealed.

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

#### REGULATION OF FUTURES TRADING IN GRAIN.

Mr. CAPPER. Mr. President, from the Committee on Agriculture and Forestry, I report back favorably with amendments the bill (H. R. 11843) for the prevention and removal of obstructions and burdens upon interstate commerce in grain by regulating transactions on grain futures exchanges, and for other purposes, and I submit a report (No. 871) thereon. It is legislation made necessary by reason of the recent decision of the Supreme Court in which certain provisions of the futures trading act, passed a year ago by Congress, were declared unconstitutional. The House has passed the bill and the Secretary of Agriculture is now asking for prompt action by the Senate on the measure. The law is still being administered, but by reason of the fact that a part of the law has been emasculated by the Supreme Court the administration of it can not be effective or efficient. Therefore, the Secretary of Agriculture asks for its early consideration.

I wish to give notice that at the earliest opportunity, during the morning hour some time this week, I shall ask for the consideration of the bill.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

#### BILLS INTRODUCED.

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

By Mr. KENDRICK:

A bill (S. 3928) granting a pension to William J. Swift (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 3929) authorizing the Secretary of the Interior to equitably determine and confirm by patent the title to lots in the city of Pensacola, Fla.; to the Committee on Public Lands and Surveys.

By Mr. McCUMBER:

A bill (S. 3930) for the relief of the Bowers Southern Dredging Co.;

A bill (S. 3931) for the relief of the North American Dredging Co.; and

A bill (S. 3932) for the relief of A. W. Duckett & Co.; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 3933) granting a pension to William L. Curry; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 3934) appropriating \$15,000 for the extermination of bean beetles, etc., in the State of New Mexico; to the Committee on Appropriations.

By Mr. STERLING:

A bill (S. 3935) to prevent the willful obstruction of the movement of trains in interstate commerce, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 3936) to rebuild the boys' dormitory at the Indian school, Rapid City, S. Dak.; to the Committee on Indian Affairs.

By Mr. RANSDALL (for Mr. KING):

A bill (S. 3937) authorizing the Secretary of War to enlarge the facilities at the military post at Fort Douglas, Utah, to provide permanent accommodations for one brigade of troops; to the Committee on Military Affairs.

#### FLOODS AND LEVEES OF THE MISSISSIPPI RIVER.

Mr. RANSDALL submitted the following concurrent resolution (S. Con. Res. 28), which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring),* That there be printed 1,000 copies of part 2 of House Report No. 300, Sixty-third Congress, second session, entitled "Floods and Levees of the Mississippi River," for the use of the Senate document room.

#### INVESTIGATION OF CROP INSURANCE.

Mr. McNARY submitted the following resolution (S. Res. 341), which was referred to the Committee on Agriculture and Forestry:

*Resolved,* That a committee, to be composed of three Senators appointed by the President of the Senate, is authorized and directed to investigate the subject of crop insurance, particularly with reference to (1) the kinds and costs of insurance now obtainable; (2) the adequacy of the protection afforded by such insurance; (3) the desirability of and practical methods for extending the scope of such insurance; and (4) the availability and sufficiency of statistics necessary to properly and safely issue additional crop insurance. Within six months after the adoption of this resolution the committee shall report to the Congress the results of its investigations, together with its recommendations, if any, upon the most practical and efficient methods whereby the farm can obtain, at a reasonable cost, adequate and safe crop insurance.

Such committee is authorized to hold hearings at such times and places as it may deem advisable, to send for persons and papers, to administer oaths, to employ actuarial and other experts, and to employ stenographers to report such hearings at a cost not exceeding \$1.25 per printed page. The expenses of the committee, including necessary traveling expenses, shall be paid from the contingent fund of the Senate.

#### RESOLUTIONS OVER UNDER THE RULE.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions coming over from a previous day, which will be stated in their order.

The READING CLERK. Senate Resolution 297, by Mr. STERLING, directing the Committee on Civil Service to investigate and report upon the activities, methods, and procedure of the United States Bureau of Efficiency.

Mr. STERLING. Let the resolution go over.

The PRESIDENT pro tempore. Does the Senator from South Dakota desire to have it lie on the table?

Mr. STERLING. Let it lie on the table.

The PRESIDENT pro tempore. The resolution will lie on the table. The next resolution which went over under the rule will be stated.

The READING CLERK. Senate Resolution 306, by Mr. WALSH of Montana, calling upon the Attorney General for information relative to an alleged conspiracy among importers to exact exorbitant prices.

Mr. CURTIS. Let that go over, please.



The PRESIDENT pro tempore. The resolution will lie on the table.

The READING CLERK. Senate Resolution 321, by Mr. HEFLIN, disapproving the conduct of Governor Harding, of the Federal Reserve Board, in the matter of the circulation of a speech made by the Senator from Virginia, Mr. GLASS.

Mr. MOSES. Let that go over.

The PRESIDENT pro tempore. The resolution will lie on the table.

The READING CLERK. Senate Resolution 331, by Mr. HARRISON, expressing the sense of the Senate relative to voting where the private interests of a Member are concerned.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The resolution will lie on the table.

The READING CLERK. Senate Resolution 334, by Mr. HARRISON, providing for an investigation of charges relative to the sugar schedule of the pending tariff bill.

Mr. MOSES. Let that go over.

The PRESIDENT pro tempore. The resolution will lie on the table.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 4) granting relief to soldiers and sailors of the war with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KNUTSON, Mr. ROBSON, and Mr. UPSHAW were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. FORDNEY, Mr. GREEN of Iowa, Mr. LONGWORTH, Mr. GARNER, and Mr. COLLIER were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 11699) relating to the appointment of the Chief of Staff of the Army, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 65) providing for the printing of 6,000 additional copies of House bill 7456, the tariff bill.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 2694) for the relief of Seth J. Harris, Jimmie Lou Martin, Mary Holloman, and William Henry Coleman, and it was thereupon signed by the President pro tempore.

#### HOUSE BILL REFERRED.

The bill (H. R. 11699) relating to the appointment of the Chief of Staff of the Army was read twice by its title and referred to the Committee on Military Affairs.

#### PENSIONS AND INCREASE OF PENSIONS.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 4) granting relief to soldiers and sailors of the war with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses.

Mr. BURSUM. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BURSUM, Mr. SMOOT, and Mr. WALSH of Montana conferees on the part of the Senate.

#### ADDITIONAL COPIES OF TARIFF BILL.

The PRESIDING OFFICER laid before the Senate the concurrent resolution (H. Con. Res. 65), which was read, as follows:

*Resolved by the House of Representatives (the Senate concurring), That there be printed 6,000 additional copies of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, of which 4,000 copies shall be for the House document room and 2,000 for the Senate document room.*

Mr. MOSES. I move that the Senate concur in the resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on August 23, 1922, the President approved and signed the act (S. 848) to amend section 22 of the interstate commerce act as amended.

#### POLITICAL VIEWS OF SENATOR M'KELLAR.

Mr. M'KELLAR. Mr. President, in the last few days and weeks much has been said about the accomplishments and failures of the party in power.

The Republican Party have been in virtual control of the Government for three years and five months. They have been in control of both Houses of Congress since March 4, 1919, and of all branches of the Government since March 4, 1921, a period now of nearly 18 months.

#### THEIR FAILURES.

They have failed to restore normalcy.  
They have failed to restore prosperity.  
They have failed to keep up our merchant marine.  
They have failed to keep our foreign trade.  
They have failed to keep their promises to labor.  
They have failed to keep their promises to capital.  
They have failed to keep faith with the ex-service men.  
They have failed to keep their promises to the farmers.  
They have failed to keep their promises to the business men.  
They have failed to maintain law and order in the country.  
They have failed to protect the country against criminal trusts.

They have failed in their management of the coal industry.  
They have failed utterly in the management of the railroads.  
They have failed to take the Government out of business.  
They have failed to put business into Government.  
They have failed to enforce the prohibition laws.  
They have failed to restore peace and trade with Mexico.  
They have failed in their conduct of the Department of Justice.

They have failed in their conduct of the Department of Commerce.  
They have failed in their conduct of the Department of Labor.

They have failed in their conduct of the Department of State.  
They have failed in bringing about any effective adjustment of our foreign relations.

They have failed to obtain any settlement of our foreign indebtedness, amounting to more than \$11,000,000,000.

They have failed to lower the tax burdens on the people generally.

They have failed utterly in their conduct of the executive department of the Government, it being but a succession of wiggles and wobbles.

They have failed utterly in their conduct of the legislative department of the Government, it being also a succession of wiggles and wobbles.

#### THEIR ACCOMPLISHMENTS.

In the Newberry case the Senate majority officially found:

The expenditure of such excessive sums in behalf of a candidate, either with or without his knowledge and consent, being contrary to sound public policy, harmful to the honor and dignity of the Senate, and dangerous to the perpetuity of a free government, such excessive expenditures are hereby severely condemned and disapproved.

Then they seated NEWBERRY in violation of their own findings. They have thus established the precedent of purchasing a seat in the United States Senate when one is sorely needed.

They have amended by construction the civil service laws by which they have given the ex-soldiers the preference and the professional politicians the post offices, and many other civil service offices.

They have modified by construction the eighteenth amendment and the Volstead law so as to enforce it as to prohibitionists and allow it to be violated by all others.

They have established a system of oil leasing by which the Oil Trusts, domestic and foreign, have secured a great part of the oil supply of the United States.

They have brought wheat down, by the passage of the emergency tariff bill, to the lowest price it has sold for in many years.

They have established, by the emergency tariff bill and other tinkering with the tariff, a system by which the cattle raisers can get substantially nothing for their hides, while shoes and other leather goods are higher than they have ever been in peace time.

They have made the lobbyists to flourish like a green bay tree.  
They have made profiteering eminently respectable.  
They have made bootlegging an honorable business.  
They have substituted innocuous conferences at the White House for Executive action.

In their tariff bill they have taken away from the legislative department the power of taxation and turned it over to the Executive without constitutional right or authority.

They have largely reduced taxes on the rich.  
They have fed the interests with a bountiful hand.  
They have stood by the trusts.  
They have knocked the life out of business.  
They have taken the zest out of pleasure.  
They have raised railroad passenger rates so high that the people can not afford to travel.

They have raised railroad freight rates so high that the interchange of commodities is made a losing business.

They have passed a budget bill which increases the cost of government and pleases no one.

They have paid to foreign governments and foreign peoples all they claimed and collected nothing of what foreign governments and foreign peoples owe us.

They have fooled the people about an association of nations and made a treaty of peace with Germany from which the United States could not possibly derive any benefit.

They have entered into disarmament treaties which do not disarm and into treaties of alliance which do not ally, and from none of which our people get any benefit.

They have professed, in their treaties, to be for peace, and at the same time have been most vociferous in their appeals for greater preparation and greater appropriations for war.

They passed an Army reorganization bill with which no one is satisfied, and in which officers are many and enlisted men are few, and all at the highest cost in our history.

Their House has passed one tariff bill and their Senate has passed another, both so different and so outrageously high, and they find the people so disgusted with what they have already done, that it is now proposed that their conferees shall pass a third. The bills already passed provide for the highest tariff taxes in all history, and whatever bill is passed will tax the American people, already overburdened with taxation, at least \$2,000,000,000 a year additional, out of which the Government will get perhaps an additional \$50,000,000 from our tariff, the rest going to the special interests.

They have raised the price of everything that a farmer buys and lowered the price of everything that a farmer sells.

They got the labor vote in 1920, and they are now repaying labor by depriving it of its every right.

They have furnished labor strikes in abundance.

They have furnished the ex-service men with millions of cases of unemployment.

They have furnished the business men with bankruptcy.

They have dillydallied over a year about the coal strike, but they have given us Mr. Hoover to raise the price of coal to the coalers and to coldest this winter. He will soon tell us how we can break the coal lumps into smaller pieces and keep warmer, just as he used to tell us how we could get greater good from slices of bread if we made them thinner.

They have given us a rotten, broken-down transportation system which sometimes carries the public and sometimes not, but always holds them up.

They have given us a splendid merchant marine, tied up securely and rotting in the various harbors of our country, and have turned over our splendid commerce to English ships.

They have virtually abandoned our foreign trade.

They have made money tighter to the business man and looser to the speculator, but as an offset they still furnish the American business man the right of bankruptcy.

They have raised the cost of electing a President to nine millions of dollars. It is a large price, but we all know it is worth it, and besides, as soon as the tariff law is passed, the American people will then joyfully pay it back to the interests who furnished it in increased tariff taxes for their special benefit.

They elected the President by 7,000,000 majority and no doubt will secure unanimous consent for his retirement at the proper time.

They have taken the iron fence from around the botanical gardens in Washington.

And then they have made Laddie Boy famous.

These are some of the remarkable accomplishments of the Grand Old Party during its three and a half years of rule.

#### ADDITIONAL DISTRICT JUDGES.

Mr. CUMMINS. I ask unanimous consent that the Senate now proceed to the consideration of the conference report upon what is ordinarily known as the judges' bill, being the bill

(H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent for the immediate consideration of the conference report on the bill named by him. Is there objection?

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

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

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

Ashurst	Hale	Moses	Sheppard
Borah	Heflin	Myers	Shields
Brandegee	Hitchcock	Nelson	Shortridge
Bursum	Jones, N. Mex.	New	Smoot
Cameron	Jones, Wash.	Nicholson	Stanfield
Capper	Kendrick	Oddie	Sterling
Culberson	Keyes	Phipps	Underwood
Cummins	Lenroot	Pittman	Wadsworth
Curtis	McCumber	Ransdell	Warren
Dillingham	McKellar	Rawson	Watson, Ga.
Fletcher	McLean	Reed, Pa.	
Gooding	McNary	Robinson	

Mr. CURTIS. I desire to announce that the junior Senator from Ohio [Mr. WILLIS] is necessarily absent on account of illness in his family.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Trammell	Walsh, Mass.	Walsh, Mont.
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The following Senators entered the Chamber and answered to their names:

Gerry	Kellogg	Norbeck
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The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present. The Chair will declare the morning business closed. The Senator from Iowa asks unanimous consent for the present consideration of the conference report on the judiciary bill. Is there objection?

Mr. SHIELDS. I object.

The PRESIDING OFFICER. The Senator from Tennessee objects.

Mr. CUMMINS. I move that the Senate proceed to the consideration of the conference report.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa that the Senate proceed to the consideration of the conference report.

Mr. SHIELDS. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

The PRESIDING OFFICER (when the name of Mr. JONES of Washington was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent for the day, and the present occupant of the chair has promised to pair with him. He finds, however, that he can transfer the pair to the junior Senator from Vermont [Mr. PAGE] and does so, and votes "yea."

Mr. KELLOGG (when his name was called). I transfer my pair with the senior Senator from North Carolina [Mr. SIMMONS] to the junior Senator from Maryland [Mr. WELLER] and will vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING], which I transfer to the junior Senator from Washington [Mr. POINDEXTER] and will vote. I vote "yea."

Mr. PHIPPS (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. DIAL], which I transfer to the senior Senator from Michigan [Mr. TOWNSEND] and will vote. I vote "yea."

Mr. ROBINSON (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. SUTHERLAND] to the Senator from Louisiana [Mr. BROUSSARD], and will vote. I vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Delaware [Mr. DU PONT], and will vote. I vote "yea."

Mr. WALSH of Montana (when his name was called). I have a pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN]. Being unable to secure a transfer, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVER-



MAN]. I transfer that pair to the senior Senator from Maryland [Mr. FRANCE], and will vote. I vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the Senator from California [Mr. JOHNSON], who, if present, would vote "yea." In his absence I withhold my vote. If at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I transfer my pair with the Senator from Virginia [Mr. GLASS] to the Senator from Pennsylvania [Mr. PEPPER], and will vote. I vote "yea."

Mr. FLETCHER (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. BALL], who is absent. I understand that, if present, he would vote the same way that I have voted, and I will therefore allow my vote to stand.

Mr. TRAMMELL (after having voted in the affirmative). Since voting, I find that my pair, the senior Senator from Rhode Island [Mr. COLT], is absent; but being informed that, if present, he would vote as I have voted, I will allow my vote to stand.

Mr. JONES of New Mexico (after having voted in the affirmative). I desire to announce that I am informed that my pair, the Senator from Maine [Mr. FERNALD], would, if present, vote as I have voted. I will therefore permit my vote to stand.

Mr. STANLEY. Has the junior Senator from Kentucky [Mr. ERNST] voted?

The PRESIDING OFFICER. He has not.

Mr. STANLEY. I have a pair with the junior Senator from Kentucky. Being unable to secure a transfer, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. UNDERWOOD (after having voted in the negative). I note from the recapitulation of the vote that the senior Senator from Massachusetts [Mr. LODGE] has not voted. I have a general pair with him and am unable to get a transfer, and I therefore withdraw my vote.

Mr. CURTIS. I have been requested to announce the following general pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Illinois [Mr. MCKINLEY] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Missouri [Mr. SPENCER] with the Senator from Georgia [Mr. HARRIS];

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS].

The roll call resulted—yeas 35, nays 11, as follows:

YEAS—35.			
Ashurst	Gooding	McLean	Reed, Pa.
Brandegee	Hale	Moses	Sherridge
Bursum	Harrell	Myers	Smoot
Cameron	Jones, N. Mex.	Nelson	Stanfield
Capper	Jones, Wash.	Nicholson	Sterling
Cummins	Kellogg	Norbeck	Trammell
Curtis	Keyes	Oddie	Wadsworth
Dillingham	Lenroot	Phipps	Warren
Fletcher	McCumber	Rawson	
NAYS—11.			
Gerry	McKellar	Pittman	Shields
Heflin	McNary	Robinson	Walsh, Mass.
Kendrick	New	Sheppard	
NOT VOTING—50.			
Ball	France	Newberry	Stanley
Borah	Frelinghuysen	Norris	Sutherland
Broussard	Glass	Oberman	Swanson
Calder	Harris	Owen	Townsend
Caraway	Harrison	Page	Underwood
Colt	Hitchcock	Pepper	Walsh, Mont.
Culberson	Johnson	Poin Dexter	Watson, Ga.
Dial	King	Pomerene	Watson, Ind.
du Pont	Ladd	Ransdell	Waller
Edge	La Follette	Reed, Mo.	Williams
Elkins	Lodge	Simmons	Willis
Ernst	McCormick	Smith	
Fernald	McKinley	Spencer	

The PRESIDING OFFICER. On the motion of the Senator from Iowa, the yeas are 35, the nays are 11. Senators UNDERWOOD, WALSH of Montana, WATSON of Georgia, and STANLEY are present and paired. A quorum is present, and the motion prevails. The Chair lays before the Senate the conference report on House bill 9103, for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes. The Chair is informed that this conference report has been

read, and, without objection, another reading will be dispensed with.

Mr. CUMMINS. Mr. President, I shall make the briefest possible explanation of the report of the conference committee.

The House bill authorized the President to appoint 22 additional district judges. Among them was an additional judge for the eastern district of Illinois and a judge for the middle district of Tennessee. The Senate eliminated both these districts from the appointments to be made, but it added three district judges and one circuit judge. It added a district judge for the district of New Jersey, a district judge for the northern and the southern districts of Georgia, and a judge for the district of New Mexico. It also added a circuit judge for the fourth judicial circuit.

These differences between the action of the House and the action of the Senate constituted the only substantial controversy before the conference committee. There are other provisions of the bill; but the House provisions and the Senate provisions, with the exceptions I have stated, are substantially similar, although they differ in the method of expression.

The total number of district judges agreed upon in the conference committee is 24. The Senate conferees were constrained to recede from the difference with respect to the eastern district of Illinois and the middle district of Tennessee, and the House receded from its controversy with respect to the district of New Jersey and the district of New Mexico. The bill reported from the conference committee, therefore, provides for 24 additional district judges, and it provides for one additional circuit judge for the fourth judicial circuit. That is the circuit which comprises Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

I do not intend to repeat the argument I made upon the passage of the bill with respect to the imperative necessity of additional district judges. Senators who were here will remember the lamentable delay which has occurred and is occurring in the disposition of cases brought in the district courts of the United States. But a few days ago I asked the Attorney General to give me any additional information that he had at his command—that is, additional to the information which was laid before the committee and before the Senate, and additional because of the change in the situation since that time—and I intend to read it.

Mr. WATSON of Georgia. Mr. President—

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

Mr. CUMMINS. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I should like to ask the Senator from Iowa, granting his contention that there is a need for more judges, why the bill for the additional judges should not have been confined to those districts or those States where the new judges were needed, and why this revolutionary change in the whole system?

Mr. CUMMINS. There is no change in the system, but there are natural differences of opinion with regard to the necessity of judges in particular districts. My personal opinion did not conform to the opinions that were held by certain other Senators. All I can say in response to the question of the Senator from Georgia is that somebody in the Senate and the House, and indeed a majority of both the Senate and the House, felt that there is a necessity for every judge provided for in the conference report.

The letter to which I have just referred, from the Attorney General, I will read. It is dated August 17:

MY DEAR SENATOR: The necessity for the prompt passage of H. R. 9103—

That being the number of the bill—

a bill providing for additional United States judges, daily becomes more urgent. Recent estimates show an increase of 30,000 cases pending and undisposed of over the fiscal year 1921—

And it was at the close of the fiscal year 1921 that the investigation of the committee came to an end—  
or an average of 1,250 cases per judge if the 24 new judges are authorized. Of this 30,000 increase but 10,000 are criminal cases, thereby verifying my prediction of a few months ago that a very substantial increase in civil business for the future is inevitable. This congestion encumbers the court dockets with a total of more—

Mark you, now—

of more than 172,000 cases pending and undisposed of on June 30, 1922, as compared with 142,402 cases pending on June 30, 1921, and this notwithstanding that for the same period there was an increase of 17,718 in cases disposed of.

I can not too strongly impress upon you the seriousness of the situation. Important civil and criminal cases can not be tried. The department is, of course, proud of our Federal judiciary, and naturally faces with regret a situation which, if permitted to continue, must inevitably undermine the high standards of the Federal courts.

There are now 103 United States trial judges for 110,000,000 people. Surely an increase of 24 judges is moderate, in view of the constantly increasing burdens which have been placed upon the Federal courts through new legislation, as well as old, without a corresponding increase in the number of judges. In fact, with one or two exceptions, there have been no increases in the Federal judiciary in a quarter of a century.

Our Federal courts need immediate relief. The burdens are enormous and the situation throughout the country daily becomes more alarming. Congress can not provide for the increase in judges with the conference and the elastic features embodied in H. R. 9103 any too soon if irreparable damage is not to be done to the administration of justice and respect for law in the United States.

One of the high officials of the Department of Justice in conversation with me a few days ago said that if all the 24 judges proposed to be added to the judiciary in this bill were to do nothing for two years but try criminal cases in which it is alleged there has been a violation of the postal laws, and mainly a violation of the laws which are intended to prevent the transmission of matter through the mails in furtherance of a conspiracy to defraud, it would take two years for these additional judges to clear the dockets of that one class of cases alone. It is a situation which every true American and every lover of justice must deeply deplore, and I sincerely hope that the judgment of both the Senate and the House as heretofore expressed will be reaffirmed in the vote about to be had upon the conference report.

I have not mentioned the one addition to the number of circuit judges. The fourth circuit is the only circuit in the United States which has but two regular circuit judges. There is one circuit judge assigned to the fourth circuit, Judge Knapp, who was originally appointed as a member of the Commerce Court, which was afterwards abolished. He is advanced in years, and when he retires there will be but two judges in that circuit. That is not fair to the circuit. The judges are unable to perform speedily the duties which are cast upon them, and I have not heard anyone who has made the least objection to the additional circuit judge in the fourth circuit.

There may be some difference of opinion with regard to the need of judges when you compare the necessities of the various districts. I concede there is room for difference of opinion with respect to that. But the Senate did the best it could, exercised the best judgment of which it was capable, and the conference committee, after long and persistent labor, reached the conclusion I have stated. It required a month, possibly two months, for the conference committee to reach a conclusion. I hope that the conference report may be agreed to, and speedily agreed to, because it must be a shame and a humiliation to every American citizen when he looks upon the business in these courts that is undisposed of and which can not be disposed of for years to come unless we fortify the judiciary by the appointment of additional judges.

Mr. SHIELDS. Mr. President, the Senator in charge of the bill [Mr. CUMMINS] has made some remarks upon the merits of the bill and has read a letter recently received by him from the Attorney General. The remarks of the Senator are largely an epitome of the speech made in presenting the bill, without going into detail. I offered some observations at that time which I think met the statements of the Senator from Iowa and showed that the generalizations in which he dealt can not be sustained upon the concrete facts. The Senator himself then admitted and now admits that in his opinion there are a number of judgeships provided for in the bill which the business of the districts does not require or demand. Of course, there was a difference in opinion upon the subject. The Senators from those States for which judges were provided were anxious to have the judgeships, and they felt that there was a necessity. I am not going to challenge their sincerity.

The Attorney General appeared before the committees of both the House and the Senate having jurisdiction of the bill and made statements in its interest. There also appeared some of his assistants and some district attorneys from certain districts of the United States. Then the Chief Justice of the Supreme Court of the United States appeared and insisted that certain provisions in the bill as first introduced—some of which were omitted and some of which still appear—were required for the proper dispatch of business and asked for the legislation, although it was a matter in which under the Constitution he was not allowed to interfere. It was beyond the functions of the judiciary, and solely and purely within the function of the legislative department of the Government. The impropriety of the action of the Chief Justice is obvious and indefensible.

The Attorney General then made statements similar to those contained in the letter just read. I answered those statements by quoting from the report which he had made under his oath of office, as required by an act of Congress, of the litigation disposed of by the Federal courts of the United States for the previous year, which in detail showed that no such congestion

as his general statements would seem to show, in fact, existed. Now, so much for the merits of the bill. At the proper time I want to go into detail in regard to these matters, and I shall do so.

Mr. President, I believe that this is a most grievous assault upon the judiciary of the country. I believe it is largely a political bill providing for political friends of the administration. I believe there is no necessity for more than one-half of the judges provided. I believe that it is imposing an unjust burden upon the taxpayers of the country. I believe there are provisions giving the Chief Justice power over the lower courts which was never contemplated by our system of government and which is in direct conflict with it and will seriously injure the usefulness and efficiency of the judges of the inferior courts. I consider it a very serious assault upon the independence and dignity of the several judges of the district courts of the United States. But I am not now going into that matter because there are certain questions which I believe will require the bill to be recommitted.

Mr. President, I desire to make a point of order upon the conference report.

The PRESIDING OFFICER (Mr. McNARY in the chair). The Senator will state the point of order.

Mr. SHIELDS. Mr. President, the point I make is predicated upon what is known as the Curtis amendment to Rule XXVII. While this rule is entirely familiar to everyone, including the Presiding Officer, yet I am going to read it. It is section 2:

Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.

Mr. President, it will be remembered that previous to this amendment it had been held by the Presiding Officers of this body that the elimination of matter or the insertion of new legislation was not the subject of a point of order, but this changes the rule.

The points I make go both to the elimination of matter contained in the bill as it passed the House, for the bill originated in the House, and as it was amended and passed by the Senate, and to the inclusion of matter that was not in the bill as it passed the House or as it passed the Senate. Therefore, the several points of order, I may say, that I am raising—and I am willing to dispose of them all at once to economize time—present a question both of the elimination of material matter from the bill as it passed the two Houses and of the insertion of new matter.

I have made a memorandum of the places in the bill where this appears and if it would assist the Presiding Officer I can furnish him with a copy of the memorandum so as to aid him in following me. I send a copy of the memorandum to the desk for the Presiding Officer.

I ask the Presiding Officer to have before him the bill as it was reported to the Senate by the Judiciary Committee, for that print contains both the House text and the Senate amendments, and they can both be referred to in the same document.

Mr. SHEPPARD. Mr. President—

Mr. SHIELDS. I yield to the Senator from Texas.

Mr. SHEPPARD. Would it not be advisable to have that memorandum published in the Record?

Mr. SHIELDS. I frankly say that the memorandum was prepared some time ago, when the report was first presented, and I have never read it. I do not know that it is in condition to go into the Record, but I have no objection to it.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Tennessee is making request that the memorandum be published in the Record?

Mr. SHIELDS. Not now. I shall insert it at the end of my remarks for the convenience of Senators. Has the Chair a copy of the print containing both bills?

The PRESIDING OFFICER. It is before the Chair.

Mr. SHIELDS. The first point of elimination is the provision which appears upon page 4 of the House text, lines 17 to 22, inclusive.

Mr. CUMMINS. What section?

Mr. SHIELDS. Section 2.

The PRESIDING OFFICER. Will the Senator state what part of the text he claims was improperly eliminated?

Mr. SHIELDS. I am proceeding to do that now. It reads as follows:

The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings to which the United States may be a party, together with such recommendations or requests as may be deemed proper.



That language, Mr. President, was contained in the bill as it passed the House of Representatives. Now, I will ask the Presiding Officer to refer to this Senate bill, page 12 of this print, lines 16 to 30, inclusive, where the same provision which I have read from the House bill appears in these words:

The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party.

This provision was entirely left out of the bill as reported by the conferees.

Mr. President, I should say here, if the Chair has not already observed it, that the conferees redrafted the bill, and they report—I do not mean in substance but in form—an entirely new bill, of which they recommend the passage, which is set in full in the report. The provision in regard to the report of the Attorney General, as I have stated, while appearing in the bill as it passed the House and as it passed the Senate, does not appear in the bill as redrafted by the conferees and set forth in their report.

Whether or not the question of materiality in such matters can be raised, it is not necessary to be discussed in this particular case. But I am of opinion that the question of materiality is not one for the Presiding Officer under this rule; that is a question that is submitted to the two Houses of Congress; and when they have joined in inserting a provision in the bill it is conclusively presumed to be material, and the Presiding Officer has no discretion to consider it with a view of determining whether it is material. Otherwise he would take upon himself the power of legislation as against the opinion and the will of the two Houses as expressed by them in the solemn enactment of a law.

This, however, is a material provision; it was in all the bills, for there were several, that were before the Judiciary Committee; and it was insisted upon by the officers of the Department of Justice appearing and urging the passage of the bill. Indeed, the provision in the bill as originally introduced, and which had been favored by the Chief Justice and the Attorney General upon this subject, was much broader and gave the Attorney General the status of a member of the conference to which he should report and the right to participate in its deliberations and conclusions; but in both the House and the Senate the bill was amended so as to be in the words which I have read to the Chair.

Mr. JONES of Washington took the chair.

Mr. SHIELDS. I notice that since I have called attention to the omission in the conference report and made my observations in reference to that omission the occupant of the chair has changed. I should like to know if the present Presiding Officer was in the Chamber and understands the exact point which I am making?

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The present occupant of the chair was not in the chair at the time the Senator from Tennessee made the observations to which he has referred, and consequently did not know the point of order had been made.

Mr. CUMMINS. I ask the Senator from Tennessee to yield to me in order that I may make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa will state his parliamentary inquiry.

Mr. CUMMINS. Is the point of order which is now being made by the Senator from Tennessee [Mr. SHIELDS] debatable?

The PRESIDING OFFICER. The Chair is not advised with reference to that matter just now.

Mr. SHIELDS. Is there any point of order which is not debatable? What is the difference between this and other points of order? I am astonished that the Senator from Iowa, who represented the Senate on the conference committee, should desire to cut off argument assailing his own report.

Mr. CUMMINS. I do not. I am simply attempting to provide myself with some assurance that I, too, may be permitted to debate the point of order as well as the Senator from Tennessee.

Mr. SHIELDS. I assure the Senator from Iowa that I shall not raise any objection to his discussing the matter.

Mr. CUMMINS. It is true that every point of order is debatable. I am not objecting to debate, but I wish to know whether or not the Chair holds that this point of order is debatable.

The PRESIDING OFFICER. The Chair will say that he should like to have the point of order debated in order that he may understand what it is. Otherwise the Chair would have to read both the bills to which the Senator from Tennessee has referred.

Mr. CUMMINS. That is the difficulty. The Senator from Tennessee is interweaving his statement of the point of order with his argument in support of the point of order.

Mr. SHIELDS. I am debating it; at any rate, I hope that what I have said is not to be considered beneath the dignity of an argument.

Mr. CUMMINS. Oh, no; but there is one thing that ought to be understood by the Chair, and possibly he is not familiar with the progress of the procedure on this bill. The House passed the bill and the Senate struck out everything in that bill after the enacting clause.

Mr. SHIELDS. Mr. President, I am not willing to yield for a speech to be injected into my argument upon this matter.

Mr. CUMMINS. I desire the Chair to understand what the situation is.

Mr. SHIELDS. The Senator may later reply to what I say about it.

Mr. CUMMINS. I am not going to argue the matter, but I am simply going to state the situation.

Mr. SHIELDS. The Senator may state it when he comes to his argument.

Mr. CUMMINS. There will be—

The PRESIDING OFFICER. The Senator from Tennessee declines to yield any further.

Mr. CURTIS. Will the Senator from Tennessee yield until I may call to the attention of the Chair a ruling of a former Presiding Officer holding that it is the practice for the Presiding Officer to hear debate if he so desires on a point of order?

The PRESIDING OFFICER. The present occupant of the chair should insist upon hearing debate; otherwise he would not be prepared to pass upon the point of order.

Mr. CUMMINS. When I myself have been presiding I have often asked for debate upon a point of order, but it is not true that debate on a point of order is in every case in order as a matter of right.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. SHIELDS. I regret to consume the time, but I am very earnest, Mr. President, in the point I am making against this report, and as the present Presiding Officer was not in the Chamber and has not heard the point I have been making, I am under the necessity of repeating it.

The PRESIDING OFFICER. The Chair would like the Senator to state what his point of order is against the report.

Mr. SHIELDS. Certainly. Mr. President, this is very much like presenting a question of law; indeed, it involves law and fact, and the only intelligent way to consider it is to call the attention of the Chair to the particular parts of the record upon which I base the point of order.

In the opening of my remarks upon this subject I read to the then occupant of the chair the rule upon which this point is predicated, and, if the Presiding Officer is not entirely familiar with it, I will reread it. It is the Curtis amendment to Rule XXIX.

The PRESIDING OFFICER. The Chair remembers that amendment to the rule.

Mr. SHIELDS. I have a copy of it, and if the Chair desires I will send it to him.

The PRESIDING OFFICER. The Chair has the rule before him.

Mr. SHIELDS. Mr. President, there are several what I might call branches to the point of order I am making against the report; in other words, my point is based on four different grounds. Two of them are addressed to the elimination of important provisions of the bill as it passed the House and as it passed the Senate. Matter appearing in the bill as it passed the House and as amended and passed by the Senate does not appear in the bill reported by the conferees.

I should here call the attention of the Chair, if it has not already challenged his attention, that the conferees prepared a new bill containing much of the substance of the bill as it passed the two Houses and set it out verbatim in their report. I will ask the Chair whether he has a copy of the print of the bill before him as reported to the Senate?

The PRESIDING OFFICER. The Chair has.

Mr. SHIELDS. The point I am making can best be understood by consulting the two bills, that of the House and that reported to the Senate, as embraced in the one print.

Mr. President, I call attention to the first point of elimination to page 4 of the House bill, lines 17 to 23, inclusive, which read:

The Attorney General shall, upon request of the Chief Justice, report to said conference the matters relating to the business of the several courts in the United States with particular reference to the

causes or proceedings to which the United States may be a party, together with such recommendations or requests as may be deemed proper.

I will ask the Chair to turn to page 12 of the same print, lines 16 to 20, which read:

The Attorney General shall, upon the request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party.

Mr. President, the question of materiality, in my opinion, does not arise.

The Chair can not pass upon that question. The House and the Senate deemed this provision material and proper in this bill. If the Chair should say that it is immaterial, and that it may be eliminated by the conferees in violation of this rule, and the bill thus passed, in my opinion it would be a usurpation of the powers of legislation of both Houses of Congress. The House and the Senate will not be presumed to have inserted and concurred in a substantive provision in a bill that was not material, or that they—and they are the sole judges of the question—did not deem a provision material.

The bill provides for a conference of the circuit judges, to be called by the Chief Justice of the United States, to consider the condition of the dockets of all the Federal courts.

The PRESIDING OFFICER. The Senator contends that there is no provision in the bill as reported by the conference committee requiring the Attorney General upon request of the Chief Justice to submit a report to Congress?

Mr. SHIELDS. There is none. I suppose that will be conceded.

Mr. CUMMINS. There is nothing upon that subject. The provision made by the House was wholly different from the provision made by the Senate, and the conference committee eliminated the provision of the Senate bill, and the House conferees agreed to the elimination of that part of the House bill; but they are not the same.

Mr. SHIELDS. Mr. President, it is thus conceded that there is no provision in the new bill reported by the conferees requiring any sort of a report by the Attorney General. The language of the two provisions, which I have called to the direct attention of the Chair, is nearly the same. Whether they are identical or not, I have not noticed, and I do not think it is necessary; but the substance of both of these provisions is identical.

They both call for a report from the Attorney General upon material and important matters—the direct matters which the conference is called to consider—which is necessary in its deliberations. It is immaterial that there may be some difference in the wording of the provisions of the House and the Senate; it is the substance which is material.

I am willing to concede that if the conferees had put in their report a provision in substance the same, although not in the same language, it would have obviated this point; but they absolutely ignored it. They eliminated the whole thing. Who is to decide that this is unimportant? It would be a violent presumption and one that the courts of the country would not indulge in, that when the two Houses of Congress solemnly provide a certain thing in a bill as passed by each one of them, they did not mean it, that it was immaterial and frivolous; and I do not think the Presiding Officer will usurp that power.

The conferees eliminated another matter which is equally important, if not more so, because it conflicts with the long-established custom of the Congress in creating district judgeships, and one which I deem vitally important for the proper administration of justice. I will ask the Chair if his attention has been called to a memorandum upon this subject that I presented?

The PRESIDING OFFICER. It has. The Chair has it before him.

Mr. SHIELDS. Mr. President, the bill as it passed the House, on page 2, line 12, provided:

Said judges shall be residents of the districts for which appointed.

Then the bill as it passed the Senate, page 14, line 8, in a paragraph relating to certain matters, contains the same provision in the words:

Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed.

There is no such provision in the bill reported by the conferees.

Mr. President, there is no more important provision in the general statute found in the Judicial Code in regard to the appointment of district judges, and I will venture to say in every statute enacted for any particular district creating the office of district judge, than that the judge shall reside in the district over which he is appointed and commissioned to preside.

Mr. CUMMINS. Mr. President, may I interrupt for a moment there?

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

Mr. SHIELDS. I do.

Mr. CUMMINS. That is the law now. It applies to these judges as well as to any others.

Mr. SHIELDS. Mr. President, I am fully aware that the Judicial Code in the general provisions upon the subject provides that the permanent judges there provided for shall reside in their districts. This is not a bill creating permanent judgeships, but a bill providing for the appointment of additional judges to relieve for the most part an imaginary congestion in the Federal courts, and it is so denominated in its caption, both in the House and the Senate, and also in the bill reported by the conferees. The special bills creating judgeships, so far as I have examined them, always contain this provision. The bill as it passed the House contained it. The bill as it passed the Senate contained it.

I ask the Presiding Officer to read the captions of all these bills—the House bill and the Senate bill and the bill as reported by the conferees—as to the character of this legislation. I am well aware that the title is no part of the legislation which is being enacted, but it may be and often is referred to by the courts to explain an ambiguity appearing upon the face of the bill; and to that I will later refer in another point of order I am going to make in regard to a subsequent part of the bill.

The PRESIDING OFFICER. The Chair desires to suggest to the Senator from Tennessee that he has been unable to find any provision in the bill as it passed the Senate requiring the district judges to reside in their districts. The Chair has looked it over rather carefully.

Mr. SHIELDS. I have read it, and I will reread it to the Chair.

The PRESIDING OFFICER. It is not on the page that has been mentioned.

Mr. SHIELDS. Page 14, line 12.

Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed.

The clause then proceeds as to other matters, but that is a substantive and distinct proposition presented in the clause. The Chair has a different print from that which I am using.

The PRESIDING OFFICER. There are several different prints. The Chair finds that now in another print.

Mr. SHIELDS. I do not think there will be any controversy upon that subject. There can not be any.

The PRESIDING OFFICER. Very well.

Mr. SHIELDS. Mr. President, that omission from the bill as reported by the conferees is very pertinent when we look at the history of this legislation. The Chair doubtless remembers that the bill as introduced, I believe, in both Houses—certainly in the Senate—did not provide for the creation of judges in the several districts where it was supposed that a congestion of business existed but in the bill prepared in the Department of Justice, I understand, but approved by the Chief Justice of the United States and by the Attorney General, and in advocacy of which both of them appeared before the Judiciary Committees of the House and of the Senate more than once, it was provided that there should be created, or—to use the language of the bill—that there should be appointed by the President, to be confirmed by the Senate, 18 judges, 2 from each judicial circuit, to be known as judges at large, who might be, who could be, who were to be, assigned, designated, ordered about by the Chief Justice from coast to coast, from ocean to ocean, from Lakes to Gulf, as he at his sweet will might determine.

Before the committee, that was attacked by the majority, regardless of party affiliations. It was denounced as providing a flying squadron of judges, as introducing a new practice and a new principle in the judiciary of the United States, and it was stricken out.

It appears in the hearings, as I remember, that the real proposition was for 27 of these peripatetic judges, of this flying squadron, but finally it was gotten down to 18. But the Committee on the Judiciary would not stand for such a proposition by a large majority, and it was knocked out. Then the bill was remodeled so as to authorize the President to appoint additional judges in certain districts, not what may be called principal judges. It was provided in the Senate bill that no successors to them should be appointed. They were to meet a temporary emergency.

In view of that proposition, to have 18 judges from the Nation at large, 2 from each judicial district, the provision as to residence should not have been eliminated. I do not believe the general provision in the code would be applicable to this. I do not believe it would control the President in making his appointments. The provision in the code did



not escape me. I was, of course, familiar with it, and I considered it along with this bill, and as applicable to judges whose successors are to be appointed, and who may be called permanent judges. There is an express provision in the Senate bill that no successors shall be appointed to these emergency judges. In the conferees' bill it is provided that if a vacancy occurs more than two years after the enactment of the law there shall be no successor, with the exception of New Mexico and of Tennessee, to which I will refer later.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. SHIELDS. I yield.

Mr. WALSH of Montana. If the Chair will give me his attention, I would rather address these remarks to the Chair. If we assume that the case is correctly covered by the general statute, the House, for some reason satisfactory to itself, concluded that it would be wise to reenact that provision, if the provision already covers the case. The Senator suggests that perhaps it does not, and the Senate, for some reason satisfactory to it, concluded that it would be wise to incorporate the provision.

As a rule, are we to consider that the conference committee is entitled, under those circumstances, to leave the matter out of the conference report, even though it is covered in the statute? Is not the rule just exactly as applicable whether the case is already covered by the law or whether it is not covered by the law; and is the conference vested with the authority to say that it is covered by the law and therefore need not be incorporated, when the rule expressly provides that conferees shall not insert in their report matter not committed to them by either House, nor strike from a bill matter agreed to by both Houses?

There is no exception to that at all, even though it is covered by the existing law. It occurs to me that it is a matter of no consequence whether it is or whether it is not covered by existing law. The Houses have put it in, and the rule says that the conferees must not strike it out.

Mr. SHIELDS. Mr. President, I thank the Senator from Montana for his contribution. That is a reason I had not advanced, and it seems a very strong point and seems to me conclusive of the question.

It would be a question, to say the least, whether the general law would apply. As the Senator has observed, both the House and the Senate thought, we must presume, that it did not apply, certainly that there was a doubt about it, and to remove that doubt they both put this provision in. That would be a question to go to the courts for interpretation and construction. It certainly is not a question for the Presiding Officer of this body to determine. The rule has no exception, and it allows the Chair no discretion, but says that matter that is contained in a bill as passed by the Senate and the House can not be omitted.

Who will say that this is not a material provision? Who in this country who believes in local self-government, who believes in government by the people, who believes in the people having a voice in the selection of their officers, of their judges, will say that it is not material?

The requirement that a judge shall be appointed from the district in which he is to preside, or that he shall reside in the district, is the nearest provision found in our laws in regard to the will and voice of the people in the selection and appointment of United States district judges.

Mr. President, a judge should come from the district or from the circuit where he is given the power to determine and pass upon the lives, liberties, and fortunes of the people. A non-resident, a stranger, who is not familiar with the laws of the district, who is not familiar with the people, does not feel the responsibility felt by a man who resides and lives among them, whose fathers perhaps have lived there, and whose children are expected to reside there, should not be appointed a judge for those people. This is a most important provision. It is one which, so far as I have examined, has never been omitted from any statute of this kind, and one which ought never to be omitted.

I am not going to assault the provision of our Constitution providing for the appointment of judges by the President, subject to confirmation by the Senate. There are some objections to it, but there are many things in its favor; and looking back over the history of the Federal judiciary I am of the opinion that it is wise, and that it has operated well for this country. I would not consent to any alteration in the Constitution in that respect. But, in so far as the people can be given a voice, or a quasi voice in the appointment of their judges, I am in

favor of it. I am in favor not only of maintaining the present safeguards, but I am in favor of extending them as far as possible consistent with the Constitution, for I believe in local self-government.

I regret and deplore the tendency in these times toward encroachment upon the sovereignty of the States in their domestic matters. I deplore the tendency to concentrate all power in Washington and have the people governed and controlled by departments and bureaus, largely by clerks. While this power is generally vested in the President, or in the head of a department, yet in practice we know that they can not and do not, on account of the multiplicity of their duties so imposed, give them personal attention and that the matters are investigated, considered, determined, and in a manner executed by clerks of whom the people have never heard, officers whom they did not elect, who are unknown to them, who know nothing of their necessities, who know nothing of matters relating to particular localities.

I hope that we have reached the end of such legislation. While I remain a Member of this body I shall oppose every measure which in any way withdraws from the States the right to govern in their local matters or withdraws from the people the right to select and elect their own officers. Practically, the police power of the States has been destroyed. There are measures now being proposed and pending upon the calendar of this body to further encroach upon them.

I do not believe it is necessary for me to elaborate this question to the present Presiding Officer of this body, for I know he fully realizes the right of the people to govern themselves and believes in preserving their rights and in public officers being responsible to their constituencies.

You might say these are temporary judges, that it does not apply to the permanent judgeships; but it is the first step in breaking in upon the rule of having the judges come from the particular districts or localities where they are to officiate, and being of the people whose rights they are called upon to adjudicate, and that first step ought not to be taken.

In my opinion, Mr. President, no more material and important provision was put in this bill. It was deemed important by the House, it was deemed important by the Senate, and both of those bodies solemnly asserted that the judge should come from the district where he was to act, and I say that these five conferees, with the presiding officer of the two bodies, have no right to overturn the expressed will of the House and the Senate upon this important subject.

Mr. President, there are two other points of order, the discussion of which, of course, I could not finish in the half minute before the morning hour will have expired, and I therefore suspend my remarks for the present.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). 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 (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Hale	Moses	Shields
Borah	Harrell	Myers	Shortridge
Broussard	Heflin	Nelson	Smoot
Bursum	Hitchcock	New	Stanfield
Cameron	Jones, N. Mex.	Nicholson	Sterling
Capper	Jones, Wash.	Oddie	Sutherland
Culberson	Kellogg	Pittman	Trammell
Cummins	Kendrick	Ransdell	Underwood
Curtis	Lenroot	Rawson	Wadsworth
Dillingham	McCumber	Reed, Mo.	Walsh, Mont.
Fletcher	McKellar	Reed, Pa.	Warren
Gerry	McLean	Robinson	Watson, Ga.
Gooding	McNary	Sheppard	

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present.

#### JUDICIAL PRACTICE IN APPEALS.

Mr. REED of Missouri. Mr. President, out of order, I ask unanimous consent to report back favorably without amendment, on behalf of the Committee on the Judiciary, the bill (S. 3618) to amend section 135 of the Judicial Code, and I ask unanimous consent for its present consideration. I think it will lead to no debate at all.

The PRESIDING OFFICER. Is there objection to the receipt of the report? The Chair hears none, and the report is received. Is there objection to the present consideration of the bill?



Mr. SMOOT. I would like to have the bill reported.

Mr. McCUMBER. I do not object to it if it will not require debate.

Mr. SMOOT. Before I give consent I would like to have just a brief statement from the Senator from Missouri as to what the bill is.

Mr. REED of Missouri. I can give it. The bill relates wholly to practice in the matter of appeals. At the present time, under the state of the law, it is very difficult for attorneys to tell whether an appeal lies to the Supreme Court of the United States or to the Court of Appeals. It is a very puzzling situation. The bill simply provides that if they lodge their appeal and it goes to a court which determines that it is the wrong tribunal, instead of dismissing the appeal they transfer it to the other court. It simply wipes out a technicality.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

*Be it enacted, etc., That section 135 of the Judicial Code is hereby amended by adding at the end thereof the following paragraph:*

"If an appeal or writ of error has been or shall be taken to, or issued out of, any circuit court of appeals in a case wherein such appeal or writ of error should have been taken to or issued out of the Supreme Court; or if an appeal or writ of error has been or shall be taken to, or issued out of, the Supreme Court in a case wherein such appeal or writ of error should have been taken to, or issued out of, a circuit court of appeals, such appeal or writ of error shall not for such reason be dismissed, but shall be transferred to the proper court, which shall thereupon be possessed of the same and shall proceed to the determination thereof, with the same force and effect as if such appeal or writ of error had been duly taken to, or issued out of, the court to which it is so transferred."

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

#### COMPENSATION OF WORLD WAR VETERANS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes.

Mr. McCUMBER. Mr. President, as I desire that the remarks I shall make upon the pending bill shall be logical in both form and substance, I ask not to be interrupted until I shall have concluded.

Mr. President, for the third time the soldiers' compensation bill is before the Senate of the United States. This bill passed the House and came to the Senate just prior to the adjournment of Congress in 1920. It reached the Senate too late to receive that consideration which its importance demanded before the time agreed upon for the adjournment of Congress.

I, however, am fully justified in making the most positive assertion that the Congress of the United States, the American people, and the American soldier each and all understood that this bill would be taken up and passed early in the following session. I am equally justified in the assertion that up to that time the proposal had been hailed with approval by the press of the country.

Wherever the people of any State had been given an opportunity to express themselves, they had voted with almost unanimity to tax themselves whatever might be necessary to meet what they believed to be justly due the soldiers of their respective States. And, Mr. President, notwithstanding the objection of those people who reaped their millions during the war now to share a most meager percentage of their gains with those whose soldier services made those gains possible, I am certain that the great mass of the American people demand that this adjusted compensation bill shall be enacted into law. The millions of petitions that are coming to the Senate not only show that the heart of the American people has not grown cold toward the country's defenders but that it recognizes a just financial obligation and asks the country to meet it.

Upon the reassembling of Congress the Finance Committee, conforming to this general understanding throughout the country that the compensation bill should be crystallized into law, began the consideration of the bill, which has been delayed only because of the adjournment of Congress, and after making amendments thereto reported it favorably.

In charge of the proposed measure, I had addressed the Senate at some length. The debate, however, had scarcely begun when the President of the United States, guided in his judgment by the report of his Secretary of the Treasury, appeared before the Senate and asked that the bill might be referred back to the committee and its consideration postponed until either special provision should be made to meet its obligations or the seven billions of short-time obligations which fell due in 1923 could

be refunded. In deference to the views of the President, by a vote of 47 to 29, the bill was referred back to the committee.

Believing that the American soldier was entitled to know just what this reference of the bill back to the committee meant, although I did not concur in the views of the Secretary of the Treasury and the President, I made this statement on the floor of the Senate:

The President, upon information furnished him by the Secretary of the Treasury, has asked that Congress defer action for a time on this bill. "How long defer?" you may properly ask. I answer, "Until the tax bill and the tariff bill are enacted into law and the foreign indebtedness to the United States has been funded."

In the matter of the foreign debt the President, in his address to the Senate, states—

I now quote from the President's address—

Even were there not the threatened paralysis of our Treasury, with its fatal reflexes on all our activities which concern our prosperity, would it not be better to await the settlement of our foreign loans? At such a time it would be a bestowal on the part of our Government when it is able to bestow.

That was the gist of his argument—to postpone the measure until a time when the Government would be able to make the bestowal. Resuming the quotation from my address—

In a nutshell the President asks us to hold this matter in abeyance until we fund these foreign obligations; and, as I have said before, the interest on these obligations will more than doubly take care of the highest annual payment which will accrue when the bill becomes a law.

We will, of course, pass both the revenue and the tariff bills at this special session. A bill is now before the Finance Committee giving the Secretary of the Treasury all needful authority to fund into long-time bonds the principal and interest due us from foreign countries. That authority will be given. I can therefore see no reason in the world why this funding settlement should not be completed by the time we have passed the other two bills.

So I can say with absolute assurance to the American people and the American soldier that this bill will be enacted into law, and I am certain that it will be enacted into law in sufficient time that the date at which it becomes effective will not have to be extended; in other words, that the delay will not deprive the veterans of a single important right they would otherwise obtain under the bill.

That was my statement just after the bill had been referred back to the committee.

Mr. President, the revenue bill was before the Senate so long that we were not able to pass the tariff bill during that session, as was expected, and that bill has only now gone to conference; but we can still make good my prophecy, and, notwithstanding the unforeseen conflicts between bonding and taxes to meet its requirements, which arose after my assurance, we can still make the bill become effective about the same time as was provided in the previous bill.

To be sure, Mr. President, we have not yet funded our foreign loans. To my mind there has been an unnecessary delay in funding those obligations. The law providing for a commission to settle those obligations was approved February 9, 1922, and the last of the appointees on that commission was confirmed by the Senate on April 11, 1922. I, therefore, can see no reason in the world why we should not at least have a settlement with our principal debtors, Great Britain, France, and Italy, before January 1, 1923. But, irrespective of this funding, Great Britain is preparing to meet the interest due this fall, and if she does so we shall have in advance a sufficient sum from that source alone more than sufficient to meet the first two years' obligations under this measure. And, Mr. President, that assurance meets the substance if not the letter of the President's request for delay. It answers his query, "Would it not be better to wait the settlement of our foreign loans?"

The British Government recognizes that interest on its obligations to the United States will be due in September of this year. The British Government has included in its budget of expense for the ensuing year an item to cover the interest due the United States. That sum is just as much assured as though the actual bonds had been issued. That answers the President's request for delay. From the source indicated by the President we can meet the 1923 obligation of this bill and meet it nearly three times over without either issuing bonds or levying additional taxes.

After the bill was referred back to the Finance Committee and in the discussion which followed between the Executive and the Ways and Means Committee of the House and the Finance Committee of the Senate, the President insisted that provision must be made in the bill for raising by taxation the revenue to meet the obligations which should be created by the measure. Members of the two committees proposed that instead of a further tax levy at this time, if it should become absolutely necessary, short-time certificates of indebtedness should be issued and sold to meet the first year's payment and thereafter the indebtedness be cared for by the sale of any foreign securities. This was not quite satisfactory to the President, who held that we might as well issue Government bonds as to sell the foreign Government bonds; that the one would



be as much of a strain on our banking resources as the other, and that we needed all our banking resources to meet our own funding requirements.

As all revenue bills must originate in the House of Representatives, the Committee on Ways and Means thereupon proceeded to draft a bill for raising additional revenue by a sales tax, but as soon as it became known that an additional tax was proposed upon any commodity, a most earnest protest against such a tax was made by the dealers in and the users of the commodity. The protest was not against the proposal to extend this benefit to the American soldier, but against any additional taxes being levied at this time.

So, Mr. President, the soldiers' compensation bill found itself in this position: The President approved of the measure provided the Congress passed additional revenue to meet its obligations. The Congress approved the measure provided there should be no tax measure attached to it. The President, while favoring the purpose generally, was not willing to create any further bonded indebtedness to meet the requirements of the bill. The Congress, while favoring the bill, was not willing to levy additional taxes to meet its requirements.

In despair the members of the Ways and Means Committee, in order to avoid both these objections, had to carve out a different course. So they provided that the Government should not be required to expend anything, except administrative expenses, until after the 1st day of October, 1922. The Finance Committee, by its proposed amendment to the House bill, postpones the principal expenses incident to the proposed legislation to 1923, a time sufficiently removed to prevent any interference with the refunding of the obligations maturing in 1923, and also to a time sufficiently removed to enable a future Congress to provide any additional means of revenue if such additional means should become necessary. I, however, believe that it will not be necessary to provide any further revenue to meet the requirements of this soldiers' compensation bill.

A close examination of the bill will show an estimated expense for the calendar year of 1923 of \$77,440,889; for the calendar year of 1924 of \$92,177,729; for the calendar year of 1925 of \$73,100,962. (See report, Appendix A.)

The largest amount required will be in 1926. By 1930 it will drop to \$21,000,000, and will be only a very few millions thereafter until 1943.

If, Mr. President, our income should fall below our proposed expenditures for the next few years, there are a great many places in which we could practice economy to bring our expenses within our income and still meet all our just and honorable debts without either increasing taxes or issuing Government obligations. I can mention a single item which might be delayed a year, if necessary, and which would far more than take care of the obligations of this bill. I certainly am a believer in good roads, but if it were necessary for me to make a choice between paying out to our soldiers \$78,000,000 in 1923 and paying out \$125,000,000 for our good roads, I would unhesitatingly say, postpone the road expense. I could probably find many other smaller items which we could well postpone and still go on with the good-roads' work and also meet the obligations created by this bill.

The letter of the Secretary of the Treasury which was the basis of the President's request for delay stressed the fact that there were about \$7,000,000,000 of short-time obligations maturing on or before 1923. This letter evidences the caution of an experienced business man and banker. He feared that this increase of governmental obligations might make the funding of these short-time obligations most difficult. I, however, call his attention to the fact that this bill as modified avoids this danger, first, in that the obligations will not exceed \$100,000,000 per year for the first three years and can be met through the interest due on foreign obligations, and, in case that interest should fail, through current revenues; and if the latter should fail, then through the sale of a very small part of our foreign bonds.

I call attention to the further fact that we have the greater part of all of the gold of the world in our vaults; that we are now the greatest creditor nation on earth; that our banks are filled to overflowing; that they are looking not for an opportunity to loan a hundred million but for an opportunity to loan billions to foreign countries. All on earth they want is proper security, and the cash will leap from the banks for any kind of profitable investment.

Let me further call attention to the fact that since 1919 we have reduced our national indebtedness more than \$3,000,000,000. Would we have felt it if we had reduced it a little hundred million less? Would we feel it if for the next three years the reduction should only be \$2,700,000,000 per annum?

Let me again call attention to the fact that we have already refunded about a billion dollars of those short-time obligations before they became due, and if we can fund seven billions of short-time obligations gradually, as we are now doing, without a ripple in the sea of finance, is it possible that we must look for a financial earthquake if our national indebtedness should even be increased a little \$78,000,000 in any year? Twenty millions given in charity to Russia, twenty-five millions to save Colombian sentiment, twenty millions for ship subsidy, cause not a ripple of comment. We talk of \$125,000,000 for good roads, of two or three hundred millions to assist railroads, all in a single year, as if they amounted to nothing. We do not dream of suggesting a special tax to meet this \$125,000,000. Why on earth, then, should we approach this soldiers' compensation bill, the payments under which may be scattered over half a century, and the 1923 payment being only a little over half that sum, as though it were an obligation requiring a special tax levy or one endangering the refunding of short-time obligations?

Mr. President, if the financial situation of the country as it appeared to the vision of the Secretary of the Treasury as he viewed the horizon of the future in 1921 seemed to justify his note of extreme caution—if it seemed to him of sufficient importance to justify the raising of the danger signal—I submit, in all candor and assurance, that the time which has elapsed since the writing of that letter has entirely dissipated those clouds of danger. The Secretary feared at that time that the creation of a new obligation, which might have amounted to five billions as the bill was then drawn but the greater portion of which was not payable until the expiration of 20 years, might render it extremely difficult to float the necessary bonds to take up short-time obligations, which would amount to about \$7,000,000,000 by 1923.

Mr. President, to show that he could easily have floated many times that sum, and that he will find no difficulty in floating any amount of bonds now, I want to call attention to an article in the Sunday Post of June 4. This article is headed:

"Forty billion dollars in banks wait the call of business—Easy money and plenty of it a help to restore country's commercial and industrial activities to normal conditions—Striking contrasts with year ago, when credit was hard to get—Oversubscribe loans quickly."

This article states:

Twenty-five billion dollars of unused credit lies in American bank vaults to-day, according to last week's statement of the Federal Reserve Board.

Twenty-five billions—more than the entire bonded indebtedness of the United States.

Savings and State banks have another huge fund which they are most eager to lend. While there is no method of measuring that sum, the Nation's banks probably have, all told, an untapped total of \$40,000,000,000 of credit available for business enterprise.

Mr. WATSON of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. I requested when I started that I should not be asked to yield until I had closed my remarks, & the Senator will kindly excuse me.

Continuing the quotation:

This great reservoir of unused credit has been filling rapidly within the past year, and stands to-day at the highest mark ever reached in the history of American banking. It has brought about a situation virtually without parallel in our economic history. The man or firm who wanted to borrow money a year ago had difficulty in obtaining it at high interest rates; to-day he is courted by banks and investment houses. Hungry dollars are strenuously seeking his employ and at low rates of interest. The only thing he need have to get all the money he wants is prime security for his loan.

It was about a year ago that the Secretary sounded his note of caution. Need we to-day fear to draw \$78,000,000 against this \$40,000,000,000 credit?

Every issue of securities, big or little, offered the Nation's investors by reputable houses within the past month or so has been snapped up with an eagerness born of hunger. Foreign and domestic issues alike are oversubscribed again and again. For instance, a \$24,000,000 issue of bonds of the Republic of Bolivia was offered investors Friday. The subscription books were opened at 10.30 o'clock. Five minutes later they were closed. The issue has been heavily oversubscribed.

The Treasury's offering of \$200,000,000 in securities paying 3½ per cent interest was oversubscribed in every district last week. The Farm Loan Board's offering of \$75,000,000 of 4½ per cent tax-free bonds, offered a few weeks back, was so heavily oversubscribed on the day it was offered that the board issued a few days later another \$42,000,000 bond issue, put on the market about a month ago, disappointed thousands of investors in that they could not get a share of it.

Industrial offerings of prime value meet the same response. During the present week the New England Telephone & Telegraph Co. offered \$35,000,000 of first-mortgage 30-year 5 per cent bonds. The books were opened and closed immediately, with an enormous oversubscription. The Virginia-Carolina Chemical Co.'s \$22,500,000 of first-mortgage 25-year 7 per cent bonds were absorbed within an hour.



Does this look, Mr. President, as though \$78,000,000 would seriously affect the country's credit in the year 1923?

Admitting, Mr. President, the lowering skies in the financial world of a year ago, I ask the Secretary of the Treasury and the President of the United States to view this proposed legislation in the light of present-day conditions, and these changed conditions certainly must appeal to the judgment for a revision of the views of a year ago. Mr. President, we can meet every dollar this bill will call for without additional tax levy and without in the slightest degree affecting the refunding of any unpaid short-time obligations.

We now come directly to the proposition, Is there a moral obligation on the part of the American people to adjust the compensation that the American soldier received during the war to make it more nearly conform to the added compensation received by every other American citizen during that war? And remember that is all there is to this question.

The opponents of the soldiers' adjusted compensation bill may shout their cry of commercializing patriotism just as often as they see fit. They know there is not another question in this proposition but the single question of whether or not there is a moral obligation to increase the pay which the soldier received to more nearly reach the compensation which every stay-at-home received while the soldier was fighting his country's battles.

This bill, Mr. President, is not a bonus bill. That designation is a misnomer. It is not a gift. I know the American soldier well enough, and the Senators know him well enough, to fully realize he is not asking this as a gift but as a matter of actual financial justice.

This bill is exactly what it purports to be—an adjusted compensation bill. When one person owes a debt to another there is a court to pass upon its validity in case of dispute and a law to enforce its collection. When a government owes a debt there is neither court nor process to enforce it. Congress alone has the power to determine its equity and whether it shall be paid. That question is now squarely before the American Congress.

Now, Mr. President, I am willing to lay aside for the purpose of discussion every sentiment of patriotic impulse and rest this case entirely on the question whether or not there is a just moral obligation on the part of the Government to increase the compensation of those who fought our battles to make that compensation more nearly equal the pay of those who stayed at home. If two men labor side by side for an employer, doing the same kind of work, one under a contract to receive a specified sum for his services, the other having no contract, and it is established by competent evidence that the wage received by the man under contract is the going wage paid for such service, then under the rule of quantum meruit, the man with no contract can recover for his service the same pay that is paid the other. That is not only common law but also common justice.

When we entered the war a portion of our men were called to battle. Another portion were called to provide means to support those who fought. Now, if we base the claim for equal compensation on the cold proposition as to whether the soldier should receive a compensation equal to that of the one who remained at home, could there be any division of opinion? Could anyone for a moment insist that the soldier was entitled to less compensation than the one who remained out of danger to supply his needs? And if that is admitted, must not everyone also admit that if the stay-at-home received more than the soldier, there is, to say the very least, an inequality that ought to be righted, and does not every principle of law as well as of equity demand that it should be righted?

This proposition is not answered by the reply that soldiers have never been paid as much as civilians in case of war. We do not need to go back very far in the history of the world to a time when the soldier was paid nothing whatever. But those were days when he shared in the loot of conquest, in the robbery of civilian multitudes. Civilized warfare has stayed to a considerable extent at least the hand of mere plunder. Only the stay-at-homes are accorded that privilege now. But let the profiteers of the great World War enjoy as best they may the plunder of their own Government. It is my candid opinion that if we ever enter into another great war the whole population will be drafted, and the attempt of any man to enrich himself at the expense of his Government will be dealt with as the military deals with the soldier who would steal and sell to the enemy munitions of war.

I want the American Congress and the American people to answer this simple, straight question: Is not the cause of the country in time of war just as much the cause of the stay-at-

home citizen as of the soldier citizen? Are the duties and obligations resting upon the latter one whit greater than those resting upon the former? If, therefore, the soldier has no right to take advantage of the desperate situation of his country in time of war to further his own financial interest, has the stay-at-home the right to double and treble and quadruple his income at the expense of the country during such war? Yes or no?

And if the stay-at-home does that very thing and thereby creates a mighty indebtedness against his country which the home-coming soldier must help to pay, then should he not pay a portion at least of these unlawful gains taken by him from his Government—gains which piled this indebtedness mountain high, to help this home-coming soldier to meet the very national indebtedness created by this holding up of the Government?

Mr. President, there can be but one answer to this question. Yes; everlastingly, yes. Let us simplify this proposition.

If the average earnings of male citizens of the United States between the ages of 18 and 45 years were, say, \$3 per day at the time we entered the war, and one-fifth of those citizens were called to do battle for the country, to suffer all the hardships, agonies, and death itself, and were required to be satisfied with the sum of \$3 per day or its equivalent, and while they were thus suffering and battling for their country, while they were thus defending the honor and the life of their country, the Government allowed those who remained at home, the other four-fifths, to exact and receive a compensation averaging \$9 per day, and not having the money to pay this increase, the Government had to borrow the money to meet it and then turn around and charge a proportionate amount of the sum so borrowed to the soldier who had received not a penny of it, how in heaven's name can you escape the righteous conclusion that the home-staying citizen should divide his excess earnings with the soldier-citizen? The soldier having received not a single penny of the billions borrowed by the Government to give the stay-at-home this extra compensation, can the stay-at-home do less than relieve the soldier from the debt so imposed? And as that can not be done, can this stay-at-home do less than hand over to the soldier a sufficient portion of his excess earnings to enable the soldier to meet his proportionate share of that debt? If a court of equity were sitting on this case, that is exactly the order which would be made.

I want to make this proposition so clear that he who runs may read.

Here are two boys serving the same autocratic employer for, say, \$3 per day. The employer, whose word is law, says to one of them, "You must take a rifle, face my enemies, and fight my battles. I will continue your wage at \$3 per day." He says to the other, "You shall stay at home out of danger, relieved from hardships, and I will increase your wage to \$9 per day. But as I have not the cash to pay you more than \$3 per day I will be compelled to borrow the extra \$6 per day, and as this fight for which I am paying your former coworker \$3 per day will last about 400 days, I want your note for this extra \$6 per day for 400 days, which will amount to \$2,400. I will pay you that \$2,400 extra in cash, but you must give me your note for that sum, and you must also sign the name of your fighting brother to that note."

At the end of 400 days the fighting boy comes home from the battle. He finds not only his position gone but he also finds that his citizen brother has drawn \$2,400 during those 400 days, more than he, the soldier, has drawn. Nor is this all. He finds that his name has been signed to a \$2,400 note and he must pay his part, although he has not received a cent of it.

Now, you metropolitan papers who are damning this soldiers' compensation bill, lying about its costs, falsifying the soldier's motives and his honor, just look this soldier boy in the face and then call him a grafter when he calls for some kind of a settlement that will look as though the Government realized the wrong committed against him, and then continue to charge those Senators and Congressmen who look at this question in the same light that the soldiers look at it—look at it in exactly the same light in which I have presented it, look on it in exactly the same light that the people have looked at it wherever they have had an opportunity to express themselves—to charge them with attempting to buy the soldier vote.

In a previous discussion of the soldiers' compensation bill I called attention to the flagrant violation of every principle of honorable business dealing in contracts made with and in work performed for the Government during the war from contractor down to the lowest laborer. I pointed out the scandalous profiteering on the part of both employer and laborer. I called attention to the fact that the contractors engaged in the construction of all our war buildings under the cost-plus contract system encouraged idleness, padded their pay rolls, and added



enormously to the expense of work because by so doing they increased their own compensation. I called attention to the fact that in the construction of the buildings surrounding the Capitol not more than one-third of the men were working at any one time. There is not a single building constructed in this city during the war that did not cost at least five times what it should have cost. I called attention to the fact that at that time when we were in the most dangerous situation during the war, when on account of the ravages of the U-boats, when the scales of success or failure were almost evenly balanced, a riveting gang in one of our principal shipyards, which had averaged the setting of 400 rivets a day when they were paid about \$5 per day, after they had had their wages increased to nearly \$14 per day set but 51 rivets per day. This matter was published in detail by one of our great magazines. I called attention to the fact that there was not a single shipyard in which the amount of work turned out per man would equal 50 per cent of normal. I called attention to the fact that in the building of some of our cantonments, sick soldiers were left without decent shelter while thousands and thousands of men were drawing big wages, \$8 and \$10 per day and \$20 on Sundays, and that thousands and thousands of soldiers died because of this neglect. I called attention to the extent of the looting of the Treasury everywhere, of the awful wastefulness, of the destruction of property, of the billions that were being piled up in bonded indebtedness to meet this Saturnalia, this wild, drunken orgy of extravagance.

What were these great papers that are now condemning Congress and damning the soldiers for asking for their just rights saying at that time? Did a single one of them come out and condemn this looting of the Treasury? Did a single one of them attempt to bring before the American public any idea of what was going on in the United States in piling up without any tangible result an enormous indebtedness which must some day be paid with heavy taxes? Did any one of them call attention to this crime against the American soldiers who were dying in France or in cantonments? Did any of them call attention to the fact that a day of reckoning would surely come? Were they all too busy in gathering in the shekels incident to the extravagance that followed this opening of the Treasury to almost bandit hands to call attention of the public to this criminal looting of the Treasury when the country most needed that publicity which alone could awaken the conscience of the country and check this lawless raid?

It cost us for one year of our participation in the war more than it cost France for four and a half years, with three times the number of men actually engaged in the conflict. We got to the front only about half of our men and our small arms. Our soldiers were for the most part transported by British vessels and supplied from French and British war stores. And yet our average daily expenditure for each man under arms was four times that of Great Britain, six times that of France, and ten times that of Italy. There was no earthly excuse for these colossal differences.

I know the excuses that were at the time made and have since been made for this unheard-of extravagance. But the excuses are wholly without foundation. They say the Government could not protect itself against this raid on the Treasury, that the Government must pay such extravagant commissions as the consciences of contractors would allow them to take; that the country could not protect itself against strikes and the everpressing demand for greater and greater wages by those who were working for the Government to supply the soldiers in the field; that the Government could not protect itself against padding of the pay rolls or against idleness.

Let us analyze that for a moment. Is it not a fact that the Government did take every bushel of wheat in the United States and say to every farmer, "You shall receive just so much for this wheat and not one penny more"? It said to the miller, "You must sell your flour for just so much per barrel and not one penny more." It said to the miner of copper, "You shall sell your copper for so many cents per pound and not one penny more." It fixed the price of sugar; it fixed the price of a number of other articles. And in the exercise of every one of these price-fixing activities it acted within its war powers. By controlling the price of these commodities it controlled the earnings of fully one-third of the population of the United States. And while it was controlling this one-third it allowed the other two-thirds to actually unlock the vaults of the National Treasury and help themselves.

The condition of Europe and the demand for breadstuffs would have raised the price of the American wheat to a value unheard of. But the American farmer did not ask it. He asked only such price as would give his product something like the purchasing value that it had had in times of peace. He failed to get

one-half of that. He is not complaining. What the Government should have done was this: It should have said to every manufacturing establishment in the United States, to every contractor: "This is war. No patriotic citizen will attempt to take advantage of his country during a life-and-death struggle, and no citizen will be allowed to do so. We will allow the contractor the usual profits derived from his business when economically conducted, and no more." The Government should have said to every manufacturer: "Keep your mills running. The Government will not allow you to charge any additional prices for your commodities." It should have said to the workman: "Your brothers are on the battle line and you are working for them. You are not entitled to a compensation any greater than you have been receiving. And as they must do their full duty we call upon you to do a full and honest day's work for good and honest pay." Had we followed that rule the money that we raised by taxation alone, without any bonds, would have nearly taken care of our expenses.

This much, Mr. President, on the moral obligation of the Government.

There is another reason, Mr. President, why this Congress should enact this bill into law at this session. That portion of the press which is aligning itself against any soldiers' compensation legislation is charging that such legislation is being urged as a bid for the soldier vote. The absolute silliness of this contention is apparent. Let the soldier look over the list of those who have voted for this measure and see if he can find any partisanship in the vote. Let him see if he does not find just as many Democrats as Republicans ready to do him this partial justice. He will see that no matter what party advantage may be attempted by individuals, the Congress of the United States in voting this compensation has acted as it did in the war, as an American Congress and not as a partisan Congress.

The enactment of this soldiers' legislation will not make the difference of a single vote for either party on the part of the American soldiers. The failure, however, to enact this legislation will, and very properly so, subject this Congress to the accusation that when the House passed the soldiers' compensation just before the election in 1920 and assured the American soldiers that it would be passed by the other House as early as possible in the next succeeding session they were playing politics.

I am certain that such a thought was never in the mind of a single Senator or Representative. All know the history of the proposed legislation since that time. The time has now arrived for the American Congress to show that it was acting in good faith; that it was not attempting to play politics with the American soldier. The President in his campaign in 1920 declared in favor of some kind of soldiers' compensation bill. Republicans both in the campaign and on the floor of the Senate have reiterated their determination to make good these promises. They were made in good faith, and that good faith will be manifested in the vote on this measure.

Mr. President, will this \$78,000,000 for the year 1923, \$92,000,000 for the year 1924, and \$73,000,000 for the year 1925 be an extravagant obligation for a Government of 110,000,000 people? I want to insert in the Record at this point a table showing the population, wealth, indebtedness, debt in per cent of wealth, and per capita indebtedness of each one of the principal countries engaged as allies in the late war and also of Germany.

The PRESIDING OFFICER. Without objection, permission is granted.

The table referred to is as follows:

Country.	Population, 1919.	Wealth.	Debt (amount).	Debt in per cent of wealth.	Debt per capita.
United States	105,683,000	\$204,393,000,000	\$23,922,000,000	11.7	\$226.35
United Kingdom	40,089,000	70,564,250,000	36,854,004,000	52.2	799.62
France	41,476,000	58,398,000,000	55,165,769,000	94.4	1,330.06
Belgium	7,658,000	14,307,510,000	3,781,155,000	26.4	493.75
Italy	36,740,000	21,801,920,000	18,650,000,000	85.5	507.62
Canada	8,361,000	11,119,953,000	2,294,496,916	20.1	267.25
Australia	4,981,000	7,445,745,000	1,859,003,000	25.0	373.22
Germany	67,812,000	80,540,575,000	71,400,000,000	88.6	1,051.92

Mr. McCUMBER. Mr. President, I desire to call attention to the fact that France owes 94.4 cents for every dollar of her national wealth, that Italy owes 85.5 cents for every dollar of her national wealth, that Germany owes 86.6 cents for every dollar of her national wealth, and that the United States owes 11.7 cents for each dollar of her national wealth. I wish to supplement the table just referred to with another, which I ask to

have inserted in the RECORD, showing the per capita tax imposed in the United States and specified foreign countries.

The PRESIDING OFFICER. Without objection, permission is granted.

The table referred to is as follows:

*Per capita tax imposed in the United States and specified foreign countries.*

[Source: Statesman's Year Book.]

Country.	1914	1920
United States.....	\$6.79	\$49.41
United Kingdom.....	17.22	107.18
France.....	19.96	86.85
Italy.....	6.54	25.92
Germany.....	7.45	105.72

NOTE.—Foreign currency converted into dollars at par of exchange.

Mr. McCUMBER. I wish to call attention to the fact that in 1920 every man, woman, and child in Great Britain paid \$107.18; in Germany, \$105.72; in the United States, \$49.41.

In the light of this almost negligible indebtedness, as compared with wealth in the United States, of the per capita tax paid in this country as compared with that paid in Great Britain, Germany, and France, let us examine into what these other countries have done for their soldiers over and above the regular soldier's compensation.

Great Britain, although she could not pay us anything on the debts which she owed us, nevertheless, in her gratitude for the services of her soldiers and with a population one-third of ours and a debt equal to 52.2 per cent of her wealth, has granted an additional compensation to her men and officers amounting to \$275,910,446, an average of \$101.50 each; Canada \$147,600,000, an average of \$540 each—more than this bill will pay to our soldiers—Australia, \$105,000,000, an average of \$409.50 each; New Zealand, \$18,290,650, an average of \$409.50 each; France, \$372,371,150, an average of \$95.25 each; Belgium, \$10,592,250, an average of \$287 each.

Even Germany, crushed as she was, found means to salve the wounds of defeat by granting her soldiers some additional pay.

And here stands the great United States, the wealthiest country on God's earth, with a little 11 per cent indebtedness; the United States which reaped enormous benefits during the three years the war was in progress before we entered it, which went into the war more or less a debtor nation and came out of it with nearly all the gold on the face of the earth and with every important nation on earth owing her, quibbling over this little sum which she honestly owes the soldier. And the great capitalists of the country, whose fortunes were doubled and trebled and quadrupled during this war, are, through their medium of speech—the great metropolitan press—whining because they are to be called upon to pay a trifling little tax out of their immense fortunes to meet the compensation due the soldier who made it possible for them to amass and hold their fortunes. Even if the flood tide of their avarice has overwhelmed their patriotic impulses, it ought not to entirely submerge the element of shame.

Oh, Mr. President, how shortsighted our avarice and selfishness sometimes makes us. In these times of great unrest, of lawlessness heretofore never heard of, of crime rampant throughout the land, when the sacred rights of life, liberty, and property are being denied and defied as never before in the history of our country, to whom in the end must we look for the final arbiter between individual right and mob power—between the supremacy of law on the one hand and the supremacy of anarchy on the other? We must look to those very boys who stood for their country on the field of battle—who carried its flag and whose comrades died for its honor. We must look to those boys, the constitution of whose organization declares:

For God and country we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; \* \* \* to inculcate a sense of individual obligation to the community, State, and Nation to combat the autocracy of both the classes and the masses; to safeguard and transmit to posterity the principles of justice, freedom, and democracy.

Let me tell you, Mr. President, that we will need these boys with their loyalty to country and Constitution and the sacred rights declared by the Constitution; we will need them more—a thousand times more—than we will need the few dollars we would save by denying this little element of justice. Let those boys who thus swear to defend their country and their Constitution and who stand for right and justice feel that their country has not, to save a few paltry dollars, failed to extend to them the same right and justice for which they so loyally pledge themselves.

Mr. President, the Government ought in justice and square dealing to pay in cash to the soldiers this \$1 and \$1.25 per day

for each day's service, as provided in the bill. If it did this, the entire cash cost would not exceed \$1,561,000,000; but as the Government has not the cash on hand, the Congress, acting as the agent of the Government, says to the soldier: "Let us fix on some basis of payment that will give the Government an extension of time in which to make this payment." So they sit down at the table, and the soldier says: "I will not ask the Government to pay a penny for 20 years, if I live that long. So give me a paid-up insurance, the equivalent of the cash due me with interest, for those 20 years. Most of our number will take that plan. But as there may be some few who may wish to purchase a home or land, we ask you to help those few to fulfill their purchase-price engagements. They will not be many. We desire, however, the right to borrow upon our certificates, but for the first three years we are willing to take our borrowing chances with the banks of the country, if we shall be pressed for cash. After that, if we borrow from you, we shall pay you the same per cent of interest which you allow us.

"Many of our number may never call upon you for anything. Many others will not call upon you for years yet to come. So whatever obligation is created may be scattered over 40 or even 50 years."

Mr. President, this is a fair bill, just to the country, just to the soldier, or, at least, satisfactory to the soldier. It ought not to be materially changed. This is the way, under the provisions of this bill, in which the Government is to meet the soldiers' compensation obligations:

It will allow the soldier \$1 for each day's service in the United States and \$1.25 for each day's service overseas, after deducting from such service the 60 days for which we have already appropriated and paid him.

We estimate that 75 per cent will take the insurance plan.

Another plan is the adjusted service pay. This plan, however, is limited to veterans whose adjusted service credit is not more than \$50.

The next plan is the vocational training aid. Under this plan the Government will advance the amount due the soldier to be applied toward his vocational training. I think the ages of the soldiers generally now are such that very few, indeed, will apply under this plan.

The next is the farm or home aid. Under this plan the sum found due the soldier will be advanced to him as may be necessary to be applied toward the purchase price of a home or farm.

The committee has recommended the elimination of the land-settlement provision of the House bill for the following reasons, which are set out in the report:

(1) Any reclamation scheme will be exceedingly expensive and will in the end necessitate the expenditure of millions of dollars; (2) it will be many years before a veteran will be able to determine whether or not he could secure any rights under such plan and where the projects will be located; and (3) in making an application for such aid the veteran would not know anything relative to the location, cost, or advantage of the project.

Your committee recommends a land-settlement plan which will give the veteran a preference on the opening of public or Indian lands to entry or the restoration to entry of public lands, and on all reclamation projects now in existence or hereafter established, whether such reclamation is made by irrigation, drainage, or otherwise.

Mr. President, many arguments and extravagant statements have been made from time to time on this floor and in the press as to the cost to the country of this compensation bill. Let me give the actual facts:

The cash-payment plan is eliminated under the provisions of this bill, except where the amount due the veteran is \$50 or under, and this cash payment will amount to only about \$16,000,000, and this, of course, would be paid in the first year.

We have inserted in our report tables showing the maximum actual cost to the Government if every veteran applied for that plan which would be most costly in the end to the Government, viz, the certificate of insurance plan. If every veteran entitled to the benefits of this proposed law should so apply, the cost could not exceed \$4,500,000,000, and this scattered over 40 years. But, Mr. President, there will be thousands who never will apply, and thousands more who will not apply until late in life, and the Government will have an extension of 20 years from the date of these later applications.

Upon the evidence submitted the committee estimate that about 75 per cent of those who make application will select the insurance plan, 22½ per cent farm, home, and land-settlement aid, and 2½ per cent vocational-training aid. If every man entitled to make a claim avails himself immediately of his rights, the cost to the Government by 1966 would total the sum of \$3,845,000,000 in round numbers, and the bulk of the burden would fall not upon this generation, which has shouldered the heavy taxation to maintain a great World War, not upon a Nation of 110,000,000 people but on a Nation of 200,000,000 people.



While it is absolutely certain that the burden can not reach above the figures I have mentioned, it can and will fall far below them. A fair, conservative estimate would place the final cost at \$3,500,000,000, scattered along the pathway of 40 years.

I ask that the table, Appendix A of the committee report, be printed at the close of my remarks.

Mr. President, to my mind, every precept of financial justice and every principle of political honor demand that this soldiers' compensation bill be passed into a law at this session of Congress, and I am certain, in accordance with resolutions which have heretofore been passed, that it will so be crystallized into law.

## APPENDIX.

Cost to Government on basis of 75 per cent certificate plan, 22½ farm, home, and land settlement aid, and 2½ per cent vocational training, after deducting the cash payments of \$16,000,000.

Calendar year.	Certificate plan.	Farm, home, and land settlement aid.	Vocational training.	Cash.	Total.
1923.....	\$13,265,889	\$22,500,000	\$31,675,000	\$10,000,000	\$77,440,889
1924.....	19,927,729	47,250,000	20,000,000	5,000,000	92,177,729
1925.....	21,950,962	49,500,000	650,000	1,000,000	73,100,962
1926.....	289,229,885	81,000,000			370,229,885
1927.....	61,212,215	87,750,000			148,962,215
1928.....	43,064,284	94,500,000			137,564,284
1929.....	62,251,417	29,925,000			92,176,417
1930.....	36,372,940				36,372,940
1931.....	25,466,117				25,466,117
1932.....	21,955,771				21,955,771
1933.....	18,508,421				18,508,421
1934.....	18,788,137				18,788,137
1935.....	19,136,157				19,136,157
1936.....	19,488,037				19,488,037
1937.....	27,405,210				27,405,210
1938.....	27,854,752				27,854,752
1939.....	28,409,290				28,409,290
1940.....	13,991,518				13,991,518
1941.....	-7,783,804				-7,783,804
1942.....	-104,498,263				-104,498,263
Total to 1943.....	655,991,670	412,425,000	52,325,000	16,000,000	1,136,741,670
1943 to 1969.....	2,708,917,811				2,708,917,811
Total.....	3,364,909,481	412,425,000	52,325,000	16,000,000	3,845,659,481

Mr. ROBINSON. Mr. President, the Senator from North Dakota indicated at the beginning of his remarks his desire not to be interrupted. He has just made a forceful and comprehensive presentation of the issues involved in the pending bill.

During the course of his remarks the Senator from North Dakota assured the Senate that the time is near when this bill will become a law. He reviewed the history of the delays which have occurred since the bill was first considered by the Congress, and recalled the pledges the President made during his campaign in connection with the subject, giving the Senate assurance that the bill will become law.

When the President appeared before the Senate a year ago and urged delay in the legislation he justified his position on financial considerations. The Senator from North Dakota has discussed that aspect of the case fully and clearly.

For many months the press of the Nation has indicated a belief that there is in the mind of the Chief Executive a purpose to veto this bill unless it carries with it a specific measure or method for raising the revenue necessary to meet the obligations which it imposes. The remarks which the Senator made during the course of his very able address indicated a conviction upon the part of the Senator from North Dakota that the Chief Executive will not exercise the veto power in the event the bill passes the Senate.

I inquire of the Senator from North Dakota, with no disposition or desire whatever to embarrass him, whether he has any information on the subject which he is prepared to submit to the Senate and to the country as to whether, in the event this bill passes as proposed by the Finance Committee, with no provision in it for raising the funds necessary to meet the expenditures which it contemplates, it will probably encounter a presidential veto?

Mr. McCUMBER. Mr. President, I have no information whatever as to what the President will do. All I can say is that the conditions which actuated, or seemed to actuate, both the President and the Secretary of the Treasury in 1921 no longer exist, and the change in the bill under which there is only a small sum to be paid each year for the next three years would seem to me to meet every objection which the President and the Secretary then urged against it. I can see no reason why the President should veto this bill as it is drawn.

Mr. ROBINSON. Mr. President, during the course of his address the Senator from North Dakota discussed the question relating to the ability of the Government to meet the payments contemplated by the bill without any necessity for a specific tax levy for that purpose, and I regret that so few Senators remained in the Chamber to hear the Senator's discussion. It leads me to this conviction, that in all probability little is to be accomplished by a prolonged debate in the Senate respecting this subject. Senators have had three years to deliberate upon it. Some of them apparently have found occasion and justification for changing their conclusions and their decisions respecting it, but the Senator from North Dakota has this afternoon demonstrated the fact that their is nothing in the financial condition of the Government of the United States that justifies either a further postponement of this legislation or an Executive veto.

When the President was before the Senate a year ago and asked delay for the reasons he then stated, it was asserted by some of us here that that movement was attributable to a powerful and organized effort upon the part of great financial influences to encompass the defeat of adjusted-compensation legislation through the influence of propaganda, deliberately and systematically conducted in the press of the Nation, and through other methods. Never in the history of this country has any measure been subjected to more deliberate, more powerful, more well-directed influence in opposition.

Mr. WALSH of Massachusetts. And it has not ceased. Mr. ROBINSON. As suggested by the Senator from Massachusetts, that propaganda is still in progress, still gathering force and volume. Certainly the time has come when the Senate of the United States should make final disposition of this bill. It ought to have been disposed of in the beginning.

If the Government of the United States owes consideration to the men who uplifted into light on foreign battle fields the flag of this Republic and carried it to victory, that obligation ought not to be discredited, ought not to be repudiated, ought not to be grudgingly discharged. It ought to be met promptly, cheerfully, gratefully. It ought to have been met a year ago.

Say what you please, print what you please, there is a feeling in the breasts of those who represent the ex-service men of the country that the authorities of the United States and the organized representatives of the wealth of the Nation are growing increasingly ungrateful of their services, rendered under circumstances, as set forth by the Senator from North Dakota, that ought to attract the unbounded, the uncompromising, the undying, and enthusiastic gratitude of the people of this Nation.

Mr. BURSUM. Mr. President, I offer an amendment to the bill, which I ask to have printed and lie on the table.

The PRESIDENT pro tempore. The proposed amendment will be printed and lie on the table.

Mr. ASHURST. Mr. President, I have a letter which I received from the national commander of the Disabled Veterans of the World War. I ask that the Secretary may read the same.

The PRESIDENT pro tempore. Without objection, the Secretary will read the communication presented by the Senator from Arizona.

The reading clerk read as follows:

THE DISABLED AMERICAN VETERANS OF THE WORLD WAR,  
Washington, August 22, 1922.

Hon. HENRY F. ASHURST,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: As the national commander of the Disabled American Veterans of the World War, I wish to inform you officially that at the annual encampment of the Disabled American Veterans of the World War, held recently, resolutions were adopted unanimously calling upon the Congress to enact the adjusted compensation bill.

The Disabled Veterans of the World War have a membership of 120,000 men, which includes a majority of the soldiers, sailors, and marines who have survived the disabilities received during the fighting.

Speaking for the disabled veterans, I wish to state that service men of the true stripe—whether disabled or not—stick together. They stuck together over there, and they have done so over here. Before our own organization of disabled was banded together the American Legion, practically alone, fought our battles with Government incompetence and neglect.

Since the adjusted compensation bill has become an important issue before the country, organizations and individuals who profited much during the halcyon days of war contracts have suddenly evidenced an acute interest in our welfare.

They say America is not rich enough, big enough, and strong enough to pay what we owe to our soldiers who gave only their time, their opportunity of war profits—who risked only their lives for their country. They say, by inference, should we do justice to the well, we can not care for the wounded.

I wish to say to you, Mr. Senator, that the disabled soldiers do not believe this.

The country has demonstrated that it has had sufficient to pay an adjustment of compensation to the Federal employees, to the Regular Army and Navy, to the railroad, and to the war contractors.

Has the Congress of the United States exhausted its country's resources on these, so it must tell its soldiers that peace hath its victories greater than war's; that service is more sure of recognition in the factory than in the trench?

The impending passage of the adjusted compensation bill has at last awakened the war profiteer, the man of large business and swollen income, to the plight of the disabled. That is a good thing to happen at last, and it took the adjusted compensation bill to do it. And the war cripples needed the assistance of these as much three years ago as they do now.

But these business men and organizations—where were they when the Legion was fighting for the passage of the hospital bills and for other legislation for the aid of the disabled soldiers? At no time that I can recall has the Chamber of Commerce of the United States officially appeared before a senatorial or congressional committee to ask for relief for the disabled.

Yet the interests who profited most during the war are now banded together in a concerted effort—a tremendous effort—these people who heretofore had forgotten the war-wrecked young manhood of the Nation except to speak of their plight with sympathy on proper occasions—they are now striving to impress the Senate with their power and their desire to defeat the compensation bill.

And they are trying to make it appear that the disabled oppose this just bill.

It is the belief of the disabled war veterans that the men whose profit was greatest and whose risk was nothing during the war should at least have the grace now to stand aside in favor of the men who risked all and sought nothing but the safety of their country.

I have come down to Washington to help put an end to the bogey that the disabled soldier opposes adjusted compensation. This false argument has been used long enough.

I have joined Commander MacNider, of the Legion, here so that all may know that we are standing firmly behind him and his organization.

The disabled soldiers want their buddies to receive justice, and they want the Senate of the United States to know that they want the adjusted compensation bill passed, and passed without further delay.

Yours very truly,

C. HAMILTON COOK,  
National Commander D. A. V. of W. W.

The PRESIDENT pro tempore. The bill having been reported from the Committee on Finance with amendments, the Secretary will report the first committee amendment.

The first amendment of the Committee on Finance was, under the subhead "Application by veteran," on page 7, after line 4, to strike out "(b) Such application shall be made on or before July 1, 1923, and if not made on or before such date shall be held void; but if application for land settlement aid is made on or before such date, the time for receiving the credits and exercising the preferences provided for in Title VIII shall be as specified in such title," and in lieu thereof to insert:

(b) Such application may be made at any time after the passage of this act.

The amendment was agreed to.

The next amendment was, under the subhead "Proof of veteran's choice of plan," on page 8, line 5, after the word "the," to strike out "National Veterans' Settlement Board" and to insert "Secretary of the Interior," so as to read:

SEC. 303. (a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the Secretary of the Treasury, if the veteran has chosen an adjusted service certificate, or to the Director of the United States Veterans' Bureau if the veteran has chosen vocational training aid, or to the Secretary of the Interior if the veteran has chosen farm or home aid or land settlement aid, a certificate setting forth—

The amendment was agreed to.

The next amendment was, on page 8, line 12, after the word "officer," to strike out "or board," so as to read:

(b) Upon receipt of such certificate the officer to which it is transmitted shall proceed to extend to the veteran the benefits conferred by the plan chosen, as provided for in this act.

The amendment was agreed to.

The next amendment was, under the subhead "Publicity," on page 9, line 3, after the word "officer," to strike out "or board," and in line 8, after the word "officer," to strike out "or board," so as to read:

(b) The officer having charge of the administration of any plan or part thereof enumerated in section 301 shall transmit to the Secretary of War and the Secretary of the Navy as soon as practicable after the passage of this act full information and explanations as to the matters of which such officer has charge, which shall be considered by the Secretary of War and the Secretary of the Navy in preparing the publications referred to in subdivision (a).

The amendment was agreed to.

The next amendment was, under the subhead "Reports," on page 10, line 7, after the word "officer," to strike out "or board," so as to read:

SEC. 307. Any officer charged with the administration of any plan under this act, or of any part thereof, shall make a full report to Congress on the first Monday of December of each year.

The amendment was agreed to.

The next amendment was, under the head "Title V.—Adjusted service certificates," on page 12, line 14, after the words "as of," to strike out "October 1, 1922," and to insert "the 1st day of January or July (whichever first occurs) next succeeding the date of filing the application, but in no case before January 1, 1923"; in line 21, after the word "certificate," to strike out "has been," and to insert "is"; in line 22,

after the word "veteran," to strike out "on September 30, 1942," and to insert "20 years after the date of the certificate"; and in line 24, after the word "prior," to strike out "thereto" and to insert "to the expiration of such 20-year period," so as to make the section read:

SEC. 501. The Secretary of the Treasury, upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 303, is hereby directed to issue without cost to the veteran designated therein an adjusted service certificate (hereinafter in this title referred to as a "certificate") of a face value equal to the sum of (1) the adjusted service credit of the veteran increased by 25 per cent, plus (2) interest thereon for 20 years at the rate of 4½ per cent per annum, compounded annually (such amount being approximately equal to 3.015 times the adjusted service credit of the veteran). The certificate shall be dated, and all rights conferred under the provisions of this title shall take effect as of the 1st day of January or July (whichever first occurs) next succeeding the date of filing the application, but in no case before January 1, 1923. The veteran shall name the beneficiary of the certificate and may from time to time, with the approval of the Secretary of the Treasury, alter such beneficiary. The amount of the face value of the certificate (unless the certificate is canceled as hereinafter in this title provided) shall be payable (1) to the veteran 20 years after the date of the certificate, or (2) upon the death of the veteran prior to the expiration of such 20-year period, to the beneficiary named; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, the amount of the face value of the certificate shall be paid to the estate of the veteran.

The amendment was agreed to.

The next amendment was, on page 13, line 5, after the word "before," to strike out "October 1, 1925," and to insert "January 1, 1926," so as to make the subhead read:

Loan privileges before January 1, 1926.

The amendment was agreed to.

The next amendment was, on page 13, at the beginning of line 8, to insert "holding a certificate," and in the same line after the word "to," to strike out "September 30, 1925," and to insert "January 1, 1926," so as to read:

SEC. 502. (a) A loan may be made to any veteran holding a certificate prior to January 1, 1926, upon his adjusted service certificate only in accordance with the provisions of this section.

The amendment was agreed to.

The next amendment was, on page 13, line 19, after the word "before," to strike out "September 30, 1925," and to insert "December 31, 1925," so as to read:

(b) Any national bank, or any bank or trust company incorporated under the laws of any State, Territory, possession, or the District of Columbia (hereinafter in this section called "bank"), is authorized to loan to any veteran upon his promissory note secured by his adjusted service certificate (with or without the consent of the beneficiary thereof) any amount not in excess of 50 per cent of the loan basis (as defined in subdivision (f) of this section) of the certificate, such loan to mature on or before December 31, 1925. The rate of interest charged upon the loan by the bank shall not exceed, by more than 2 per cent per annum, the rate charged at the date of the loan for the discount of commercial paper under section 13 of the Federal Reserve Act, by the Federal Reserve bank for the Federal Reserve district in which the bank is located. Any bank holding a note for a loan under this section, secured by a certificate (whether the bank originally making the loan or a bank to which the note and certificate have been transferred) may sell the note to, or discount or rediscount it with, any bank authorized to make a loan to a veteran under this section, and transfer the certificate to such bank. In case the note is sold the bank making the sale shall promptly notify the veteran.

The amendment was agreed to.

The next amendment was, on page 14, line 11, after the word "before," to strike out "September 30, 1925," and to insert "December 31, 1925"; in line 12, after the word "after," to strike out "March" and to insert "June"; in line 14, after the word "than," to strike out "May 30, 1925," and to insert "August 31, 1925"; in line 15, after the word "than," to strike out "October 15, 1925," and to insert "January 15, 1926"; in line 16, after the word "note," to strike out "and the certificate"; and in line 20, after the word "bank," to strike out "The difference between 80 per cent of the loan basis of the certificate at the time of its receipt by the Secretary and the amount so paid to the bank shall be immediately paid by the Secretary to the veteran, if living. If the veteran dies before such difference can be paid to him, it shall be paid to the beneficiary under the certificate; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, then the payment shall be made to the estate of the veteran" and in lieu thereof to insert: "The Secretary shall restore the certificate to the veteran at any time prior to its maturity upon receipt from him of (1) the amount paid by the United States to the bank in cancellation of his note and (2) interest on such amount from the time of such payment to the date of such receipt, at 4½ per cent per annum, compounded annually," so as to read:

(c) If the veteran does not pay the principal and interest of the loan within six months after its maturity (or on or before December 31, 1925, if the loan matures on or after June 30, 1925), the bank holding the note and certificate shall present them to the Secretary of the Treasury not earlier than August 31, 1925, and not later than



January 15, 1926. The Secretary shall thereupon cancel the note and pay to the bank the amount of the unpaid principal due it, and the unpaid interest accrued, at the rate fixed in the note, up to the date of the check issued to the bank. The Secretary shall restore the certificate to the veteran at any time prior to its maturity upon receipt from him of (1) the amount paid by the United States to the bank in cancellation of his note and (2) interest on such amount from the time of such payment to the date of such receipt, at 4½ per cent per annum, compounded annually.

The amendment was agreed to.

The next amendment was, on page 15, line 16, after the word "after," to strike out "March 30, 1925," and to insert "June 30, 1925"; and in line 18, after the word "before," to strike out "October 1, 1925" and to insert "January 1, 1926," so as to read:

(d) If the veteran dies before the maturity of the loan the amount of the unpaid principal and the unpaid interest accrued up to the date of his death shall be immediately due and payable. In such case, or if the veteran dies on the day the loan matures or within six months thereafter, or, in case the loan matures on or after June 30, 1925, if he dies on or after the day the loan matures but before January 1, 1926, the bank holding the note and certificate shall, upon notice of the death, present them to the Secretary, who shall thereupon cancel the note (but not the certificate) and pay to the bank, in full satisfaction of its claim, the amount of the unpaid principal and unpaid interest, at the rate fixed in the note, accrued up to the date of the check issued to the bank; except that if, prior to the payment, the bank is notified of the death by the Secretary of the Treasury and fails to present the certificate and note to the Secretary within 15 days after the notice, such interest shall be only up to the 15th day after such notice. The Secretary shall deduct the amount so paid from the face value (as determined under section 501) of the certificate and pay the remainder in accordance with the provisions of section 501.

The amendment was agreed to.

The next amendment was, on page 16, line 14, after the word "from," to strike out "October 1, 1922" and to insert "the date of the certificate," so as to read:

(f) The loan basis of any certificate at any time shall, for the purposes of this section, be the amount of the adjusted service credit, plus interest thereon, from the date of the certificate to such time, at the rate of 4½ per cent per annum, compounded annually.

The amendment was agreed to.

The next amendment was, on page 17, line 8, after the word "after," to strike out "September 30, 1925" and to insert "January 1, 1926," so as to make the subhead read:

Loan privileges after January 1, 1926.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to strike out:

(b) If the veteran fails to make any payment when due, and such default continues for the period of one year, thereupon the Secretary of the Treasury shall declare the certificate of the veteran to be forfeited and cancel and surrender the note to the veteran; but if the Secretary of the Treasury subsequently finds any such certificate was forfeited by mistake, or under any misapprehension of fact, he shall reinstate the same upon payment of the amount then due the Government on the loan, and upon the receipt of a new note from the veteran on the same terms as the original note for the remaining amount due.

The amendment was agreed to.

The next amendment was, on page 19, after line 13, to strike out:

(c) If the veteran is in default and his certificate is forfeited, when he has borrowed an amount less than the maximum authorized under either subdivision (a) or (b) of section 505, the Secretary of the Treasury shall pay to him 80 per cent of the difference between what he has borrowed and the maximum which he was authorized to borrow under either subdivision (a) or (b) of section 505. If the veteran dies before such 80 per cent can be paid to him, it shall be paid to the beneficiary under the certificate; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, then the payment shall be made to the estate of the veteran.

The amendment was agreed to.

The next amendment was, on page 20, after line 2, to insert:

(b) If the veteran fails to make any payment when due, the Secretary of the Treasury at any time prior to the maturity of the certificate shall cancel the note and restore the certificate to the veteran, upon the receipt of all installments in arrears, together with interest at 4½ per cent per annum, compounded annually, upon each such installment from the time when due.

The amendment was agreed to.

The next amendment was, on page 20, line 10, after the word "No," to strike out "Government"; in the same line, after the word "made," to insert "by the United States"; and in line 11, after the words "prior to," to strike out "October 1, 1925," and to insert "January 1, 1926," so as to read:

SEC. 505. No loan shall be made by the United States upon any certificate prior to January 1, 1926. The amount of such loans to any one veteran outstanding at any time shall not exceed.

The amendment was agreed to.

The next amendment was, on page 20, after line 13, to strike out:

(a) If the loan is made on or after October 1, 1925, and before October 1, 1928, 85 per cent of the sum of (1) the adjusted service credit of the veteran plus (2) interest thereon, from October 1, 1922, to the date of the making of the loan, at the rate of 4½ per cent per annum, compounded annually, or.

The amendment was agreed to.

The next amendment was, on page 20, after line 19, to insert:

(a) If the loan is made on or after January 1, 1926, and at any time not more than three years after the date of the certificate, 50 per cent of the sum of (1) the adjusted service credit of the veteran plus (2) interest thereon from the date of the certificate to the date of the making of the loan, at the rate of 4½ per cent per annum, compounded annually; or.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to insert:

(b) If the loan is made at any time more than three years after and not more than six years after the date of the certificate, 85 per cent of the sum of (1) the adjusted service credit of the veteran plus (2) interest thereon from the date of the certificate to the date of the making of the loan at the rate of 4½ per cent per annum, compounded annually; or.

The amendment was agreed to.

The next amendment was, on page 21, at the beginning of line 10, to strike out "(b)," and to insert "(c)"; in the same line, after the word "made," to strike out "on or after October 1, 1928, and before October 1, 1942," and to insert "at any time more than six years after the date of certificate," and in line 14, after the word "from," to strike out "October 1, 1922," and to insert "the date of the certificate," so as to read:

(c) If the loan is made at any time more than six years after the date of certificate, 70 per cent of the sum of (1) the adjusted service credit of the veteran increased by 25 per cent plus (2) interest thereon from the date of the certificate to the date of the making of the loan, at the rate of 4½ per cent per annum, compounded annually.

The amendment was agreed to.

The next amendment was, on page 21, line 24, after the word "veteran," to strike out "or the forfeiture of his certificate" and to insert "before the maturity of the loan"; on page 22, line 2, after the word "and," to strike out "in case such loan has been canceled as a result of the death of the veteran"; and in line 7, after the word "made," to insert "and the remainder shall be paid by the Secretary of the Treasury to the beneficiary named, or if no beneficiary is named, to the estate of the veteran," so as to make the section read:

SEC. 507. In the case of the death of the veteran before the maturity of the loan, any Government loan made upon the certificate, and the note in respect thereto, shall be canceled; and the Secretary of the Treasury shall deduct the amount of the unpaid principal and interest of the loan from the amount of the face value of the certificate in respect to which the loan is made, and the remainder shall be paid by the Secretary of the Treasury to the beneficiary named, or if no beneficiary is named, to the estate of the veteran.

The amendment was agreed to.

The next amendment was, on page 22, line 15, after the numeral "302," to strike out "and before October 1, 1922," and insert "and before the issuance of a certificate to him"; and in line 18, after the word "to," to strike out "his estate" and to insert "the beneficiary named, or if no beneficiary is named, to the estate of the veteran," so as to make the section read:

SEC. 509. If the veteran dies after making application in accordance with the provisions of section 302 and before the issuance of a certificate to him, the amount of the adjusted service credit of the veteran shall be paid by the Secretary of the Treasury to the beneficiary named, or if no beneficiary is named, to the estate of the veteran.

The amendment was agreed to.

The next amendment was, on page 22, after line 20, to insert a new section, as follows:

SEC. 510. The certificate shall be canceled (a) if the veteran fails to redeem his certificate before its maturity, or (b) if he fails to make any payment when due and such default continues to his death.

The amendment was agreed to.

The next amendment was, under the head "Title VII.—Farm or Home Aid," on page 25, line 20; after the word "The," to strike out "National Veterans' Settlement Board created by Title VIII (hereinafter in this title referred to as the 'board')" and insert "Secretary of the Interior"; and on page 26, line 1, after the word "to," to strike out "his adjusted service credit increased by 25 per cent" and to insert "the following percentage of his adjusted service credit," so as to read:

SEC. 701. (a) The Secretary of the Interior upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 303, is hereby directed, on or after July 1, 1923, to pay to the veteran designated therein, in one payment or in installments, an amount equal to the following percentage of his adjusted service credit:

The amendment was agreed to.

The next amendment was, on page 26, after line 3, to insert:

One hundred per cent, if the payment or the first installment thereof is made during the calendar year 1923;

One hundred and five per cent, if the payment or the first installment thereof is made during the calendar year 1924;

One hundred and ten per cent, if the payment or the first installment thereof is made during the calendar year 1925;

One hundred and twenty per cent, if the payment or the first installment thereof is made during the calendar year 1926;

One hundred and thirty per cent, if the payment or the first installment thereof is made during the calendar year 1927; and

One hundred and forty per cent, if the payment is made during the calendar year 1928 or thereafter.

The amendment was agreed to.

The next amendment was, on page 26, line 18, after the word "home," to strike out "or a farm not selected under Title VIII"; and in line 20, after the word "farm," to insert "or to pay off indebtedness existing on such a home or farm prior to the date of the application by the veteran under section 302," so as to read:

(b) Such payment shall be made for the purpose, and only for the purpose, of enabling the veteran to make improvements on a city or suburban home, or to purchase or make payments on such a home or farm, or to pay off indebtedness existing on such a home or farm prior to the date of the application by the veteran under section 302.

The amendment was agreed to.

The next amendment was, on page 26, line 24, after the word "the," to strike out "board" and to insert "Secretary of the Interior"; on page 27, line 2, after the word "The," to strike out "board" and to insert "Secretary of the Interior"; in the same line, after the word "may," to insert "on his own motion, or"; and in line 3, after the word "veteran," to strike out "or on its own motion," so as to make the section read:

SEC. 702. No such payment shall be made unless and until the Secretary of the Interior has approved the purpose for which it is desired by the veteran, and has suitable assurance that the money will be expended for such purpose. The Secretary of the Interior may, on his own motion, or at the option of the veteran, make the payment directly to the vendor or other person to whom such payment is due from the veteran.

The amendment was agreed to.

The next amendment was, on page 27, at the end of line 7, to strike out "board" and to insert "Secretary of the Interior," and in line 10, before the word "board," to strike out "latter," so as to make the section read:

SEC. 703. For the purpose of enabling him to pass upon the desirability of the investment, the Secretary of the Interior may make use of the services of land bank appraisers of the Federal Farm Loan Board, to be designated by the board.

The amendment was agreed to.

The next amendment was, on page 27, line 14, after the word "the," to strike out "board" and insert "Secretary of the Interior," and in line 16, after the word "the," to strike out "board" and insert "Secretary of the Interior," so as to make the section read:

SEC. 704. (a) If the veteran dies, after making application in accordance with the provisions of section 302 for farm or home aid and before a contract has been entered into with the approval of the Secretary of the Interior, the amount of his adjusted service credit shall be paid by the Secretary of the Interior to his estate; but no such payment shall be made if the veteran has been separated from the military or naval forces under other than honorable conditions or discharged therefrom on account of his alienage.

The amendment was agreed to.

The next amendment was, on page 27, line 22, after the words "approval of the," to strike out "board" and insert "Secretary of the Interior," and in line 24, after the word "the," to strike out "board" and insert "Secretary of the Interior," so as to read:

(b) If before the veteran's death a contract has been entered into with the approval of the Secretary of the Interior, and payments under this title on such contract are still due, such payments shall be made by the Secretary of the Interior to the vendor or other person to whom such payments are due from the veteran.

The amendment was agreed to.

The next amendment was, under the head "Title VIII.—Land settlement," on page 28, after line 3, to strike out:

#### NATIONAL VETERANS' SETTLEMENT BOARD.

SEC. 801. (a) There is hereby established a board to be known as the "National Veterans' Settlement Board" (hereinafter in this title called the "board") and to be composed of five members, as follows:

(1) The Secretary of the Interior (hereinafter in this title called the "Secretary"), and

(2) Four members to be appointed by the President by and with the advice and consent of the Senate.

(b) No veteran retired for age or longevity of service from active service in the military or naval forces shall be eligible for appointment to, or remain eligible for membership upon, the board. Any vacancy in the office of an appointed member shall be filled in the same manner and under the same limitations as in the case of the original appointment.

(c) The Secretary shall be the executive and administrative officer to carry out the plans and purposes adopted by the board under the provisions of Title VII and of this title. The members of the board, except the Secretary, shall receive an annual salary of \$7,500. Of the members appointed to the board in the first instance, one shall be appointed for a term of two years, one for three years, one for four years, and one for five years. Their successors shall hold office for terms of five years; except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds.

The amendment was agreed to.

The next amendment was, on page 29, after line 5, to strike out:

#### ESTABLISHMENT OF PROJECTS.

SEC. 802. The board is hereby authorized to establish veteran settlement projects (hereinafter in this title called "projects") for the reclamation and settlement of lands by means of irrigation, drainage, or other manner or method of development and improvement thereof, including the building of necessary public roads within the projects.

Projects shall be selected by the board with a view to the development of one or more projects in each of the several States where the establishment of a project is feasible.

SEC. 803. (a) The board may by gift, purchase, deed in trust, or otherwise acquire lands suitable for any project; but no project shall be finally selected, and no lands shall be acquired by purchase, unless the price and other conditions of acquisition have been submitted to and approved by (1) the governor of the State in which the lands are located, (2) as to price only, a land bank appraiser to be designated by the Federal Farm Loan Board, and (3) the board. If the governor of the State fails to signify his approval or disapproval within such time as the board by regulation shall determine, the land commissioner, or if there is in the State no official of such title, then the agency which under the laws of the State is authorized to perform the functions ordinarily exercised by a land commissioner, may act in lieu of the governor.

(b) In case any project includes privately owned land, no construction work shall be commenced upon the project until the owners of all such land in the project have each conveyed or agreed to convey to the United States title to all land owned by him in excess of a farm unit as established for the project under the provisions of section 806.

(c) The Secretary (1) may withdraw from location, sale, settlement, entry, or other disposition and place under the control of the board, such unappropriated public lands as he deems necessary for any project, and (2) shall restore to public entry lands so withdrawn, if subsequently the board finds that such lands are not so required.

(d) The board may in its discretion contract with any irrigation or drainage district or other public corporation organized under the laws of the State in which the project is located to establish, develop, improve, and otherwise cooperate (in accordance with the provisions of this title) in the execution of, and the administration of the affairs of, any project comprising only the lands of such district or corporation.

The amendment was agreed to.

The next amendment was, at the top of page 31, to strike out:

#### COOPERATION WITH FEDERAL AND STATE AGENCIES.

SEC. 804. The board may, in executing the provisions of this title—  
(a) Make use of, cooperate with, and allot moneys appropriated for its use to, any existing agency of the Federal Government which agrees to act as the agent of the board. Such agency is hereby authorized, within the limits of the moneys allotted it and under the direction of the board, to perform work in connection with any project.

(b) Whenever a State provides funds to be expended by the board in the establishment, development, and improvement of any project within the State, the board may contract with the State, or any agency thereof designated by the governor, to cooperate with the board, to such extent as the board deems advisable in the work in connection with the project. The board may further establish a branch office in the State to administer matters arising in connection with projects in the State.

(c) Whenever a State provides not less than 25 per cent of the amount of the funds which are, in the opinion of the board, necessary to be expended by it in the establishment, development, and improvement of any project within the State, the board shall authorize the State, or any agency thereof designated by the governor, to undertake, subject to the general supervision of the board, (1) the selection, acquisition, and subdivision of lands for, and the improvement of farms within, any project, and (2) the development thereof after the project is open to settlement.

SEC. 805. So far as practicable, veterans shall be employed and their services utilized in the administrative and field work necessary to the establishment and development of any project by the board and all Federal agencies cooperating therewith. All contracts or other agreements of the board with any cooperating State or agency thereof shall contain a like stipulation. At the earliest practicable date each veteran so employed upon a project shall be allowed to select and shall be allotted, as hereinafter in this title provided, a farm unit upon which he may construct a dwelling and make other improvements.

The amendment was agreed to.

The next amendment was, on page 32, after line 14, to strike out:

#### ALLOTMENT AND SALE OF LANDS.

SEC. 806. (a) The board shall establish for each project or portion thereof (1) farm units of an acreage sufficient, in the opinion of the board, for cultivation by and the support of a family, and (2) farm worker's units of a small acreage sufficient, in the opinion of the board, for part-time cultivation by a farm worker's family.

(b) The board may set apart and reserve tracts within any project for use free from all charge for community and other public purposes, but the title to such lands shall remain in the United States. Whenever any such tract fails to be used for the purpose for which it was set apart and reserved, the board shall, after due notice and hearing, declare the tract forfeited to the United States. Such tract shall thereupon resume its original status.

(c) The board may establish town sites within any project and develop and sell lots therein, to veterans and repatriates only, under such regulations and upon such terms as it shall prescribe.

SEC. 807. (a) When used in this title, the term "repatriate" includes (1) any citizen of the United States who has served with the military or naval forces of any nation allied against the German Government or its allies without loss of citizenship, and (2) any former citizen of the United States who has so served with loss of such citizenship but has since been repatriated; except that such term shall not include a veteran or any individual who has separated from such forces under other than honorable conditions.

(b) Whenever in the opinion of the board farm units or farm workers' units within any project are available for settlement, the board shall give public notice and description thereof, together with a statement of the construction charges and other conditions incident thereto, and shall mail individual notices to any veteran whose name has been certified to the board under the provisions of section 303. The board shall allot a farm unit or a farm worker's unit to any such veteran or repatriate who applies therefor in such manner as the board shall by regulation prescribe. As between applicants, preference in making allotments shall be given, first, to a veteran who has been employed upon and who has rendered substantial service in the development of any project; and, second, to a veteran or repatriate who, in the opinion of the board, is least likely to fail in his enterprise or to cause the United States loss.



(c) The board shall allot farm units, farm worker's units, and town lots to veterans and repatriates only.

SEC. 808. (a) The cost of construction, including the purchase price of any lands acquired for the project, but excluding administrative expenses and the expenses of maintaining general offices and exercising general supervision over projects, shall be apportioned equitably among the farm units, farm worker's units, town lots, and other tracts within the project in proportion to the selling value of each unit, lot, or tract, and the total sale price of all lands within the project shall be fixed with a view of repaying the total of such construction cost of the project.

(b) Each allottee of a farm unit or farm worker's unit shall pay to the board such price as the board shall fix for the unit in pursuance of the provisions of subdivision (a) of this section; except that in case the allottee is a veteran there shall be deducted from such price the amount of his adjusted service credit.

(c) A veteran or repatriate may at his option, in lieu of payment in full at the time of entry, pay all balances due upon the purchase price for his unit upon an amortization plan by means of a fixed number of annual installments sufficient to cover (1) interest on the unpaid principal at the rate of 5 per cent per annum, and (2) such amount of the principal as will extinguish the debt within an agreed period not exceeding 25 years from the making of the contract of purchase. In the case of a veteran, the installments shall be so arranged that he will not be required to pay any installment until two years after the making of the contract of purchase. The board may in its discretion, whenever it is of the opinion that any emergency has caused default in the payment of any installment of the veteran or repatriate, postpone the payment of such installment until such date as it deems expedient. Such postponed payments shall continue to bear interest on the unpaid principal at the rate of 5 per cent per annum from the date of the contract of purchase. The board shall make such regulations as to residence upon, and use or cultivation of, units by a veteran or repatriate as in the opinion of the board will carry out the purpose of making the unit his permanent home.

SEC. 809. A patent or deed, as the case demands, shall immediately be issued to a purchaser who has paid the full price for his unit, and may be issued at any time more than five years after the date of purchase to any purchaser under the amortization plan who has met all payments then due from him to the board and has observed all conditions prescribed by regulations issued under the provisions of subdivision (c) of section 808. Each such patent or deed shall expressly reserve to the United States a prior lien on the land patented or deeded, superior to all other liens, claims, or demands whatsoever, for the repayment of all sums due or to become due to the board.

SEC. 810. (a) If the veteran dies after making application in accordance with the provisions of section 302 for land settlement aid and before having entered into a contract of purchase under section 808, the amount of his adjusted service credit shall be paid by the board to his estate, but no such payment shall be made if the veteran has been separated from the military or naval forces under other than honorable conditions or discharged therefrom on account of his alienage.

(b) If the veteran or repatriate dies previous to the completion of his contract of purchase, the successor by law to his interest in the land, if a widow or heir at law, may assume the contract of purchase. If the successor is other than a widow or heir at law, the balance due the board under the contract of purchase shall be due immediately and shall be paid the board within such time after the death of the veteran as the board shall by regulation prescribe.

SEC. 811. No lands within any project shall in any event become liable to the satisfaction of any debt contracted prior to the issue of the deed or patent therefor. No transfer, assignment, mortgage, or lease of the interest of any purchaser of a unit shall, unless approved by the board, be valid previous to the issue of the deed or patent for the land, or within five years after the date of purchase.

SEC. 812. Prior to the issue of a deed or patent, as the case may be, for any unit, lot, or tract within a project, such unit, lot, or tract shall be subject to taxation by any State, or political subdivision thereof, but only upon the appraised value of the owner's interest in the land and improvements thereon. If the owner fails to pay any such tax or assessment, the board is authorized to pay such tax or assessment and to include the amount of the payment, together with interest and penalties at the rate provided by law for delinquent taxes in the State in which the land is located, in the installments payable under the contract of purchase.

SEC. 813. Upon the default of any payment due to the board under, or upon the violation of, the provisions of subdivision (c) of section 808, or of section 810, 811, or 812, the interest of the purchaser in the unit shall revert to the United States free of all encumbrances, but subject to the right of the defaulting debtor, or any mortgagee, lien holder, judgment creditor, or subsequent purchaser, to redeem the land, within one year after the board gives notice of such default, by payment of all moneys due with interest at 8 per cent per annum from the date of default, and costs. The board, at its option, may cause the land to be sold at any time after such failure to redeem. From the proceeds of the sale the board shall retain all moneys due, with interest as provided, and costs. The balance of the proceeds, if any, shall be the property of the defaulting debtor or his assignee. In the case of sale after failure to redeem under this section, the board is authorized to bid in such land at not more than the amount in default, including interest and costs.

SEC. 814. In case a veteran has entered upon land reclaimed under the reclamation law, the board shall, upon application of the veteran, pay to the reclamation fund the amount of the adjusted service credit of the veteran, and the Secretary of the Interior shall thereupon credit such sum to the amount payable to the fund by the veteran.

The amendment was agreed to.

The next amendment was, one page 38, after line 22, to strike out:

RECEIPTS FROM PROJECTS.

SEC. 815. All moneys received by the board as payments in respect to lands within any project shall be covered into the Treasury of the United States as miscellaneous receipts; except that from such receipts shall be deducted the amounts required to make such repayment or reimbursement to any State or designated agency thereof, or to any district or other public corporation, as is necessary to carry into effect the provisions of subdivision (d) of section 803 and of subdivisions (b) and (c) of section 804.

The amendment was agreed to.

The next amendment was, on page 39, after line 7, to strike out:

APPLICABILITY OF RECLAMATION LAW.

SEC. 816. The board shall, so far as possible, in executing the provisions of this title, make use of existing agencies in the Department of the Interior and comply with the reclamation law in so far as such law is applicable and not inconsistent with the provisions of this title. Such reclamation law shall, for the purposes of this title, be deemed applicable to the reclamation of lands by drainage or by any other manner or method, as well as to reclamation by irrigation. This section shall not be construed to give the board any control over the disposition of moneys in the reclamation fund.

The amendment was agreed to.

The next amendment was, on page 39, after line 19, to strike out:

EFFECTIVE DATE.

SEC. 817. Sections 802 to 816, both inclusive, shall take effect on January 1, 1923.

The amendment was agreed to.

The next amendment was, on page 39, after line 22, to insert:

SEC. 801. On the opening of public or Indian lands to entry, or the restoration to entry of public lands theretofore withdrawn from entry, such opening or restoration shall, in the order therefor, provide for a period of not less than 60 days before the general opening of such lands to disposal, in which period veterans who have chosen the benefits of this title shall have a preferred right of entry under the homestead or desert land laws, if qualified thereunder, except as against prior existing valid settlement rights and as against preference rights conferred by existing laws or equitable claims subject to allowance and confirmation.

Such preference right to a veteran for such period shall also be accorded to him on all reclamation projects in existence at the time of the passage of this act, or hereafter established, whether such reclamation is made by irrigation, drainage, or other method.

Upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 303, approved by the Secretary of the Interior, there shall be paid by the Secretary of the Treasury, on or after July 1, 1923, to the veteran designated therein, in one payment or in installments, an amount equal to his adjusted service credit increased by 25 per cent. Such payment shall be made for the purpose, and only for the purpose, of enabling the veteran to make payments in connection with the lands as to which preference has been given under this section, or for the improvement of any such land, and shall be made only if the Secretary of the Interior has suitable assurance that the money will be expended for such purpose.

The amendment was agreed to.

The next amendment was, under the head "Title IX.—Miscellaneous provisions," on page 41, line 4, after the word "officers," to strike out "and boards," so as to read:

SEC. 901. The officers having charge of the administration of any of the provisions of this act are authorized to appoint such officers, employees, and agents in the District of Columbia and elsewhere, and to make such expenditures for rent, furniture, office equipment, printing, binding, telegrams, telephone, law books, books of reference, stationery, motor-propelled vehicles or trucks used for official purposes, traveling expenses and per diem in lieu of subsistence at not exceeding \$4 for officers, agents, and other employees, for the purchase of reports and materials for publications, and for other contingent and miscellaneous expenses as may be necessary efficiently to execute the purposes of this act and as may be provided for by the Congress from time to time. With the exception of such special experts as may be found necessary for the conduct of the work, all such appointments shall be made subject to the civil-service laws; but for the purposes of carrying out the provisions of section 305 such appointments may be made without regard to such laws until the services of persons duly qualified under such laws are available. In all appointments under this section preference shall, so far as practicable, be given to veterans.

The amendment was agreed to:

The next amendment was, on page 42, line 13, after the word "Navy," to insert "the Secretary of the Interior, and," and, in line 15, after the word "Bureau," to strike out the comma and the words "and the National Veterans' Settlement Board," so as to make the section read:

SEC. 904. The Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, and the Director of the United States Veterans' Bureau shall severally submit to Congress in the manner provided by law estimates of the amounts necessary to be expended in carrying out such provisions of this act as each is charged with administering, and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, amounts sufficient to defray such expenditures.

The amendment was agreed to.

The PRESIDENT pro tempore. This completes the action of the Senate on the committee amendments. The bill is as in Committee of the Whole, and open to further amendment.

MR. WADSWORTH. Mr. President, I do not desire to address the Senate upon this occasion on the bill itself, but I wish to put a question to the Senator in charge of the bill. In reading the bill over I encounter paragraph (e), on page 4, which commences on line 12 and reads:

(e) Any commissioned or warrant officer performing home service not with troops and receiving commutation of quarters or of subsistence—for the period of such service.

The insertion of a paragraph of that character in section 202, as I understand, is for the purpose of excluding from the benefits of this bill any commissioned officer who, while in the United States, drew commutation of quarters or subsistence. Of course, commissioned officers did not draw subsistence at that time. I should like to know, assuming for the purpose of the question only that this bill is a good one in principle, on



what basis or theory a commissioned officer sent to a detached place and drawing under the statute commutation of quarters should not be treated in exactly the same way as are other commissioned officers?

Mr. McCUMBER. The Senator will observe, on page 3, section 202, there is set forth a list of those who will not be entitled to compensation under this bill. The list includes:

(a) Any commissioned officer above the grade of captain in the Army or Marine Corps, lieutenant in the Navy, first lieutenant or first lieutenant of engineers in the Coast Guard, or passed assistant surgeon in the Public Health Service, or having the pay and allowances, if not the rank, of any officer superior in rank to any of such grades—in each case for the period of service as such;

(b) Any individual holding a permanent or provisional commission or permanent or acting warrant in any branch of the military or naval forces, or (while holding such commission or warrant) serving under a temporary commission in a higher grade—in each case for the period of service under such commission or warrant or in such higher grade after the accrual of the right to pay thereunder. This subdivision shall not apply to any noncommissioned officer;

(c) Any civilian officer or employee of any branch of the military or naval forces, contract surgeon, cadet of the United States Military Academy, midshipman, cadet of the Coast Guard, member of the Reserve Officers' Training Corps, member of the Students' Army Training Corps (except an enlisted man detailed thereto), Philippine Scout, member of the Philippine Guard, member of the Philippine Constabulary, member of the Porto Rico Regiment of Infantry, member of the National Guard of Hawaii, member of the insular force of the Navy, member of the Samoan native guard and band of the Navy, or Indian Scout—in each case for the period of service as such;

(d) Any individual entering the military or naval forces after November 11, 1918—for any period after such entrance;

(e) Any commissioned or warrant officer—

Mr. WADSWORTH. The Senator from North Dakota has just reached the paragraph about which I asked him. I understood about the others.

Mr. McCUMBER. I simply desire to show that there are a long list of those to whom under the provisions of the bill the committee of the House and the House itself by its vote indicated they did not intend should receive compensation, and amongst those are:

(e) Any commissioned or warrant officer performing home service not with troops and receiving commutation of quarters or of subsistence for the period of such service.

Of course, that exception is based on the assumption that the commutation gave such officers that much greater return for their service.

Mr. WADSWORTH. I assume that the Senator from North Dakota knows that all officers in the war received commutation of quarters under the law. The bill, therefore, makes no remarkable distinction in that respect.

Mr. McCUMBER. Yes; but the exception applies to commissioned and warrant officers performing home service not with troops.

Mr. WADSWORTH. Yes; but they received commutation of quarters, whether they were with troops or not.

Mr. McCUMBER. In other words, if the Senator will observe, this is to take care of those who were made officers by the thousands and who served here in the department, doing merely clerical work, and such officers as might have been detailed from time to time to perform work of that character. I do not know how many of them there were, but undoubtedly that was the reason for the exemption.

Mr. WADSWORTH. It is very easy for the Senator from North Dakota to characterize by a wave of his hand thousands and thousands of officers who in large measure were compelled to do this kind of work who would have much preferred to have gone abroad.

Mr. McCUMBER. I assume that most of them would.

Mr. WADSWORTH. This bill, as I understand, will give to any second lieutenant or first lieutenant or captain who served in the United States at a camp with troops the benefits of the proposed act, but it will deny to any lieutenant or first lieutenant or captain who was ordered to a place other than a camp at which troops were situated and who was compelled to do duty of the kind such as was needed to be performed the benefits of this act. I wish to know why?

Both classes of officers drew commutation of quarters, both those serving with troops and those serving away from troops; they were both treated exactly alike in the statute and the pay schedules. Why differentiate between them now?

Mr. FLETCHER. May I ask the Senator from New York about how many of the warrant officers there would be?

Mr. WADSWORTH. There were very few warrant officers. There was no such thing as a warrant officer in the Army of the United States at that time except in the Army mine-planter service, where, I think, there were somewhere in the neighborhood of—well, I could not say how many emergency warrant officers there were; there were not over a hundred or so in the Regulars, but, of course, the Regulars are left out of this bill.

Mr. FLETCHER. I thought there were very few warrant officers who would be affected by the proposal.

Mr. WADSWORTH. I am speaking of commissioned officers; and I assume the committee had a special reason for making this exemption.

Mr. FLETCHER. Can the Senator from New York state how many commissioned officers would be affected?

Mr. WADSWORTH. Hundreds and hundreds of young men who, according to the theory of the bill, should have their compensation adjusted just as much as the young men who served with troops in the United States and did not go abroad. They made exactly the same sacrifices; they had to live on exactly the same salary. I am wondering why the distinction.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and is open to further amendment.

Mr. BURSUM. I offer the amendment which I send to the desk in the nature of a substitute, and ask that it may be read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Mexico will be stated.

The READING CLERK. It is proposed to strike out all of the enacting clause, and in lieu thereof to insert the following:

Amendment in the nature of a substitute proposed by Mr. BURSUM to the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, viz: Strike out all after the enacting clause and insert in lieu thereof the following:

#### TITLE I.—DEFINITIONS.

SECTION 1. That this act may be cited as the World War adjusted compensation act.

SEC. 2. That, as used in this act—

(a) The term "veteran" includes any individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage;

(b) The term "oversea service" means service on shore in Europe or Asia, exclusive of China, Japan, and the Philippine Islands; and service afloat, not on receiving ships; including in either case the period from the date of embarkation for such service to the date of disembarkation on return from such service, both dates inclusive;

(c) The term "home service" means all service not oversea service;

(d) The term "adjusted service credit" means the amount of the credit computed under the provisions of Title II; and

(e) The term "person" includes a partnership, corporation, or association, as well as an individual.

#### TITLE II.—ADJUSTED SERVICE CREDIT.

SEC. 201. That the amount of adjusted service credit shall be computed by allowing the following sums for each day of active service in excess of 60 days in the military or naval forces of the United States after April 5, 1917, and before July 1, 1919, as shown by the service or other record of the veteran: One dollar and twenty-five cents for each day of oversea service and \$1 for each day of home service; but the amount of the credit of a veteran who performed no oversea service shall not exceed \$500, and the amount of the credit of a veteran who performed any oversea service shall not exceed \$625.

SEC. 202. That in computing the adjusted service credit no allowance shall be made to—

(a) Any commissioned officer above the grade of captain in the Army or Marine Corps, lieutenant in the Navy, first lieutenant or first lieutenant of engineers in the Coast Guard, or passed assistant surgeon in the Public Health Service, or having the pay and allowances, if not the rank, of any officer superior in rank to any of such grades—in each case for the period of service as such;

(b) Any individual holding a permanent or provisional commission or permanent or acting warrant in any branch of the military or naval forces, or (while holding such commission or warrant) serving under a temporary commission in a higher grade—in each case for the period of service under such commission or warrant or in such higher grade after the accrual of the right to pay thereunder. This subdivision shall not apply to any noncommissioned officer;

(c) Any civilian officer or employee of any branch of the military or naval forces, contract surgeon, cadet of the United States Military Academy, midshipman, cadet of the Coast Guard, member of the Reserve Officers' Training Corps, member of the Students' Army Training Corps (except an enlisted man detailed thereto), Philippine Scout, member of the Philippine Guard, member of the Philippine Constabulary, member of the Porto Rico Regiment of Infantry, member of the National Guard of Hawaii, member of the insular force of the Navy, member of the Samoan native guard and band of the Navy, or Indian Scout—in each case for the period of service as such;

(d) Any individual entering the military or naval forces after November 11, 1918—for any period after such entrance;

(e) Any commissioned or warrant officer performing home service not with troops and receiving commutation of quarters or of subsistence—for the period of such service;

(f) Any member of the Public Health Service—for any period during which he was not detailed for duty with the Army or Navy;

(g) Any individual granted a farm or industrial furlough—for the period of such furlough; or

(h) Any individual detailed for work on roads or other highway construction or repair work—for the period during which his pay was equalized to conform to the compensation paid to civilian employees in the same or like employment, pursuant to the provisions of section 9 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.

SEC. 203. (a) The periods referred to in subdivision (e) of section 202 may be included in the case of any individual if and to the extent



that the Secretary of War and the Secretary of the Navy jointly find that such service subjected such individual to exceptional hazard. A full statement of all action under this subdivision shall be included in the reports of the Secretary of War and the Secretary of the Navy required by section 307.

(b) In computing the credit to any veteran under this title effect shall be given to all subdivisions of section 202 which are applicable.

(c) If part of the service is overseas service and part is home service, the home service shall first be used in computing the 60 days' period referred to in section 201.

(d) For the purpose of computing the 60 days' period referred to in section 201, any period of service after April 5, 1917, and before July 1, 1919, in the military or naval forces in any capacity may be included, notwithstanding allowance of credit for such period, or a part thereof, is prohibited under the provisions of section 202, except that the periods referred to in subdivisions (b), (c), and (d) of that section shall not be included.

(e) For the purposes of section 201, in the case of members of the National Guard or of the National Guard Reserve called into service by the proclamation of the President dated July 3, 1917, the time of service between the date of call into the service as specified in such proclamation and August 5, 1917, both dates inclusive, shall be deemed to be active service in the military or naval forces of the United States.

#### TITLE III.—GENERAL PROVISIONS.

##### OPTIONAL PLANS.

SEC. 301. (a) Each veteran shall have the right to avail himself of one or both of the following plans:

- (1) To receive "adjusted service pay," as provided in Title IV;
- (2) To receive "land purchase aid," as provided in Title VII.

(b) Each veteran shall have the right to avail himself of any one and only one of the following plans:

- (1) To receive "vocational training aid," as provided in Title V;
- (2) To receive "farm or home aid," as provided in Title VI.

##### APPLICATION BY VETERAN.

SEC. 302. (a) The veteran's choice among the plans enumerated in section 301 shall be made by application filed with the Secretary of War, if he is serving in, or his last service was with, the military forces; or with the Secretary of the Navy, if he is serving in, or his last service was with, the naval forces.

(b) Such application shall be made on or before July 1, 1923, and if not made on or before such date shall be held void.

(c) An application shall be made (1) personally by the veteran, or (2) in case physical or mental incapacity prevents the making of a personal application, then by such representative of the veteran and in such manner as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe. An application made by a representative other than one authorized by any such regulation shall be held void.

(d) The Secretary of War and the Secretary of the Navy shall jointly make any regulations necessary to the efficient administration of the provisions of this section.

##### PROOF OF VETERAN'S CHOICE OF PLAN.

SEC. 303. (a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the Secretary of the Treasury if the veteran is entitled to a certificate of indebtedness, or to the Director of the United States Veterans' Bureau if the veteran has chosen vocational training aid, or to the Secretary of the Interior if the veteran has chosen farm or home aid, a certificate setting forth—

- (1) That the applicant is a veteran;
- (2) His name and address;
- (3) The plan or plans chosen; and
- (4) The amount of his adjusted service credit.

(b) Upon receipt of such certificate the officer to which it is transmitted shall proceed to extend to the veteran the benefits conferred by the plan or plans chosen, as provided for in this act.

##### PUBLICITY.

SEC. 304. (a) The Secretary of War and the Secretary of the Navy shall, as soon as practicable after the passage of this act, jointly prepare and publish a pamphlet or pamphlets containing a digest and explanation of the provisions of this act, accompanied by such statements as to the comparative advantages of each of the plans enumerated in section 301 as may be of assistance to veterans in making their choice among such plans; and shall from time to time thereafter jointly prepare and publish such additional or supplementary information as may be found necessary.

(b) The officer having charge of the administration of any plan or part thereof enumerated in section 301 shall transmit to the Secretary of War and the Secretary of the Navy as soon as practicable after the passage of this act full information and explanations as to the matters of which such officer has charge, which shall be considered by the Secretary of War and the Secretary of the Navy in preparing the publications referred to in subdivision (a).

(c) The publications provided for in subdivision (a) shall be distributed in such manner as the Secretary of War and the Secretary of the Navy may determine to be most effective to inform veterans of their rights under this act.

##### STATISTICS.

SEC. 305. That immediately upon the passage of this act the Secretary of War and the Secretary of the Navy shall ascertain the individuals who are veterans as defined in section 2 and, as to each veteran, the number of days of overseas service and of home service, as defined in section 2, for which he is entitled to receive adjusted service credit; and their decisions shall not be subject to review by the General Accounting Office.

##### ADMINISTRATIVE REGULATIONS.

SEC. 306. That any officer charged with any function under this act shall make such regulations, not inconsistent with this act, as may be necessary to the efficient administration of such function.

##### REPORTS.

SEC. 307. That any officer charged with the administration of any plan under this act, or of any part thereof, shall make a full report to Congress on the first Monday in December of each year.

##### EXEMPTION FROM ATTACHMENT AND TAXATION.

SEC. 308. That no sum payable under this act to a veteran, or to his estate, and no certificate of indebtedness shall be subject to attachment, levy, or seizure under any legal or equitable process, or to National or State taxation.

##### UNLAWFUL FEES.

SEC. 309. That any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran in obtaining any of the benefits or privileges to which he is entitled under the provisions of this act shall, upon conviction thereof, be subject to a fine of not more than \$500, or imprisonment for not more than one year, or both.

##### TITLE IV.—ADJUSTED SERVICE PAY.

SEC. 401. That there shall be paid to any veteran, as soon as practicable after the receipt of an application in accordance with the provisions of section 302, and in addition to any other amounts due him in pursuance of law, 50 per cent of the amount of his adjusted service credit or 100 per cent of the amount of his adjusted service credit if, and only if, such credit is not more than \$50.

SEC. 402. (a) That payment shall be made by the Secretary of War if the veteran is serving in or his last service was with the military forces, and by the Secretary of the Navy if he is serving in, or his last service was with the naval forces.

(b) If there remains to the veteran any adjusted service credit after payment to him in accordance with the terms of section 401, the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the Secretary of the Treasury, in accordance with the provisions of section 303, a certificate which shall set forth in addition to the other requirements of such section the amount of such adjusted service credit which remains to such veteran.

SEC. 403. That the Secretary of the Treasury, upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 402, is hereby directed to issue without cost to the veteran designated therein a certificate of indebtedness of the face value equal to the sum of (1) the adjusted service credit of the veteran, plus (2) interest thereon for five years at the rate of 3½ per cent per annum. The certificate shall be dated and all rights conferred under the provisions of this title shall take effect as of October 1, 1923. The amount of the face value of the certificate of indebtedness shall be payable (1) to the veteran on September 30, 1928, or (2) upon the death of the veteran prior thereto to the estate of the veteran on September 30, 1928.

SEC. 404. That if the veteran dies after making application in accordance with the provisions of section 302 for adjusted service pay and before receiving payment, payment shall be made to his estate.

SEC. 405. That no right to adjusted service pay or to a certificate of indebtedness under the provisions of this act shall be assignable or serve as security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void. The Secretary of War and the Secretary of the Navy shall not pay the amount of adjusted service pay to any person other than the veteran or his estate or such representative of the veteran as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe.

##### TITLE V.—VOCATIONAL TRAINING AID.

SEC. 501. That the Director of the United States Veterans' Bureau (hereinafter in this title referred to as the director) upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 303, is hereby directed to pay to the veteran designated therein (if he is not receiving the benefits of the vocational rehabilitation act, as amended) the sum of \$1.75 for each day of his attendance (on or after January 1, 1923) on a course of vocational training previously approved by the director as suitable for such veteran. Such payments shall be made without deductions for Sundays, holidays, or vacations not exceeding two weeks in duration, or for absence for other cause which the director deems justifiable; but the total payment shall not exceed 140 per cent of the amount of the adjusted service credit of the veteran.

Payments under this section shall be made monthly, or at more frequent intervals, as the director may determine generally or in special cases.

SEC. 502. That the director shall establish such regulations as will insure the regular attendance of the veteran on his course of training, and no sum or sums shall be payable under this title unless the director has been furnished proof of such regular attendance. For each day of unjustifiable absence the veteran shall forfeit the sum payable for that day and shall receive no reimbursement for it in any other form.

SEC. 503. That if the payment under section 501 plus the amounts forfeited under section 502 is less than 140 per cent of the adjusted-service credit, either by reason of the duration of the course approved or by reason of the veteran's discontinuing, with the approval of the director, his attendance on his course of training, he shall be entitled to receive an amount equal to the difference between (1) his adjusted-service credit and (2) that proportion thereof which the payments made or accrued under section 501 plus the amounts forfeited under section 502 bear to 140 per cent of his adjusted-service credit: *Provided*, That from the amount thus computed there shall be deducted an amount equal to the sums forfeited under section 502.

SEC. 504. That if before the completion of the payments under this title the veteran is separated from the military or naval forces under other than honorable conditions or is discharged therefrom on account of his allegiance no further payments shall be made under this title.

SEC. 505. (a) If the veteran dies after making application in accordance with the provisions of section 302, and before any payments have been made or have accrued under this title, the amount of the adjusted-service credit of the veteran shall be paid by the director to his estate.

(b) If the veteran dies after the course of training has begun, his estate shall be paid by the director the same amount as would have been paid to the veteran under section 503, treating for such purposes the date of his death as the date of discontinuance of attendance on his course of training.

SEC. 506. (a) The director is hereby authorized to cooperate with State boards for vocational education in such manner as will secure their assistance in the approval of courses of training for veterans and their assistance in carrying out the provisions of this title.

(b) Whenever any State provides funds for assistance to veterans in attendance upon approved courses or provides for free tuition in approved educational institutions, the director is authorized and directed to cooperate with the State board for vocational education of such State in securing the maximum educational opportunities to veterans entitled to the benefits of this title.

##### TITLE VI.—FARM OR HOME AID.

SEC. 601. (a) The Secretary of the Interior (hereinafter in this title referred to as the "Secretary") upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 303, is hereby directed, on or after October 1, 1923, to pay to the veteran desig-



nated therein, in one payment or in installments, an amount equal to his adjusted service credit increased by 25 per cent.

(b) Such payment shall be made for the purpose, and only for the purpose, of enabling the veteran to make improvements on a city or suburban home or a farm, or to purchase or make payments on such a home or farm.

Sec. 602. No such payment shall be made unless and until the Secretary has approved the purpose for which it is desired by the veteran and has suitable assurance that the money will be expended for such purpose. The Secretary may, at the option of the veteran or on his own motion, make the payment directly to the vendor or other person to whom such payment is due from the veteran.

Sec. 603. For the purpose of enabling him to pass upon the desirability of the investment the Secretary may make use of the services of land-bank appraisers of the Federal Farm Loan Board to be designated by the board.

Sec. 604. (a) If the veteran dies, after making application in accordance with the provisions of section 302 for farm or home aid and before a contract has been entered into with the approval of the Secretary, the amount of his adjusted service credit shall be paid by the Secretary to his estate; but no such payment shall be made if the veteran has been separated from the military or naval forces under other than honorable conditions or discharged therefrom on account of his alienage.

(b) If before the veteran's death a contract has been entered into with the approval of the Secretary, and payments under this title on such contract are still due, such payments shall be made by the Secretary to the vendor or other person to whom such payments are due from the veteran.

#### TITLE VII.—LAND PURCHASE AID.

Sec. 701. That any veteran holding a certificate of indebtedness issued to him under the terms of section 403 may make a homestead entry upon any public lands of the United States subject to entry under the provisions of the homestead laws. After entry and upon application, a patent for such lands entered shall be granted to such veteran upon payment by him, as hereinafter provided, at the rate of \$1.25 per acre.

Sec. 702. That payment shall be made to the register and receiver of the local land office for the district in which such land is located, and such land shall not be patented to a veteran under the provisions of this title except upon payment by him with such certificate of indebtedness; but if the total cost of the land exceeds the face value of the certificate, payment of the remainder owing upon such land by such veteran shall be made upon such terms and conditions as the Secretary of the Interior may prescribe. If the face value of the certificate of indebtedness exceeds the total cost of the land, the register and receiver (1) shall accept such certificate as payment for the land, (2) shall compute the excess owing to the veteran, and (3) shall issue to the veteran a receipt for such certificate of indebtedness, upon which receipt shall be indorsed by such register and receiver the amount of the excess owing to the veteran.

Sec. 703. That such certificate of indebtedness, with a copy of the receipt issued to such veteran, shall be transmitted to the Secretary of the Interior by such register and receiver. The Secretary of the Interior shall cancel the certificate of indebtedness, and if there remains to such veteran any excess after deducting the total cost of the land from the amount of the face value of the certificate of indebtedness, he shall transmit a certificate to the Secretary of the Treasury in the manner provided in paragraph (b) of section 404, which shall state the amount of the excess.

Sec. 704. That upon receipt of such certificate the Secretary of the Treasury shall issue to such veteran a certificate of indebtedness of a face value equal to the sum of such excess which remains to the veteran. The certificate of indebtedness shall be dated to correspond to the date of the receipt issued to the veteran (as provided for in section 702); shall stipulate that such certificate can not be used for land purchase aid; and shall state that the amount of the face value of such certificate shall be payable only (1) to the veteran on September 30, 1928, or (2) upon the death of the veteran prior thereto, to the estate of the veteran on September 30, 1927.

#### TITLE VIII.—MISCELLANEOUS PROVISIONS.

Sec. 801. That the officers having charge of the administration of any of the provisions of this act are authorized to appoint such officers, employees, and agents in the District of Columbia and elsewhere, and to make such expenditures for rent, furniture, office equipment, printing, binding, telegrams, telephone, law books, books of reference, stationery, motor-propelled vehicles or trucks used for official purposes, traveling expenses, and per diem in lieu of subsistence at not exceeding \$4 for officers, agents, and other employees, for the purchase of reports and materials for publications, and for other contingent and miscellaneous expenses as may be necessary efficiently to execute the purposes of this act and as may be provided for by the Congress from time to time. With the exception of such special experts as may be found necessary for the conduct of the work, all such appointments shall be made subject to the civil-service laws; but for the purposes of carrying out the provisions of section 305 such appointments may be made without regard to such laws until the services of persons duly qualified under such laws are available. In all appointments under this section preference shall, so far as practicable, be given to veterans.

Sec. 802. That if any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Sec. 803. That whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate, or document made under the provisions of Title III, IV, V, VI, or VII, or of any regulation made under any such title, shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned not more than five years, or both.

Sec. 804. That the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Director of the United States Veterans' Bureau, and the Secretary of the Interior shall severally submit to Congress in the manner provided by law estimates of the amounts necessary to be expended in carrying out such provisions of this act as each is charged with administering, and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, amounts sufficient to defray such expenditures.

Sec. 805. That whenever it is deemed to be for the best interests of the United States, the Secretary of the Treasury, with the approval of the President, is authorized to sell any bonds or other obligations of any foreign government refunded or converted by the World War Foreign Debt Commission under authority of the act entitled "An act to create a commission authorized under certain conditions to refund or

convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, upon such terms and conditions as such Secretary may prescribe, and to apply the proceeds of such sales, and any payments received on account of the principal of such bonds and other obligations, to defray any expenditures incurred under the provisions of this act.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

The amendment was rejected.

Mr. BURSUM. Mr. President, was that the amendment that I offered?

The PRESIDENT pro tempore. The vote just taken was upon the amendment offered by the Senator from New Mexico.

Mr. BURSUM. Are we to have no debate upon it?

The PRESIDENT pro tempore. There can be debate upon it in the Senate.

Mr. WADSWORTH. I ask unanimous consent that the vote by which the amendment was apparently defeated be reconsidered.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent that the vote by which the amendment was rejected be reconsidered. Is there objection? The Chair hears none, and the vote is reconsidered. The question now is upon agreeing to the amendment.

Mr. BURSUM. Mr. President, I had intended to speak upon this amendment, and I had understood that other Senators desired to be heard on the bill, and I expected to speak upon it to-morrow. I ask that the amendment go over until to-morrow, when I can be heard upon it. Certainly the amendment is of such great importance that it ought to be considered by the whole Senate. It involves a distinctly different settlement from the provisions of the bill itself. The amendment would involve a saving to the country, in my judgment, if its principles are adopted, of something like \$3,000,000,000. Three billion dollars is not such a small affair that the Senate can not take a little time to consider it; and to dispose of the amendment without any consideration and without any debate would not be doing justice to it. I ask that the amendment go over until to-morrow, and be considered then.

The PRESIDENT pro tempore. The Senator from New Mexico asks unanimous consent that the amendment which he has proposed shall not be considered until to-morrow.

Mr. LENROOT. The Senator can accomplish the same purpose by withdrawing it.

Mr. BURSUM. I should only be willing to withdraw it provided the bill is not going to be pressed for a vote to-night.

Mr. McCUMBER. Mr. President, I understand that the Senator from Oregon [Mr. McNARY] wishes to present a matter that will take only a few minutes. We are getting very close to the usual time for adjourning, and if the Senator will ask to have the unfinished business temporarily laid aside, I shall not object.

Mr. McNARY. I ask that the unfinished business be temporarily laid aside for the purpose of taking up another bill.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the unfinished business, being the bill under consideration, shall be temporarily laid aside.

Mr. LENROOT. May I inquire what the bill is to which the Senator refers?

Mr. McNARY. It is a bill to protect the bee industry of the country. I can explain it in just a word.

Mr. LENROOT. I have no objection.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside.

#### IMPORTATION OF THE ADULT HONEYBEE.

Mr. McNARY. I ask unanimous consent for the present consideration of House bill 11396 to regulate foreign commerce in the importation into the United States of the adult honeybee. The bill has passed the House.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the Senate may proceed to the consideration of House bill 11396.

Mr. UNDERWOOD. Let it be read, Mr. President.

The PRESIDENT pro tempore. The Secretary will read the bill for the information of the Senate.

The reading clerk read the bill (H. R. 11396) to regulate foreign commerce in the importation into the United States of the adult honeybee (*Apis mellifica*), as follows:

*Be it enacted, etc.*, That, in order to prevent the introduction and spread of diseases dangerous to the adult honeybee, the importation into the United States of the honeybee (*Apis mellifica*) in its adult stage is hereby prohibited, and all adult honeybees offered for import into the United States shall be destroyed if not immediately exported: *Provided*, That such adult honeybees may be imported into the United States for experimental or scientific purposes by the United States Department of Agriculture: *And provided further*, That such adult honeybees may be imported into the United States from countries in which the Secretary



of Agriculture shall determine that no diseases dangerous to adult honeybees exist, under rules and regulations prescribed by the Secretary of Agriculture.

SEC. 2. That any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Oregon?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

CHIEF OF STAFF OF THE ARMY.

Mr. WADSWORTH. Mr. President, out of order I ask unanimous consent to report back favorably, from the Committee on Military Affairs, without amendment, House bill 11699.

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

Mr. WADSWORTH. I ask unanimous consent for the present consideration of the bill.

Mr. CURTIS. Let it be read.

Mr. WADSWORTH. Of course, the bill should be read to the Senate before the request is put.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of the bill just reported, which will be read for the information of the Senate.

The reading clerk read the bill (H. R. 11699) relating to the appointment of the Chief of Staff of the Army, as follows:

*Be it enacted, etc.,* That, notwithstanding other provisions of law touching eligibility for appointment and service as Chief of Staff, the present Deputy Chief of Staff may be appointed Chief of Staff, and when so appointed shall be eligible to serve as such for a period of four years unless sooner relieved.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

ADDRESS BY SENATOR KELLOGG.

Mr. RANDELL. I ask unanimous consent to have printed in the Record a very important address delivered by the junior Senator from Minnesota [Mr. Kellogg] at Duluth, Minn., on the 8th of this month, on the Great Lakes-St. Lawrence deep waterway. It is a highly interesting and instructive contribution to this very important subject. I ask that it be printed in 8-point type.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

SPEECH OF SENATOR FRANK B. KELLOGG ON THE GREAT LAKES-ST. LAWRENCE DEEP WATERWAY DELIVERED AT DULUTH AUGUST 8, 1922.

I came here to-day to urge the people of the Northwest to do everything in their power toward the consummation of one of the greatest projects ever conceived by the genius of modern times, and yet one obviously of such surpassing benefit to the whole people that it would seem it should be undertaken and carried to completion without a moment's delay.

De Lesseps built the Suez Canal, which linked the east with the west. It fell to the lot of the United States to realize the dream of the ages in the construction of a canal which linked the Atlantic with the Pacific. Since that memorable day of September 25, 1513, on which Balboa looked out upon the Pacific from the heights of the Isthmus, the search for a through route to the Orient has engaged the attention and stirred the imagination of men. For more than a hundred years past, the consummation of this project, the construction of a canal to link the two oceans, engrossed the leading nations of the world. There came a day when there was a man occupying the presidential chair, with vision, with determination, who saw clearly the pathway of duty and what it would mean to this country and to the world to accomplish this great object. He conceived and carried through the project. It has been and will be of inestimable value to the Nation as a whole and to all the nations of the world, in opening up a short route between the eastern and western coasts of North and South America and from western Europe to the Orient.

The point I desire to make here is this: That this was a great national project, not in the interest of any particular part of the country, but in the interest of the whole people. It is undoubtedly true that the Panama Canal is not directly a benefit to us in Minnesota and in the neighboring Central and

Western States. It only benefits us as it benefits the entire Nation. It has reduced the freight rates, I might say the distance, from the Atlantic to the Pacific coast, and it enables the coast cities like Boston, New York, Philadelphia, Baltimore, Charleston, and the whole country as far west as Buffalo and Pittsburgh, to get an advantage which we in the Northwest can not avail ourselves of. In fact, the Panama Canal has imposed a handicap on certain lines of interior production, and yet the West supported this project, paid its share of the taxes, western Members of Congress voted for it, and no one has ever been heard to suggest their action was regretted.

All we ask now is that the Nation as a whole heartily support the construction of another waterway improvement which will give the Central West the same facilities enjoyed by the South through the Gulf of Mexico and by the East and the western part of the country through the Panama Canal. We are now facing the problem of the construction of this canal, the consummation of this great plan which will open a deep waterway 1,500 miles into the heart of the continent, to the very center of agricultural and manufacturing production.

On the south of this country is the Gulf of Mexico, reaching all the ports for more than 1,000 miles into the rich land bordering upon the South. On the north is the chain of Great Lakes, unsurpassed in the opportunity they furnish for cheap transportation, reaching almost into the center of the United States and Canada. Only a comparatively short distance in the St. Lawrence River must be made navigable to bring ocean-going vessels from all parts of the world to Chicago, Milwaukee, Duluth, Superior, and other cities on the Lakes.

The growth and advancement of the civilizations of the world have followed the avenues of water transportation. In the Aegean Sea and the Adriatic, on the Mediterranean and the Nile, along the Bosphorus, in the North Sea, everywhere water transportation has played the most important part in the development and growth of national life. The British Empire owes its vast domain and national power to its ocean commerce. The same might be said to a lesser degree of all the western nations of Europe. I believe no other country in the world would for 130 years allow a great avenue of commerce like the Lakes to remain closed to the ships of all nations by a few miles of a river. Remember that ocean-going vessels now reach Montreal—that only 34 miles of canal and the improvement of 148 miles of river is necessary to open up an entire lake region, thereby connecting the deep-water transportation of the Lakes with the ocean and enabling ships of ocean size to run to Duluth and all the other lake ports and carry an enormous tonnage of freight.

We stop to think about the cost. Who to-day reckons the cost of the Panama Canal, which was \$400,000,000—a little more than one-tenth of the cost of running the Government for one year? The St. Lawrence Canal can be built for less than the United States Government has appropriated to aid in the building of roads since I have been in the Senate. The total cost of this project, as I will show, developing a water power that will ultimately pay for the entire improvement, is only about \$250,000,000; and if we paid two-thirds of it, this would be \$175,000,000 for the United States—not 10 per cent of the money the United States lost in operating the railroads in the two years and two months; and yet certain interests in a very limited part of the United States, principally in New York, are opposing this project because they believe that they will not be directly the beneficiaries of the improvement; that some of the commerce of the West will go by their doors, will not pay tribute to the port of New York. Had that attitude been taken by the Middle Western States it would have blocked the construction of the Panama Canal, and it is my firm belief that the prosperity of the city of New York is too much dependent upon the prosperity of the great West to, in the end, permit them to take such a provincial view of this subject. We are all proud of our great seaport and financial center. It is undoubtedly necessary to the proper development of the commerce and business of the whole country, but it is dependent upon that business and commerce. Western business interests, western farms, western manufacturers pay their tribute to New York, and when a national improvement of this kind is projected they are entitled to the support of the New York interests.

For a moment let us consider the nature of the country and the industrial development which this ocean canal is projected to reach. Along the great natural pathway of the Lakes lies one of the most magnificent agricultural areas in the world. The center of the food-producing section of the United States lies tributary to the western end of these Lakes. From Ohio to Colorado, from Missouri to Minnesota and North Dakota, is the valley of the Mississippi and the Ohio Rivers—of unsur-

passed fertility and marvelous production. It is peopled with a virile race of men and women, filled with wonderful cities and industrial centers. It appears by the report of the commission that the center of the wheat production of the United States is southeastern Nebraska; corn in Illinois; oats in southeastern Iowa; potatoes in Wisconsin; wool in Wyoming; swine in Illinois; cattle in Kansas; butter in Illinois; cheese in Wisconsin; farm acreage generally in central Missouri; farm values in Iowa; meat packing in Iowa; iron ore in Minnesota; and the largest manufacturing district lies along the Great Lakes from Duluth to Cleveland. Here alone in 1920, tributary to Chicago, was an agricultural, mineral, and manufacturing production of more than \$16,000,000,000, to say nothing about the production and commerce tributary to other places. Here is produced the most of our agricultural products which are exported to Europe in the form of wheat, flour, and meat products. Tributary to Lake Superior is produced 75 per cent of the iron ore which goes into the manufacture of the iron and steel products of the United States, and from Pittsburgh west to Chicago is produced the larger part of the manufactured articles of iron and steel. Here is produced all kinds of machinery, in the manufacture of which we have no peer in the world, and it is in those markets that we wish to sell our surplus.

I had the honor of supporting an amendment to the rivers and harbors bill of March 2, 1919, which directed the International Joint Commission to investigate what further improvement of the St. Lawrence River between Montreal and Lake Ontario was necessary to make the river navigable for ocean-going vessels, together with the estimated cost. Pursuant to a treaty existing between the United States and Canada and this act of Congress, the Governments of the United States and the Dominion of Canada submitted to the International Joint Commission and a board of engineers the question of what further improvement in the St. Lawrence River between Montreal and Lake Ontario was necessary to make the same navigable for deep-draft vessels of either the lake or ocean going type, what draft of water was recommended, and what was the estimated cost. A board of engineers of the two Governments was constituted to take charge of the surveys and examination.

The joint commission consisted of ex-Senators Clarence D. Clark, of Wyoming, and Marcus A. Smith, of Arizona, and Mr. Obadiah Gardner, of Maine, for the United States, and Charles A. Magrath, Henry A. Powell, and Sir William Hearst for Canada. The board of engineers was headed by W. P. Wooten, colonel, Corps of Engineers, United States Army, and W. A. Bowden, chief engineer of railways and canals, Canada. They gave to every phase of this subject very careful consideration and made an elaborate report, which was submitted by the President to the Congress.

I shall briefly review the conclusions and findings of the commission and board of engineers, but, for the moment, it is sufficient to say that the commissioners and the engineers unanimously conclude not only that the scheme is practical and wise but recommend that it be at once undertaken by the two Governments, and that the income from the power developed will ultimately pay for the entire project. The commissioners recommend that the first step to be taken is for the Governments of the United States and Canada to enter into an arrangement, by way of a treaty, for this scheme of improvement of the St. Lawrence River between Montreal and Lake Ontario. The President, through the Secretary of State, has proposed to the Canadian Government that the two Governments enter into a treaty for the improvement of the St. Lawrence River. The Canadian Government has replied that it deems the present time inopportune to take up the subject, but I believe it is only temporarily postponed and that there is no question that the two Governments will construct this deep waterway and power plant, which must be of inestimable value to the people of the whole Nation.

What is needed by the people of Minnesota—in fact, of the entire Northwest and of the Nation—is cheaper transportation, which must, to some extent, come through the development of our great waterways. During the war, when the Government took over the railroads and during Government operation, the cost of transportation was enormously increased as a result of this operation, freight rates being increased about 60 per cent and passenger rates nearly 50 per cent, and during this time the railroads were not improved and expanded to make them adequate to the demands of growing transportation needs. It is true that railroad rates are gradually coming down and have decreased on an average about 11 per cent, amounting to about \$500,000,000 per annum since private operation was resumed; but they are still high and impose an enormous burden especially on the farmers of the Middle West, and I know of no project—no improvement in transportation—that can possibly equal the

opening of this deep waterway to the very heart of the agricultural West.

The commission finds a fact which is known to everyone—that at various times for years there has been abnormal congestion on the railroads, which has cost the Nation hundreds of millions of dollars; that there is great congestion in the terminals at the Atlantic coast, like New York; that the transshipment charges at such terminals are unreasonable. In fact, I know from my own knowledge that for many years the cost of transshipping a bushel of wheat in the New York Harbor was greater than the entire cost of transportation from Duluth to Buffalo. It is a fact well known to everyone that it is impossible for the roads leading to the agricultural-producing West to adequately handle the export business through the ports of Boston, New York, and Baltimore. These places will always remain as the principal ports of entry and export for many of the products of the country, especially those higher priced and less bulky products of commerce. It is estimated by the commission—another fact which is well known—that it will require from one to two billion dollars' investment per annum to keep the railroads abreast the growing demands of the country, while this deep waterway can be constructed at a cost to both nations not exceeding \$252,000,000, and develop a water power which will ultimately pay the entire amount and cost of operation.

After stating that the great centers of agricultural and manufactured products are tributary to the Great Lakes, the commission finds that the Middle West and Western States are equipped in every way to take full advantage of the transportation facilities promised by the deep waterway for the development both of the Atlantic and Pacific seaboard of the United States and with overseas countries, and that we are almost compelled to seek this new outlet by reason of the fact that existing transportation agencies are inadequate to handle the situation; that the project is entirely feasible both from a transportation, commercial, and a physical standpoint; that the proposed depth of canal will accommodate the prevailing ocean-going vessels; that 81.45 per cent of all ocean-going vessels have a draft of 25 feet and less, and that 99.32 per cent have a draft of 30 feet and less, and it is only a few large ocean passenger ships which could not use the proposed canal and which would not in any event; that the fact that the canal would be open only seven and one-half months in the year is not an obstacle, because the Lake transportation is only open substantially the same time, and this fact, of course, is true of all other inland northern routes. It is true of the Erie Canal and of the route to Montreal, which is closed for four months of the year, and yet that city has become one of the great seaports of the Western Hemisphere. The opponents of this route also claim that the presence of icebergs and fogs makes it hazardous for ocean-going ships. This would apply to the route to Montreal, which is shown to be one of the safest and best routes. Everyone knows that there is just as much danger of icebergs and fogs off the Grand Banks in the route from New York as there is in the route to Montreal. The commission also finds, after very careful examination, that the further inland they can penetrate the greater will be the resulting economy and the more extensive the area benefited, and that the experience of other countries has developed that ocean-going ships may economically travel far inland. This is true notably in the Amazon, the Yangtze-Kiang, the Rhine, the Danube, the Columbia and Willamette, the Delaware, the lower Mississippi, and the St. Lawrence itself. It must be remembered that in England a ship canal was built to Manchester in order that ocean-going vessels might discharge their freight in this great manufacturing town. The rates of freight do not increase with the distance in the same way as they do with rail transportation, because there are no highway fixed charges and only the cost of operation to be considered. A notable example is that the freight rates from New York to Bombay are the same as from New York to Calcutta, though the latter port is 2,000 miles farther away and involves 90 miles of travel by a tortuous river channel much more difficult than the St. Lawrence.

When we stop to consider that the power, the wealth, and the influence of the British Empire were largely produced by its water commerce with the rest of the world, that ocean-going commerce has been the foundation of the rise of nations since the dawn of history, that we are a great surplus-producing country, with yet vast undeveloped resources, it is incomprehensible that such an avenue of water transportation, which could be built for so small a cost, should remain undeveloped.

We produce in Minnesota, Michigan, and Wisconsin probably 75 per cent of the iron ore used in the United States, and our manufactories are large and growing, yet Minnesota is and will be essentially an agricultural country and our products of grain,



flour, meats, butter, and cheese must reach not only the large eastern cities but Europe and Asia. What this means to the farmers of the great West is almost incomprehensible. When we realize that this fertile region may be placed upon a seaport the difference in rates of grain and flour alone by this route would mean millions of dollars annually to the Northwest, and the fact that we have a deep waterway reaching every port in the world means a potential power toward the growth of our cities and the country that we little realize to-day. Chicago, Milwaukee, Duluth, St. Paul, Minneapolis, and the country tributary already owe to a very large degree their growth to the Lake waterways, which would be very greatly enhanced by connecting the Lakes with the ocean.

As I stated before, the only opposition comes from New England and New York, principally from the latter place. The Associated Industries of Massachusetts passed a resolution endorsing the project, and I believe sentiment is generally growing in its favor throughout New England. The particular objection raised by New York is that it will make Chicago, Milwaukee, Duluth, and Superior deep-water ports and will take a certain amount of traffic away from the port of New York. They also claim that this would tend to build up Montreal as the seaport, and suggest that if a deep waterway is to be built, it should be entirely on American territory. The only suggestion they make is to use the Erie Barge Canal from Oswego to the Hudson River or build a canal from Lake St. Francis, 15 miles west of Montreal, to Lake Champlain, running through Lake Champlain to the Hudson Canal, improving the Hudson Canal and connecting with the Hudson River. It would hardly seem necessary to argue that these routes would not meet the demands, are probably prohibitive on account of the cost and engineering difficulties, and would not relieve the congestion of the New York port. They would be subject to all the objections which the New York interests raise to the St. Lawrence River, and many more. New York has already spent in the neighborhood of \$300,000,000 upon its canals and has a depth of only 12 feet, which would accommodate boats 150 feet long. What it would cost to deepen the barge canal from Lake Ontario to the Hudson River is problematical, but Col. Clark S. Smith, Corps of Engineers, reports that the cost would be staggering. Various engineers have made reports upon this project, but they do not recommend such an improvement. In fact, the last report made was, in pursuance of authority of Congress, by the War Department, which reported adversely to both New York projects.

It would hardly need argument to sustain these various reports that the deepening of the barge canal or the building of the Lake Champlain Canal is utterly impractical. In the first place, the canal from Oswego to the Hudson River still would require this Government to make some arrangement for the use of the Welland Canal between Lake Erie and Lake Ontario. It would require a 25-foot channel from Oswego to the Hudson River, a distance of about 170 miles, which is nearly as long as the canal and the river from Lake Ontario to Montreal, and of that distance only 34 miles is a canal. But the other route from Lake St. Francis down through Lake Champlain is still more impractical. To use this route would require the construction of practically all of the canal and the improvement of the River St. Lawrence, which is now contemplated, and in addition the building of the canal from Lake St. Francis to the Hudson River through Lake Champlain. The construction of the New York Barge Canal from Buffalo and from Oswego to New York by way of the Hudson River has not relieved the congestion of traffic on the railroads. The total capacity of this canal is only about 10,000,000 tons of freight each way, taking the estimates of those most favorable to the canal, and this is not 5 per cent of the tonnage now moving eastward in this dense traffic area. It has been found not a substantial factor in the reduction of the rates between Buffalo and New York, for the railroad rates there are as high as the rates west of Buffalo.

If it is true, as they claim, that ocean vessels will not use the long inland waterway, it is all the more true that they would not use these long canals, reaching across the State of New York, or north to Lake St. Francis. This project may be dismissed. It is simply put forward as an argument to beat the St. Lawrence River project.

Their main argument, however, is upon the fact that the St. Lawrence Canal is impracticable, and on this problem let me invite your attention to the engineer's report. Not only do the engineers report the plan entirely feasible, but the commission, after hearing testimony from the best experts in the country and giving careful consideration to the subject, also make the same report. The engineers' report is as follows:

"A. That the physical conditions are favorable for improvements for navigation, which will be permanent and will have very low upkeep costs.

"B. That improvement of the entire reach from Montreal to Lake Ontario for navigation alone is feasible, but the loss of the power that can be generated as a by-product in some reaches is not warranted.

"C. That the development of nearly all the potential power in the river, amounting to approximately 4,100,000 horsepower, can be made as coordinate parts of schemes for the improvement of navigation.

"D. That the simultaneous development of such a vast quantity of power is not a sound economic procedure, as a market to take this output is not now in existence and can not be expected to spring into being at once.

"E. That the sound method of procedure is to improve for navigation alone those reaches where side canals and locks can most economically be used, and where the development of the power at some future time is not interfered with by the proposed improvement; and in that part of the river where the construction of locks and dams offers the most feasible means of improving navigation to provide for the development of the incidental power obtainable as a result of the heads created by the dams."

The engineers divide the river into five subdivisions and treat each one separately. It is unnecessary for me here to go into these details, but simply to say that they recommend the construction of canals, locks, and power dams between Lake Ontario and St. Regis on the international boundary, and a canal alone from St. Regis to Montreal, the power plant to develop about 1,464,000 horsepower. They also report that this plan would make possible at any time the development of additional horsepower in that part of the canal between St. Regis and Montreal, making an aggregate horsepower of 4,100,000. They report that the total cost of a 25-foot canal, with locks to be built for an ultimate 30-foot depth, will cost \$252,728,200, will develop a horsepower of 1,464,000, that the cost of operation and maintenance will be \$2,562,000, and that of this sum \$1,457,000 is properly chargeable to power plants and that the power plants will ultimately pay for and support the entire project. They estimate that to deepen the canal to 30 feet will cost only \$17,986,180.

The commission recommend that the new Welland Canal be embodied as a part of the scheme. I believe the cost of this canal from its inception with the improvements now being made is estimated at about \$75,000,000. If this canal was included and the United States was to pay its share of the cost, it would make the total about \$325,000,000. The commission recommends that the cost of the canals be divided on a basis of use and that the cost of the power be divided equally between the two countries. I shall not go into a discussion of the distribution of cost. If the entire amount was to be paid by the United States it would nowhere equal the Panama Canal, and it would ultimately be paid for entirely by the use of the power. But assume that \$200,000,000 of the amount should, in the first instance, be paid by the United States. This is not much over 10 per cent of what the Government lost in the operation of the railroads in two years. It is not over 20 per cent of what it will be necessary to spend on the railroads each year in order to bring them up to that point of efficiency necessary to take care of the growing commerce of the nation. It is less than the amount appropriated by the Government to aid the States in constructing the roads for two years, and for this amount of money there will be obtained for all time a national highway reaching more than 1,500 miles into the interior and a power plant to start with of nearly a million and a half horsepower for use by the industries of the two countries. When we stop to think of the increased cost of coal and the necessity for power in the growing industries of the country it is not an unimportant factor that here, lying near the great center of population, is a project that, incidental to the transportation feature, will produce a million and a half to four million horsepower per annum. The best information I can get is that the total horsepower now developed in the United States is only about 10,000,000, and as this horsepower can be transmitted two or three hundred miles, it indicates the great public benefit this would be.

Every single argument against this project which has been advanced by its opponents is met by the masterly report of the commission and the findings of the engineers. These men approached this subject from a perfectly impartial standpoint, without any local selfish interest affecting their judgment. No one can deny the ability and standing of the members of the commission or the board of engineers, and their report covers

every question which would need to be settled before determining upon the canal construction. It shows that the traffic is sufficient to make the canal a success from the beginning; that the development of 1,484,000 horsepower can immediately be availed of on a profitable basis, which will ultimately pay for the canal and its operation, to say nothing of the additional horsepower which can be developed along the canal; that the congestion of railway traffic in periods of peak loads can not for this western country be relieved in any other manner than by development of this and other water transportation; that ocean-going vessels can and will use the canal; that the reduction in freight rates and the increase in transportation facilities will fully justify the expenditure and will be a potential power in the increase of production in the western country, greater than any other factor; that the physical objections which have been raised, such as fogs and ice obstruction of long stretches of inland navigation, do not, in the opinion of the engineers or the commission, afford a reasonable objection to the project; that there is no other alternative route adequately meeting the demands for transportation within the bounds of any reasonable cost. These conclusions are sustained by a mass of testimony and expert opinion. It is probably true that for some years to come greater use will be made of the canal for transportation by the United States than by Canada, but we must remember that Canada has a vast and fertile region yet but partially developed. Its use will increase much more rapidly than that of the United States, and while I believe the United States alone could afford to build the canal—if it paid the entire cost—I firmly believe it is in the interest of Canada and the United States to join in the construction of this canal and water power. It is no objection that part of it is upon foreign territory. By treaties we have a right to the navigation of the St. Lawrence River and boundary waters. The two countries have used these boundary waters, have built canals at the Soo, have improved the rivers; Canada has built the Welland Canal and has permitted the use of it by United States shipping interests upon equal terms, and we are equally interested in the improvement and development of the lakes, rivers, and canals. For more than a hundred years the two countries have lived at peace, have grown and developed side by side; we are two great peoples speaking the same language, having the same hopes and aspirations, and governed by similar laws. I believe the next few years will see these two countries further cemented in interest by the construction and operation of this great waterway, which will further open up the interior of the continent to the markets of the world.

The Panama Canal was conceived and constructed during the administrations of President Roosevelt and President Taft. Its completion was an event in the history of the Western Hemisphere, a monument to the memory of Roosevelt, and a great accomplishment for the Nation. I can say to you that President Harding proposes to make the construction of this St. Lawrence project one of the great accomplishments of his administration. He has recommended it in two messages to Congress, in his speech to the Agricultural Conference, and he will now do all in his power to further an agreement between the United States and Canada for the construction of the canal and water power. He realizes the necessity for the extension of our water transportation facilities. To-day transportation is the foundation of all national prosperity. The farmer, the merchant, the manufacturer can not transport their products to market or receive the daily necessities of life without adequate systems of transportation, and the President believes that a national waterway to the very center of population and production in the United States will be a great factor in the growth and development and prosperity of the Nation.

#### MISSOURI RIVER BRIDGE.

Mr. REED of Missouri. Out of order. I ask unanimous consent to introduce a bill for reference to the Committee on Commerce.

There being no objection, the bill (S. 3938) granting the consent of Congress to the county courts of Lafayette and Ray Counties, in the State of Missouri, to construct a bridge across the Missouri River, was read twice by its title and referred to the Committee on Commerce.

Mr. SHEPPARD. Mr. President, the bill introduced by the Senator from Missouri is a bridge bill in the ordinary form. The War Department has made a favorable report on a similar bill in the House, and by authority of the Commerce Committee I ask permission to report back the bill favorably for enactment by the Senate.

Mr. CURTIS. Was authority given by the committee to report back the bill?

Mr. SHEPPARD. It was.

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

Mr. REED of Missouri. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

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

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the county courts of Lafayette and Ray Counties, in the State of Missouri, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near the city of Lexington, in the county of Lafayette and State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

#### COMPENSATION OF WORLD WAR VETERANS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes.

Mr. BURSUM. Mr. President, I have made some changes in the amendment which I introduced, and I think it ought to be reprinted for the information of the Senate. I ask unanimous consent that the amendment may be ordered reprinted, so that it will be available to-morrow.

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

#### 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 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 24, 1922, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate August 23, 1922.*

#### APPOINTMENTS IN THE CONSULAR SERVICE.

##### CONSUL GENERAL OF CLASS 3.

Ralph J. Totten, of Tennessee, now a consul general at large, to be a consul general of class 3.

##### CONSUL GENERAL AT LARGE.

Edward J. Norton, of Tennessee, now a consul of class 3, to be a consul general at large.

##### APPRAISER OF MERCHANDISE.

Sophie McCord, of St. Louis, Mo., to be appraiser of merchandise in customs collection district No. 45, with headquarters at St. Louis, Mo., in place of Frank H. Sosey.

##### RECEIVER OF PUBLIC MONIES.

Charles S. Reed, of South Dakota, to be receiver of public moneys at Rapid City, S. Dak., vice William H. Tompkins, resigned, effective October 1, 1922.

#### UNITED STATES PUBLIC HEALTH SERVICE.

Dr. Henry A. Rasmussen to be assistant surgeon in the United States Public Health Service, to take effect from date of oath. This doctor has passed the examination required by law.

#### COAST AND GEODETIC SURVEY.

James Donald Crichton, of New York, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy, in the Coast and Geodetic Survey, by promotion from junior hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy, vice C. H. Ober, resigned.

#### PROMOTIONS IN THE REGULAR ARMY.

##### MEDICAL CORPS.

First Lieut. George Francis Cooper to be captain in the Medical Corps from August 12, 1922.

##### CHAPLAIN.

Chaplain George Foreman Rixey to be chaplain, with the rank of captain, from August 16, 1922.

#### APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

##### CORPS OF ENGINEERS.

Second Lieut. Paschal Neilson Strong, jr., Air Service, with rank from June 13, 1922.



## SIGNAL CORPS.

Second Lieut. Gilbert Hayden, Air Service, with rank from June 14, 1922.

## FIELD ARTILLERY.

Second Lieut. Frederick Stevens Lee, Infantry, with rank from June 13, 1922.

## COAST ARTILLERY CORPS.

Second Lieut. Richard Wilson Johnson, Air Service, with rank from June 13, 1922.

## INFANTRY.

Second Lieut. Kenneth Francis Pughe, Air Service, with rank from June 13, 1922.

Second Lieut. Frederick William Hein, Air Service, with rank from June 13, 1922.

## AIR SERVICE.

Maj. Karl Hartman Gorman, Cavalry, with rank from November 14, 1920.

First Lieut. James Edmund Parker, Field Artillery, with rank from November 3, 1919.

Second Lieut. William Beck Goddard, 3d, Coast Artillery Corps, with rank from June 14, 1922.

## PROMOTIONS IN THE NAVY.

The following-named captains to be rear admirals in the Navy from the 3d day of June, 1922:

George R. Marvell.

Henry J. Ziegemeier.

Commander William N. Jeffers to be a captain in the Navy from the 11th day of February, 1922.

The following-named commanders to be captains in the Navy from the 3d day of June 1922:

Harry K. Cage.

Frank D. Berrien.

Hugo W. Osterhaus.

Richard D. White.

Commander Fletcher L. Sheffield, an additional number in grade, to be a captain in the Navy from the 3d day of June, 1922.

Commander William K. Riddle to be a captain in the Navy from the 12th day of July, 1922.

The following-named lieutenant commanders to be commanders in the Navy from the 3d day of June, 1922:

Harold M. Bemis.

Ernest D. McWhorter.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 31st day of December, 1921:

Orie H. Small.

Homer E. Curlee.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of January, 1922:

Oliver H. Briggs.

Charles A. Goebel.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 31st day of December, 1921:

Charles H. Gordon.

James A. Martin.

Robert S. Savin.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1922:

Henry S. Nielson.

Karl J. Christoph.

Jack E. Hurff.

Richard R. Hartung.

Harold F. Fick.

John E. Gingrich.

Augustus H. Donaldson.

Willard M. Downes.

The following-named passed assistant surgeons to be surgeons in the Navy with the rank of lieutenant commander from the 3d day of June, 1922.

William W. Wickersham.

Joel T. Boone.

William A. Stoops.

Henry M. Stenhouse.

Henry McDonald.

The following-named assistant paymasters to be passed assistant paymasters in the Navy with the rank of lieutenant from the 3d day of June, 1922:

William J. Dean.

Isaac W. Thompson.

Civil Engineer Greer A. Duncan to be a civil engineer in the Navy with the rank of commander from the 2d day of December, 1921.

The following-named gunners to be chief gunners in the Navy, to rank with but after ensign, from the 27th day of March, 1922:

John S. Conover.

Joseph M. Gately.

Alexander Anderson.

Joseph H. Gerrior.

Frederick Clifford.

## POSTMASTERS.

## ALABAMA.

Annie J. McArthur to be postmaster at Riderwood, Ala., in place of A. J. McArthur. Office became third class January 1, 1921.

## CALIFORNIA.

Charles A. French to be postmaster at Brentwood, Calif., in place of C. E. Berry, resigned.

Martha Holway to be postmaster at Byron, Calif., in place of Alex. Chalm, resigned.

Wooster B. Cartmill to be postmaster at Tulare, Calif., in place of J. J. Mitchell, resigned.

Alfred A. True to be postmaster at Barstow, Calif., in place of A. L. Doran, resigned.

## COLORADO.

Talitha B. Utterback to be postmaster at Mesa, Colo., in place of S. H. Moss. Office became third class April 1, 1922.

## CONNECTICUT.

Helen S. Ladd to be postmaster at Bloomfield, Conn. Office became presidential January 1, 1921.

## FLORIDA.

Benjamin F. Hargis to be postmaster at Umatilla, Fla., in place of F. H. Price. Incumbent's commission expired April 6, 1922.

## ILLINOIS.

Charles D. Ragsdale to be postmaster at De Soto, Ill. Office became presidential April 1, 1922.

Arvil C. Allen to be postmaster at Elkhart, Ill. Office became presidential January 1, 1922.

Otto Rexses to be postmaster at Des Plaines, Ill., in place of John Kray. Incumbent's commission expired July 3, 1920.

Chris C. Wendt to be postmaster at Dundee, Ill., in place of W. C. F. Albrecht. Incumbent's commission expired June 23, 1920.

Laurence R. Sutter to be postmaster at Hammond, Ill., in place of W. L. South, resigned.

Thomas W. Collins to be postmaster at Knoxville, Ill., in place of C. W. Brewer. Incumbent's commission expired February 4, 1922.

John O. Biggs to be postmaster at Westfield, Ill., in place of M. L. Briscoe, removed.

## INDIANA.

Albert Neuenschwander to be postmaster at Grabill, Ind., in place of E. C. Martz. Office became third class January 1, 1921.

Harry W. Baals to be postmaster at Fort Wayne, Ind., in place of E. C. Miller, resigned.

Haskell Lett to be postmaster at Seymour, Ind., in place of Allen Swope, removed.

## IOWA.

Lyman H. Henry to be postmaster at Charles City, Iowa, in place of T. M. Fitzgerald, resigned.

## KANSAS.

William Dancaster to be postmaster at Richmond, Kans. Office became presidential October 1, 1920.

Lot S. Hadley to be postmaster at Glen Elder, Kans., in place of O. A. Granger. Incumbent's commission expired April 6, 1922.

Judson M. Cramer to be postmaster at Gardner, Kans., in place of L. E. Perkins, resigned.

Henry N. Jessen to be postmaster at White Water, Kans., in place of H. O. Mellor, appointee declined.

## KENTUCKY.

Robert L. Jenkins to be postmaster at Upton, Ky., in place of B. F. Rider. Office became third class July 1, 1920.

Lenard W. Thrasher to be postmaster at Burkesville, Ky., in place of C. W. Alexander, jr., resigned.

Walter C. Swift to be postmaster at Morehead, Ky., in place of H. H. Candill. Incumbent's commission expired March 8, 1922.

## MARYLAND.

Harry S. Clements to be postmaster at Oella, Md. Office became presidential April 1, 1922.

Charles J. Benedict to be postmaster at Silver Spring, Md., in place of D. E. Clark, removed.

## MASSACHUSETTS.

Albert Holway to be postmaster at Bournedale, Mass. Office became presidential January 1, 1922.

## MICHIGAN.

Henry Bristow to be postmaster at Flat Rock, Mich. Office became presidential April 1, 1922.

John P. Robertson to be postmaster at Metamora, Mich. Office became presidential January 1, 1921.

## MINNESOTA.

Nels E. Nelson to be postmaster at Fergus Falls, Minn., in place of H. M. Wheelock. Incumbent's commission expires September 13, 1922.

Edwin W. Bergman to be postmaster at McGrath, Minn., in place of E. W. Bergman. Office became third class April 1, 1922.

Bertha Finch to be postmaster at Butterfield, Minn., in place of A. M. Anderson, resigned.

## MISSISSIPPI.

Arthur L. Stanford to be postmaster at Ripley, Miss., in place of J. A. Smallwood, resigned.

Annie B. Sherman to be postmaster at Brookhaven, Miss., in place of W. P. Cassidy. Incumbent's commission expired January 24, 1922.

Thomas P. Barr to be postmaster at Jackson, Miss., in place of T. P. Barr. Incumbent's commission expired January 24, 1922.

## MISSOURI.

William H. Yarnell to be postmaster at Exeter, Mo. Office became presidential July 1, 1920.

William F. Clardy to be postmaster at Ethel, Mo., in place of A. L. Hогenson; appointee failed to qualify.

## NEBRASKA.

Minnie C. Burch to be postmaster at Bellwood, Nebr., in place of Henrietta Andrews, appointee declined.

## NEW HAMPSHIRE.

Morris M. Cheney to be postmaster at Bennington, N. H. Office became presidential January 1, 1921.

Josiah K. Rand to be postmaster at Fitzwilliam, N. H. Office became presidential July 1, 1922.

George D. Roberts to be postmaster at Jefferson, N. H. Office became presidential January 1, 1921.

## NEW YORK.

Le Roy Krom to be postmaster at High Falls, N. Y. Office became presidential January 1, 1921.

John K. Lathrop to be postmaster at Minnewaska, N. Y. Office became presidential January 1, 1921.

Fred Tears to be postmaster at Starlake, N. Y. Office became presidential April 1, 1922.

Adolph Frees to be postmaster at Thornwood, N. Y. Office became presidential October 1, 1920.

Mildred H. Smith to be postmaster at Lawrence, N. Y., in place of F. S. Duncan, declined.

Ross K. Pierce to be postmaster at Dolgeville, N. Y., in place of B. E. Ogden, resigned.

Edmund E. Westerman to be postmaster at Pittsford, N. Y., in place of W. J. Powers, resigned.

## NORTH CAROLINA.

Nollie M. Patton to be postmaster at Morganton, N. C., in place of Hamilton Erwin. Incumbent's commission expires September 5, 1922.

William B. Duncan to be postmaster at Raleigh, N. C., in place of B. M. Gatling, removed.

Ross Matheson to be postmaster at Taylorsville, N. C., in place of J. B. Robinette. Incumbent's commission expired June 13, 1922.

## OHIO.

Arch D. Spellman to be postmaster at Williamsfield, Ohio, in place of A. D. Spellman. Office became third class July 1, 1922.

J. Schuyler Hossler to be postmaster at Bloomville, Ohio, in place of C. A. Weidaw. Incumbent's commission expired January 31, 1922.

## OKLAHOMA.

Charles A. Smith to be postmaster at Healdton, Okla., in place of R. A. Chapman, resigned.

Jonas R. Cartwright to be postmaster at Shattuck, Okla., in place of A. A. Puckett, declined.

John H. Hammer to be postmaster at Eufaula, Okla., in place of J. L. Homan, jr., resigned.

## PENNSYLVANIA.

Lawrence G. Weller to be postmaster at Bechtelsville, Pa. Office became presidential April 1, 1922.

Mary M. Arrison to be postmaster at Mount Morris, Pa. Office became presidential April 1, 1921.

Elma C. Dryden to be postmaster at New Galilee, Pa. Office became presidential July 1, 1920.

Henry Daugherty to be postmaster at Red Hill, Pa. Office became presidential April 1, 1921.

William J. Wilson to be postmaster at Bentleyville, Pa., in place of W. H. Hartman, resigned.

James S. Crawford to be postmaster at Freeland, Pa., in place of E. J. Doggett. Incumbent's commission expired December 17, 1919.

James S. Fennell to be postmaster at Salina, Pa., in place of John Itzel, declined.

Richard W. Edmunds to be postmaster at Braddock, Pa., in place of W. J. McBeth, removed.

Everett E. McBride to be postmaster at Dravosburg, Pa., in place of B. M. McCauley, resigned.

Frank H. McCully to be postmaster at Osceola, Pa., in place of A. L. Edwards, appointee declined.

Stephen J. Downs to be postmaster at Union City, Pa., in place of S. J. Downs. Incumbent's commission expired July 24, 1920.

## SOUTH CAROLINA.

Maebelle Orvin to be postmaster at St. Stephen, S. C., in place of A. V. Locklear. Office became third class July 1, 1921.

## TENNESSEE.

D. Garfield Chambers to be postmaster at Huntsville, Tenn. Office became presidential October 1, 1921.

McHenry Jackson to be postmaster at Russellville, Tenn. Office became presidential April 1, 1922.

Edward C. Roberts to be postmaster at Harriman, Tenn., in place of E. T. St. John. Incumbent's commission expired February 4, 1922.

## TEXAS.

Joe R. Taylor to be postmaster at Rhome, Tex., in place of C. E. Shaw. Office became third class January 1, 1921.

Edwin C. Hill to be postmaster at El Campo, Tex., in place of E. L. Correll. Incumbent's commission expired January 24, 1922.

Will K. Davis to be postmaster at Gonzales, Tex., in place of D. U. Ramsay. Incumbent's commission expired July 21, 1921.

James W. McBee to be postmaster at Lavernia, Tex., in place of C. A. Tiner, resigned.

## VIRGINIA.

Denton T. Watthall to be postmaster at Alberta, Va. Office became presidential July 1, 1921.

Robert M. Bradshaw to be postmaster at Rice, Va. Office became presidential July 1, 1921.

Abram K. Sampson to be postmaster at Burkeville, Va., in place of J. S. Agnew, resigned.

Rankin L. Hervey to be postmaster at Chase City, Va., in place of W. A. Broocks. Incumbent's commission expired July 21, 1921.

Susie F. Jarratt to be postmaster at Jarratt, Va., in place of G. G. Browder. Incumbent's commission expired January 24, 1922.

## WEST VIRGINIA.

Ola B. Long to be postmaster at Mill Creek, W. Va. Office became presidential January 1, 1921.

John W. Fortney to be postmaster at Lumberport, W. Va., in place of E. P. Boggess, resigned.

## WISCONSIN.

John M. Albers to be postmaster at Thiensville, Wis., in place of Harry Mollier. Office became third class July 1, 1920.

## WYOMING.

Hedwig C. Hurtt to be postmaster at Sundance, Wyo., in place of H. M. Brown. Incumbent's commission expired June 3, 1922.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate August 23, 1922.*

## CONSULAR SERVICE.

## CONSUL OF CLASS 3.

Mahlon Fay Perkins.

## CONSULS OF CLASS 4.

James B. Young.

John R. Putnam.

Arthur C. Frost.

Harry Campbell.

Edward A. Dow.

## CONSULS OF CLASS 5.

James B. Stewart.

Donald D. Shepard.

Carl R. Loop.

Lowell C. Pinkerton.

George C. Hanson.

Harold B. Quarton.

Lucien Memminger.

Felix Cole.

Clement S. Edwards.



## CONSULS OF CLASS 8.

Parker W. Buhman. Joseph F. McGurk.  
Dayle C. McDonough. Charles J. Pisar.  
John R. Bradley. George A. Makinson.  
Paul C. Squire. Renwick S. McNiece.  
H. Merle Cochran. John D. Johnson.

## POSTMASTERS.

## COLORADO.

Henry R. Pilati, Aguilar.  
Alma Geist, Caddoa.  
James C. Wilson, Yampa.

## ILLINOIS.

Fanny E. Roles, Fisher.

## IOWA.

Ralph M. Tyler, Ladora.

## MISSOURI.

Emmet L. Gaffney, Craig.  
Addie Erwin, Thayer.

## NEW YORK.

Arthur N. Fero, Esperance.  
George E. Hoare, Watkins.

## NORTH CAROLINA.

John L. Vest, Rosemary.  
Charles A. Bland, Wadesboro.

## OKLAHOMA.

Everette L. Richison, Bokoshe.  
William W. Wagner, Orlando.  
Charles F. Rice, Texola.

## PENNSYLVANIA.

Margaret E. Warnock, Darlington.  
Mark M. Merritt, Granville Summit.  
George W. Murphy, Hawley.  
Ralph P. Holloway, Pottstown.  
Milton W. Lowry, Scranton.

## TEXAS.

Samuel G. Hampton, Goree.  
Willie L. Gottschalk, Gulf.  
Albert T. Cook, Manor.  
Hugh G. Koether, Shiner.  
Charles H. Branton, Tuscola.

## VIRGINIA.

Grace C. Collins, Drakes Branch.  
Della L. Fuller, Honaker.  
John W. Ketron, jr., Lebanon.  
Elihu T. Kiser, Roaringfork.  
Charles E. Fulgham, Windsor.

## WITHDRAWALS.

*Executive nominations withdrawn from the Senate August 23, 1922.*

## POSTMASTERS.

## MASSACHUSETTS.

Albert H. Holoway to be postmaster at Bournedale, in the State of Massachusetts.

## WYOMING.

James C. Hurtt to be postmaster at Sundance, in the State of Wyoming.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, August 23, 1922.

The House met at 12 o'clock noon.

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

Our Father in heaven, we trust that all hearts unite in the spirit of devout adoration in saying: "Holy, holy, holy, Lord God Almighty, heaven and earth are full of Thy glory; glory be to Thy name, O Lord most high." Thy mercy gathers all mankind in its embrace and shows us God is love. As we return to our daily tasks we pause in memory of him who has folded his tent and left. This place is made sacred by his devout step, his reverent approach, and his lofty appeals to the God of our Nation. A message for all men glowed on the altar of his great heart, and Thou didst hear it. The light of destiny was set in the lines of his blind face and Thou didst put them there. In the shades of his earthly

night the halo of Thy glory rested on his white brow. O bless unto this Assembly the faith, resignation, and patience of this servant of Thine. Stricken with blindness, burdened with suffering, smitten with affliction, staggering in the darkness, this friend of man, lover of his country, and apostle of God, is now glorified in the unmixed light of eternal day. We thank Thee, blessed Lord, for the life, the character, and the victory. We pray in the name of Him who said this mortal shall put on immortality. AMEN.

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

DR. HENRY N. COUDEN.

Mr. MANN. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, the chaplain in his prayer has already referred in beautiful language to the passing of Doctor Couden, who for nearly 28 years was connected with the House as its chaplain and its chaplain emeritus. A veteran of the Civil War, he came to the House as chaplain and endeared himself to the heart of every Member of the House who served under his administration, and to the country as well. It seems to me that it would be appropriate that the House should be represented at his funeral exercises, and I therefore ask unanimous consent that the Speaker designate a committee of the House to attend the funeral services of Doctor Couden in charge of the Sergeant at Arms.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 2694. An act for the relief of Seth J. Harris, Jimmie Lou Martin, Mary Holloman, and William Henry Coleman.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On June 17, 1922:

H. R. 7052. An act for the relief of G. C. Caldwell; and

H. R. 11407. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920.

On June 19, 1922:

H. R. 9859. An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes.

On June 21, 1922:

H. J. Res. 127. Joint resolution to reerect the statue of Abraham Lincoln upon its original site;

H. R. 8785. An act granting the consent of Congress to the Moberge Bridge Co., of Moberge, S. Dak., to construct a pontoon bridge across the Missouri River;

H. R. 10330. An act to extend the time for the construction of a bridge across Lake St. Croix at or near the city of Prescott, in the State of Wisconsin;

H. R. 11265. An act to authorize the maintenance of a bridge constructed across the Pend Oreille River at the town of Usk in the State of Washington;

H. R. 11345. An act authorizing the construction of a bridge across the Allegheny River at or near Freeport, Pa.;

H. R. 11646. An act authorizing the construction of a bridge across the Ohio River near Steubenville, Ohio; and

H. R. 11827. An act granting the consent of Congress to the county courts of Howard and Saline Counties, in the State of Missouri, to construct a bridge across the Missouri River.

On June 22, 1922:

H. R. 6313. An act authorizing the Secretary of Commerce to grant a right of way for a public highway to the county of Skagit, Wash.

On June 26, 1922:

H. J. Res. 313. Joint resolution providing for the disposal of articles produced by patients in the United States Veterans' Bureau.

On June 29, 1922:

H. R. 10101. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District

for the fiscal year ending June 30, 1923, and for other purposes;

H. R. 11393. An act to abolish the office of Superintendent of the Library Building and Grounds and to transfer the duties thereof to the Architect of the Capitol and the Librarian of Congress; and

H. R. 12073. An act to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1923.

On June 30, 1922:

H. J. Res. 344. Joint resolution to authorize the Secretary of the Treasury to detail four persons paid from the appropriation for the collection of customs; and

H. R. 10871. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes.

On July 1, 1922:

H. R. 9527. An act to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof for a period of 99 years or until dissolved, and to apply said section as so amended to all national banking associations;

H. J. Res. 297. Joint resolution requesting the President of the United States to call a conference of maritime nations with a view to the adoption of effective means for the prevention of pollution of navigable waters by oil-burning and oil-carrying steamers by the dumping into such waters of oil waste, fuel oil, oil sludge, oil slop, tar residue, and water ballast;

H. R. 11228. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes;

H. R. 12090. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes;

H. J. Res. 337. Joint resolution granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922;

H. R. 6110. An act amending section 97 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 10770. An act to legalize a bridge across the south arm of Pokegama Lake, in Itasca County, State of Minnesota;

H. R. 11128. An act to authorize the construction of a bridge over the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico;

H. R. 11214. An act authorizing the President to scrap certain vessels in conformity with the provisions of the treaty limiting naval armament, and for other purposes;

H. R. 11244. An act authorizing the construction of a bridge across White River in the State of Arkansas;

H. R. 11298. An act amending existing law which authorizes the construction of a public building at Paris, Tex., so as to authorize and empower the Secretary of the Treasury to acquire a new site for same by exchanging therefor land and property now owned by the United States Government in said city; and to authorize the erection on said new site, when acquired, of a public building suitable for post-office purposes, and for other purposes;

H. R. 11450. An act to provide for the printing and distribution of the Supreme Court Reports, and amending sections 225, 226, 227, and 228 of the Judicial Code;

H. R. 11588. An act to amend an act entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines";

H. R. 11634. An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States;

H. R. 12092. An act granting the consent of Congress to the Louisiana Development Co. to construct a bridge across the Red River at or near Grand Ecore, La.;

H. R. 12120. An act granting the consent of Congress to the county court of Lafayette County, in the State of Missouri, to construct a bridge across the Missouri River; and

H. R. 12121. An act granting the consent of Congress to the county court of Saline County, in the State of Missouri, to construct a bridge across the Missouri River.

On July 8, 1922:

H. J. Res. 353. Joint resolution authorizing the Secretary of War to loan certain tents, cots, chairs, etc., to the executive committee of the Louisiana Department of the American Legion for use at the national convention of the American Legion to be held at New Orleans, La., in October, 1922; and

H. R. 8767. An act for the relief of F. E. Taylor and B. C. Broom.

CALENDAR WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the business of Calendar Wednesday to-day be dispensed with.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the business in order on Calendar Wednesday to-day be dispensed with. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, may I ask the gentleman what is proposed to be taken up?

Mr. MONDELL. We expect to take up for consideration legislation along the lines suggested by the President.

Mr. GARRETT of Tennessee. May I ask the gentleman if he has had a report from the Rules Committee within the last few minutes?

Mr. MONDELL. I have not had a report from the Rules Committee.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, let us have some definite information as to the legislation that they intend to consider.

Mr. MONDELL. We intend to consider legislation recommended by the President—providing for the appointment of a fact-finding coal commission.

Mr. GARNER. Well, that is something definite. The President made three different and distinct suggestions, and I merely wanted to know which one you wanted to consider.

Mr. GARRETT of Tennessee. Mr. Speaker, I have just come from the Rules Committee. I have an idea that the gentleman from Wyoming has not had an opportunity to confer with his side about the matter. I trust that I am not assuming any responsibility, but I know the fact that the committee is not in a position to present a rule at this moment.

Mr. MONDELL. Mr. Speaker, we are now prepared to take up Calendar Wednesday business. I withdraw my request.

Mr. STAFFORD. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House. The motion was agreed to.

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

Ackerman	Fess	Lineberger	Reber
Anderson	Fields	Linthicum	Reed, N. Y.
Andrew, Mass.	Fish	Little	Riddick
Arentz	Frear	Logan	Riordan
Atkeson	Free	Luce	Robertson
Barbour	Fulmer	Lyon	Rucker
Barkley	Funk	McArthur	Sabath
Beck	Gahn	McCormick	Scott, Mich.
Beedy	Gallivan	McLaughlin, Pa.	Sears
Bell	Gensman	McPherson	Shelton
Blakeney	Goldsborough	McSwain	Sinclair
Blanton	Gould	Maloney	Sisson
Brand	Griffin	Martin	Smithwick
Brown, Tenn.	Harrison	Mead	Stedman
Browne, Wis.	Hawes	Merritt	Steenerson
Burroughs	Herrick	Michaelson	Stiness
Burtness	Hogan	Miller	Stoll
Burton	Hukriede	Montague	Sullivan
Byrns, Tenn.	Husted	Montoya	Summers, Wash.
Cantrill	Hutchinson	Morin	Sweet
Carter	Jacoway	Mott	Swing
Classon	Jeffers, Nebr.	Nelson, Me.	Tague
Cockran	Johnson, Ky.	Nelson, A. P.	Taylor, Ark.
Codd	Johnson, Miss.	Nelson, J. M.	Temple
Collins	Johnson, S. Dak.	Newton, Mo.	Thompson
Connally, Tex.	Jones, Pa.	Nolan	Tilson
Connell	Kahn	O'Brien	Voigt
Copley	Keller	Ogden	Volk
Crago	Kelley, Mich.	Oldfield	Ward, N. Y.
Crawton	Kless	Olpp	Webster
Crowther	Kitchin	Overstreet	White, Me.
Deal	Klecicka	Patterson, N. J.	Williamson
Dominick	Knight	Radcliffe	Wise
Dunbar	Kunz	Rainey, Ala.	Woodruff
Dunn	Langley	Rainey, Ill.	Woods, Va.
Dupré	Larsen, Ga.	Raker	Yates
Fairehill	Larson, Minn.	Ramseyer	

The SPEAKER. On this vote 280 Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.



The SPEAKER. The Doorkeeper will open the doors. Today is Calendar Wednesday, and the Clerk will call the committees.

The Clerk proceeded with the call of the committees.

UNITED STATES COAL COMMISSION.

Mr. WINSLOW (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, I desire to call up the bill H. R. 12377.

The SPEAKER. The gentleman from Massachusetts calls up a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12377) to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12377, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12377, which the Clerk will report.

The title of the bill was read by the Clerk.

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. GARRETT of Tennessee. Mr. Chairman, reserving the right to object, may I ask the gentleman what his disposition will be touching the matter of debate upon the bill?

Mr. WINSLOW. The rule, as I understand it, allows an hour on each side, if there are two sides. It had been my purpose, if the gentleman from Tennessee had not made the inquiry, to undertake to find out what the disposition of the Members is in regard to a negative side. If there is one, we will divide the time accordingly. If otherwise, between the two sides of the House.

Mr. GARRETT of Tennessee. If I understand the situation correctly, this bill will be subject, in the way it is being considered now, to limited amendment. The gentleman from Indiana [Mr. BLAND] I think will have some important amendments to present. I do not know what his feeling is upon this bill if the amendments that are to be presented by him are not adopted. It occurs to me—

Mr. BLAND of Indiana. If the gentleman from Massachusetts will permit, I understand the gentleman to say that under the present procedure your motion to amend by substituting all after the enacting clause would not be in order?

Mr. GARRETT of Tennessee. No; I did not state that. But the amendments that can be offered to separate sections of the bill are more limited by reason of the condition in which the bill comes before the House. The original bill was stricken out, and so there is just one amendment, which of course will be offered, and then there can only be one amendment to the amendment offered under the general rules of the House.

Mr. SANDERS of Indiana. That is, pending at one time?

Mr. GARRETT of Tennessee. Pending at one time. And, of course, it lies within the power of gentlemen to move to close debate at any time. In other words, you have not the power of general amendment that you ordinarily have under the rules of the House.

Mr. BLAND of Indiana. I do not know of any remedy to suggest.

Mr. GARRETT of Tennessee. I will say to the gentleman from Massachusetts [Mr. WINSLOW] that I am opposed to the bill.

Mr. WINSLOW. Does the gentleman desire to take control of one hour?

Mr. GARRETT of Tennessee. Yes; I will take control of the time in opposition.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WINSLOW] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. WINGO. Mr. Chairman, this is an important bill, just reported, and I think it ought to go into the Record. I object.

The CHAIRMAN. The gentleman from Arkansas objects, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of securing information in connection with questions relative to interstate commerce in coal and other questions and problems arising out of and connected with the coal industry, there is hereby established a governmental agency to be

known as the United States Coal Commission, to be composed of not more than nine members to be appointed by the President of the United States. No Member of the United States Senate or of the House of Representatives or person who has any interest in or is connected with the coal industry shall be eligible to serve on said commission. Each member of said commission shall receive a salary of \$10,000 a year. Said commission shall cease to exist one year after the taking effect of this act.

It shall be the duty of said commission to investigate and to ascertain facts in the coal industry as to ownership of coal mines, prices of coal, wages, wage contracts, conditions of employment, distribution, waste of coal, profits realized by owners or operators of coal mines or by other persons or corporations having to do with the production, distribution, or sale of coal, and any other material facts in connection with the coal industry generally and the organizations and persons connected with it. Said commission shall report to the President and to Congress its findings of fact and such recommendations as to methods and measures as in its judgment will promote continuity of production and efficiency in mining and distribution and maintain the uninterrupted movement of coal in interstate commerce and safeguard the interests of the workers, operators, and the general public. Said commission shall submit its first report not later than the 1st day of January, 1923.

The said commission shall have power to administer oaths, subpoena and examine witnesses, and to compel the production of any books, paper, document, or other evidence, and to take the deposition of any person before any person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction and be subscribed to by the deponent. The same fees and mileage as are paid in the courts of the United States shall be paid in the case of witnesses subpoenaed or depositions taken under this act.

No person shall be excused from attending and testifying and depositing, or from producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to a penalty or forfeiture; but no testimony, deposition, or evidence taken under this act shall be elsewhere used in any prosecution of any person who has so testified, deposed, or produced any such book, document, or other evidence. But no person shall be exempt from prosecution and punishment for perjury committed in so testifying, and this act shall not be construed as exempting any person from attending and testifying elsewhere or as denying the right to compel the production of any book, document, or other evidence elsewhere in any action or prosecution.

Any member of the commission or agent of the commission duly authorized in writing shall at all reasonable times, for the purposes of examination, have access to and the right to copy any book, account, record, document, correspondence, or paper relating to any matter which the commission is authorized by this act to investigate.

Any person who shall willfully refuse to attend and testify or depose, or to produce or permit access to any book, account, record, document, correspondence, or paper, as herein provided for, or who shall testify or depose falsely in any material particular, shall, upon conviction, be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

The commission may appoint, remove, and fix the compensation of such employees, make such expenditures, and make such rules and regulations as may be necessary for the efficient administration of this act. The necessary expenses of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the commission.

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, or so much thereof as may be necessary, to be available until expended, for carrying out the provisions of this act.

Also the following committee amendment was read:

Strike out all after the enacting clause and insert:

"That for the purpose of securing information in connection with questions relative to interstate commerce in coal and other questions and problems arising out of and connected with the coal industry, there is hereby established a governmental agency to be known as the United States Coal Commission, to be composed of not more than nine members to be appointed by the President of the United States, by and with the advice and consent of the Senate. No Member of the United States Senate or of the House of Representatives or person who has any interest in or is connected with the coal industry shall be eligible to serve on said commission. Said commission shall elect a chairman by majority vote of its members, shall maintain central offices in the District of Columbia, but may, whenever it deems it necessary, meet at such other places as it may determine. It shall have power to form itself into subdivisions for the purpose of hearing testimony and making investigations, but all reports to the Congress and to the President shall be made by majority action of said commission. A member of the commission may be removed by the President for neglect of duty or malfeasance in office, but for no other cause. Each member of said commission shall receive a salary of \$10,000 a year. Any vacancy on the commission shall be filled in the same manner as the original appointment. Said commission shall cease to exist one year after the taking effect of this act.

"Sec. 2. That it shall be the duty of said commission to investigate and to ascertain facts in the coal industry as to ownership of coal mines, prices of coal, wages, wage contracts, conditions of employment, distribution, waste of coal, profits realized by owners or operators of coal mines or by other persons or corporations having to do with the production, distribution, or sale of coal, and any other material facts in connection with the coal industry generally and the organizations and persons connected with it. Said commission shall report to the President and to Congress its findings of fact and such recommendations as to methods and measures as in its judgment will promote continuity of production and efficiency in mining and distribution and maintain the uninterrupted movement of coal in interstate commerce and safeguard the interests of the workers, operators, and the consuming and general public. Said commission shall submit its first report not later than the 1st day of January, 1923.

"Sec. 3. That any member of said commission shall have power to administer oaths, to subpoena and examine witnesses, and to compel the production of any book, paper, document, or other evidence, from any place in the United States, at any designated place of hearing, and to take or authorize the taking of the deposition of any person before any person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction and be subscribed to by



the deponent. The same fees and mileage as are paid in the courts of the United States shall be paid in the case of witnesses subpoenaed or depositions taken under this act.

"SEC. 4. That no person shall be excused from so attending and testifying and deposing, or from producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may be compelled to testify or to produce evidence, documentary or otherwise, before said commission, or in obedience to its subpoena or the subpoena of either of them: *Provided*, That no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

"SEC. 5. That in case of failure to comply with any subpoena, or in case of the contumacy of any witness appearing before the commission, the commission may invoke the aid of any United States district court. Such court may thereupon order the witness to comply with the requirements of such subpoena, or to give evidence touching the matter in question, as the case may be. Any failure to obey such order may be punished by such court as a contempt thereof.

"SEC. 6. That the commission and, when duly authorized in writing by the commission, any commissioner or agent of the commission shall at all reasonable times, for the purposes of examination, have access to and the right to copy any book, account, record, document, correspondence, or paper relating to any matter which the commission is authorized by this act to investigate.

"SEC. 7. That any person who shall willfully neglect or refuse to attend and testify or depose, or to produce or permit access to any book, account, record, document, correspondence, or paper, as herein provided for, shall be guilty of an offense and upon conviction thereof be punished by a fine of not more than \$5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

"SEC. 8. That every officer or employee of the United States whenever requested by the commission shall supply it with any data or information pertaining to any investigation by the commission which may be contained in the records of the office of such officer or employee.

"SEC. 9. That any officer or employee of the commission who shall make public any information obtained by the commission without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

"SEC. 10. That the commission may appoint and remove such officers, employees, and agents; and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses, including salaries, traveling expenses of its members, secretary, officers, employees, and agents, and witness fees, as are necessary for the efficient execution of the functions vested in the commission by this act and as may be provided for by Congress, and make such rules and regulations as may be necessary for the efficient administration of this act. All of the expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission.

"SEC. 11. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, or so much thereof as may be necessary, to be available until expended, for carrying out the provisions of this act."

The CHAIRMAN. The gentleman from Massachusetts [Mr. Winslow] is recognized for one hour.

Mr. WINSLOW. Mr. Chairman and gentlemen of the committee, the purpose of this bill is to give the President and the Congress of the United States, and so, by indirection, the people of this country, an opportunity to be satisfied, if they can be, as to the condition of the coal business, as a business, in all its ramifications—and you may make that term as elastic as you choose, and then feel that the bill is reported to cover all you would have it cover.

We have had a lot of trouble in our coal situation in one form and another for a good many years. That trouble has become more and more acute as time has gone on, until now it would seem that the public is expressing its indignation over what it regards as an unusual method, to put it mildly, of doing business as manifested to them. The President of the United States evidently became imbued with the idea that the time had come when there should be a review of this industry from bottom to top, from one end to the other, the whole thing included, and accordingly he made an appeal to the Congress to afford him power to appoint a commission for certain definite purposes which he set forth in his message to the Congress on the 18th of August. The paragraphs in his message which bear on the subject have been printed in the report on this bill, which you can get. It will be a waste of time for me to read them. Boiled down, they suggest the creation of a commission to look into this coal question. And the result of it all has been that a bill has been drafted, perfected, and reported out, and so on, by the Committee on Interstate and Foreign Commerce, and it is now before us. Apparently there was not in the President's mind, nor has there been in the minds of the committee, any desire to try to run the coal business under the provisions of this legislation. It is purely a commission to find out real facts, and as many as possible, in order that everybody may know what there is to this much-discussed line of industry. So you must bear in mind that we are not gunning for any kind of legislation which might provide more or less for the management of the coal business or for the correction of any particular trouble or the establishment of any body to be permanent in its character, to go on with the coal question.

We are simply desirous of creating a commission to be appointed by the President which will put its nose into the business, and if it has the wit and ability to bring forth a report and suggestions, if they please, which will tell the world, particularly the President and the Congress, just what they think is the trouble with the thing and what the facts are.

Now, if you will accept that statement as being descriptive of the purposes of the bill, it seems as if by reading it you can get a very direct line on its provisions. The bill will come up for discussion under the five-minute debate, and if any question should come up at that time which may require explanation there will be some one at hand competent to explain.

I think the bill is so simple and straightforward that anybody can understand it. There are no jokers in it nor funny work of any kind. It is a plain proposition to appoint a commission of not to exceed nine men, who will be paid a definite rate of salary annually for work upon the commission, which must be terminated within a year; and then the bill goes on with the usual provisions for getting information and sets out the duties of the commission and prescribes methods of getting testimony and penalties for not giving it, and ultimately winds up with the suggestion of an appropriation to cover the expenses of the work. That will all naturally come out in the five-minute debate.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. WINSLOW. I will yield.

Mr. SNYDER. Is it definitely fixed in the bill that the term of the commission expires at the end of one year?

Mr. WINSLOW. Yes. That is provided in the first paragraph of the bill.

I am not going to take further time just now, but I reserve my time and serve notice on those who want to speak that I mean to reserve time at the end of the hour allotted to me for making a further statement if it is necessary to have one made and if it seems best for me to make it. What I understand the committee will try to do is to explain the bill in detail, and in that way let you learn from one or another just what it is about.

Mr. Chairman, how much time have I taken?

The CHAIRMAN. The gentleman has occupied seven minutes.

Mr. WINSLOW. I would like to ask the other side to proceed at this time.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield 30 minutes to the gentleman from Indiana [Mr. Bland].

The CHAIRMAN. The gentleman from Indiana is recognized for 30 minutes.

Mr. BLAND of Indiana. Mr. Chairman and gentlemen of the committee, the Committee on Labor gave four or five months to the study of the great coal problem that to-day is one of the gravest concerns of the Nation. We had before us representatives of the miners' organization and all the various operators' organizations as well as various representatives of different public interests. We summoned before us the best legal brains connected with the Federal service in order that we might report to Congress a fact-finding agency bill, that would not only bring the results desired by most of the public but that would stand the tests of the courts; and permit me to say in this connection that one of the gravest legal problems to-day is to see fashioned a law of this kind that may meet with the approval of our courts.

The Committee on Labor of the House early recognized the deplorable lack of definite, reliable, and truthful facts concerning this great coal industry which means so much to the industrial life of the Nation, and it realized that not only must we make an effort to report a bill which would reflect the good intentions of the committee to promote the fullest giving up of facts in the coal industry but one that would meet the constitutional objections which had been interposed.

Operators had been selling coal since the first of the year until the strike began in most instances at a loss. A strike or a lockout until mining conditions improved and the price of coal was increased was most inevitable. We did our level best to bring the contending factions together. The miners' organization was anxious to meet the operators and agree upon a wage scale for the resumption of work on the 1st day of April. An agreement had been entered into between the miners and operators with the advice and consent and at the instance of the Government agents that prior to the 1st day of April the United Mine Workers' organization and the representatives of the operators of the central competitive field would meet and negotiate a wage scale. It early developed that the operators, for various reasons, real and pretended reasons, would refuse to meet the miners, and, therefore, breach their agreement. More than four months of industrial strife and mining



inactivity resulted to the tremendous economical loss of the country, and I am glad to note by the morning paper that the beginning of the end of this conflict, for the present at least, is over and that the Nation will again be permitted to have its supply of fuel, which is so essential to its industrial prosperity.

This bill to-day brought forth by the committee nor the one which I proposed and which has been reported by the Labor Committee of the House will not bring redress for the four months that are lost forever, but if the proper kind of measure is passed here to-day I am hopeful that it will have the result of making it possible that the coal industry may be stabilized and that the recurrence of periodical shutdowns and strikes and exorbitant prices of coal upon the consuming public may not prevail in the years to come.

The Labor Committee gave it their best thought, with the result that a bill was reported with teeth in it, and it had been most carefully scrutinized with a view of making it meet with the court's approval in their defense of the constitutional rights of property owners. I will here insert a copy of my bill, which was reported by the Labor Committee:

A bill (H. R. 11022) to establish a commission to inquire into labor conditions in the coal industry.

*Be it enacted, etc., That when used in this act—*

(a) The term "person" means individual, partnership, corporation, or association; and

(b) The term "coal" means anthracite, bituminous, and other coal, lignite, coke, and culm, whether in place, extracted, or banked.

SEC. 2. (a) That there is hereby established a governmental agency to be known as the "coal investigation agency," and to be composed of 10 members, as follows:

(1) The Director of the Geological Survey, the Director of the Bureau of Mines, the Director of the Bureau of the Census, and the Commissioner of Labor Statistics;

(2) Two members constituting the public group, representing the public, to be appointed by the President, by and with the advice and consent of the Senate;

(3) Two members constituting the miners' group, representing the employees of coal mine operators, to be appointed by the President, by and with the advice and consent of the Senate, from four nominees presented to the President by the president of the United Mine Workers of America; and

(4) Two members constituting the operators' group, representing the coal mine operators, to be appointed by the President, by and with the advice and consent of the Senate, one to be appointed from two nominees presented to the President by the president of the National Coal Association, and one to be appointed from two nominees presented to the President jointly by the president of the Anthracite Bureau of Information and the president of the Anthracite Coal Operators' Association.

(b) Any vacancy in the office of an appointed member of the coal investigation agency shall be filled in the same manner as the original appointment. The appointed members shall each receive a salary of \$6,000 a year. The members specified in paragraph (1) of subdivision (a) shall receive no additional salary for their services as members.

(c) If the president of any organization specified in subdivision (a) fails to present nominees to the President in accordance with such subdivision within 30 days after the passage of this act, or, in case of a vacancy, within 30 days after the vacancy occurs, the President of the United States shall thereupon directly make the appointment, by and with the advice and consent of the Senate. In making any such appointment the President shall select an individual associated in interest with the employees or coal mine operators, whichever he is to represent.

(d) The coal investigation agency shall cease to exist two years after the passage of this act.

SEC. 3. That for the purpose of providing information for the Congress as a basis for legislation (a) to settle industrial disputes in and prevent the overdevelopment of the coal industry, (b) to stabilize such industry and levy taxes in respect thereto, (c) to regulate commerce in coal among the several States and with foreign nations, (d) to provide a coal supply for the maintenance of the Navy and the merchant marine, and (e) to protect the coal supply for the District of Columbia, and forts, magazines, arsenals, dockyards, and other public buildings of the United States outside the District of Columbia, the coal investigation agency is authorized and directed to require and obtain from any person such data, information, and reports as it deems desirable for such purpose, including among other matters data, information, and reports (1) as to the supply, production, distribution, storage, and consumption of coal and its grading and economic utilization, (2) as to the relations between operators of coal mines and washeries and their employees with particular reference to wages, hours of labor, and working conditions, and (3) as to the ownership and value of coal lands, and of property of operators or owners which is of use in the operation of coal mines or washeries.

SEC. 4. That the coal investigation agency shall make such reports to the Congress and to the President from time to time as it deems advisable, and shall make to the Congress and to the President a final report not later than two years after the passage of this act. All data or information obtained by the coal investigation agency shall not be made public except in such reports to the Congress and to the President, or in compliance with the subpoena or order of a court of competent jurisdiction. Such reports shall not contain any such data or information which would disclose the trade secrets of any person. Any officer or employee of the coal investigation agency who shall make public any data or information in violation of the provisions of this section shall, upon conviction thereof, be punished by a fine of not more than \$5,000 or imprisoned for not more than one year, or both.

SEC. 5. (a) That for the efficient administration of the functions vested in the coal investigation agency by this act, the agency may require by subpoena, issued and signed by the chairman, the attendance of any witness and the production of any book, paper, document, or other evidence from any place in the United States at any designated place of hearing, and the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the

deposition or under his direction, and shall then be subscribed by the deponent. Any member of the coal investigation agency may administer oaths and examine any witness. Any witness summoned or whose deposition is taken under this act shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) In case of failure to comply with any subpoena or in case of the contumacy of any witness before the coal investigation agency, the agency may invoke the aid of any United States district court. Such court may thereupon order the witness to comply with the requirements of such subpoena, and to give evidence touching the matter in question. If the court makes such order it may also fix in the order the time for compliance therewith, and enjoin the witness from shipping or receiving from shipment in commerce among the several States or with foreign nations any coal after the time so fixed and before his obedience to the order. Any failure to obey such order or injunction may be punished by the court as a contempt thereof.

(c) No person shall be excused from so attending and testifying and deposing, or from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, he may so testify or produce in evidence; except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 6. That for the efficient administration of the functions vested in the coal investigation agency by this act, any member, officer, or employee thereof, duly authorized in writing by the agency, shall, at all reasonable times for the purpose of examination, have access to and the right to copy any book, account, record, paper, or correspondence relating to any matter which the coal investigation agency is authorized by this act to investigate.

SEC. 7. That every officer or employee of the United States whenever requested by the coal investigation agency shall supply it with any data or information pertaining to any investigation by the agency, which may be contained in the records of the office of such officer or employee.

SEC. 8. (a) That no person shall willfully (1) fail or refuse to make any report required by the coal investigation agency, (2) make in any such report any statement which is false in any material particular, or (3) deny any duly authorized person any right granted by section 6. Any person who violates this subdivision shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned for not more than one year, or both.

(b) In construing and enforcing the provisions of this act the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case also be deemed the act, omission, or failure of such individual, partnership, corporation, or association as well as of such person.

SEC. 9. That for the efficient administration of the provisions of this act, the coal investigation agency may make such regulations as it deems necessary.

SEC. 10. (a) That the coal investigation agency may appoint, remove, and fix the compensation of such employees, and make such expenditures, including salaries, traveling expenses, per diem rates of allowance in lieu of subsistence, and witness fees, as are necessary for the efficient administration of the functions vested in the agency by this act, and as may be provided for by the Congress from time to time. All the expenses of the coal investigation agency shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the agency.

(b) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, to be available until June 30, 1923. Such sum shall be expended by the coal investigation agency, in the District of Columbia or elsewhere, for defraying the expenses of the maintenance and establishment of the agency, including the payment of salaries.

SEC. 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Amend the title so as to read: "A bill to establish a temporary governmental agency to investigate and report to the Congress and to the President in respect to labor or other conditions in the coal industry."

The President in a message to this Congress a few days ago from almost this identical position said to you that we must have a fact-finding agency in the coal industry. The administration had become convinced that no solution of this great problem can be made until scientifically prepared data and statistics of the whole industry are prepared and submitted to Congress. No one knows what the production cost of coal in this country is unless it be those who brazenly refused to give the facts to the Government. Those who are most familiar with the facts will agree that there is no solution of this problem, nor can there be an intelligent attempt at its solution until the facts concerning the industry, including the cost of production, labor costs, overhead expense, and the thousand and one facts concerning the business have been carefully gathered, compiled, and submitted in an understanding way.

The President is right in demanding that legislation of this character be passed, and I pride myself upon the fact that many months ago I advocated on the floor of the House that the first step essential to the curing of the disease of the industry was the establishment of a properly constituted Federal fact-finding agency to which must be given all the powers the Federal Constitution would permit. The Labor Committee counseled with the best legal brains in the Federal service in order that my bill might stand the constitutional test, and on May 5 the committee reported it to the Congress. It had received months of consideration as well as the approval of many bright and disinterested minds, but your Committee on Rules refused



to give consideration for it on the floor of the House, and the chairman of the committee stated to the press that he was opposed to commissions. His attitude seems to have changed lately. In this bill it was proposed that a commission be formed of two miners, two operators, two members of the public, who should receive pay, and that with them should be associated the Director of the Geological Survey, the Director of the Bureau of Mines, the Director of the Bureau of the Census, and the Commissioner of Labor Statistics. It was the thought of the committee that representation of the miners and operators of both bituminous and anthracite districts would insure, by reason of prejudice and interest, the fullest giving up of the facts, and that the result obtained would necessarily be acquiesced in by those two great elements of interest in the industry.

The President in his message to Congress proposed that a commission, similar to the one I had suggested, be formed with similar powers, but that no representation of employer or employee in the industry be permitted, and the Committee on Labor bill was sidetracked and the Committee on Interstate and Foreign Commerce were called upon to present to Congress a bill embodying the ideas of the President. To my astonishment I find this great committee reporting a bill without having had hearings or without advice and counsel of any legal talent whatever. This bill not only denies representation to the miners and the operators but, in my opinion, does not bestow, under the Constitution, the power which will enable the commission to perform the investigation for which it is being created. I think most of you before me are lawyers, and those who are not, from your experience in legislative matters, have learned to weigh the meaning of the phraseology of bills. Let us digest for a moment the provisions of the Winslow bill that is being hurried through here without consideration. The Winslow bill grants to the commission no powers not already given to the Federal Trade Commission, and I venture to assert that none of the lawyers of the Interstate Commerce Committee will produce one scintilla of argument to the effect that more powers are granted to this commission than are now held by the Federal Trade Commission. The Federal Trade Commission, under its interstate commerce rights, was empowered to investigate the coal industry and to find facts concerning it, but bear in mind that it is only given power under the interstate commerce clause of the Constitution. The Maynard Coal Co., after 51 mines had reported, obtained a restraining order in the District Court of the District of Columbia restraining the Federal Trade Commission from requiring answers to questions concerning production in the States, upon the theory that the production of coal does not pertain to interstate commerce, but that it is entirely intrastate. Two years have passed since the Federal Trade Commission was halted in its attempt to carry out the orders of Congress, and yet we have a great committee in Congress bringing out a bill in which it relies solely upon the interstate commerce powers of Congress to give this commission the right to inquire into the question of production within the States.

Is it possible that the framers of this law do not know what the courts have decided, or are they butting their heads against a stone wall to see how thick their skulls are? The chairman of this committee, Mr. WINSLOW, said we will have to take a chance on that.

Mr. WINSLOW. Will the gentleman yield?

Mr. BLAND of Indiana. Yes; if the gentleman takes any exception to my statement.

Mr. WINSLOW. I do not want to interrupt the gentleman. He talked to me without reply on my part for about 10 minutes. And as he was leaving I said as a good-by, "We will have to take a chance."

Mr. BLAND of Indiana. Yes, he said, "We will have to take a chance on that." We do not have to take a chance, for I tell you there are other powers of the Constitution that can be invoked, and you could put them in this bill if you wanted to. I am hopeful that provisions may be put in this bill to-day that will give full powers to this commission under the Constitution to go into the States and obtain the facts essential to this great industrial problem. You ask me how it can be done. Read the bill that I shall propose as a substitute for this misfit and you will find that I invoke powers under the Constitution other than interstate commerce powers. Can anyone in the sound of my voice deny that we have the right to go into the States to inquire into any industry for the purpose of Federal taxation? The Constitution specifically gives us that right. Can anyone contend that the Government does not have the right to protect the coal supply for its Navy, for its ports, for its arsenals and its institutions in the District

of Columbia? If we have that power, why not invoke it in this law, because the courts have indicated that under a guise of obtaining information you can not fish for facts, but that the Congress must indicate what facts they want and what they are for. In this connection I would like to refer you to 237 U. S., page 434.

In the Maynard Coal Co. case it was held that the production of coal within a State was not interstate commerce, and yet in the first sentence of the Winslow bill it says, "for the purpose of securing information in connection with interstate commerce in coal," and any court in the land will construe that the Congress only intends to invoke the interstate powers of the Constitution in order to reach the production of coal within the States. If you will read the bill which was reported by the Labor Committee, and which for some strange reason has been mysteriously avoided in the preparation of this bill, except an absolute copy of certain less important items, you will find that it provides:

That for the purpose of providing information for the Congress as a basis for legislation (a) to settle industrial disputes in and prevent the overdevelopment of the coal industry, (b) to stabilize such industry and levy taxes in respect thereto, (c) to regulate commerce in coal among the several States and with foreign nations, (d) to provide a coal supply for the maintenance of the Navy and the merchant marine, and (e) to protect the coal supply for the District of Columbia and forts, magazines, arsenals, dockyards, and other public buildings of the United States outside the District of Columbia, the coal investigation agency is authorized and directed to require and obtain from any person—

And so forth.

Not only does the Labor Committee bill confer and call into action all the powers that the Federal Government has but it provides the machinery and the penalties that will bring forth the fullest disclosure of the facts.

My colleagues, as I look you in the face, and as man to man, I want to say to you that the Winslow bill has no teeth in it; it has no adequate penalty clause, and will be hailed with delight by every coal producer who desires to conceal the facts concerning the cost of production of his article. What does a great coal corporation making its millions—now, I am not speaking of the little fellow—in the pinch months care for the possibility of a \$5,000 fine at the end of a long-drawn-out criminal lawsuit?

I wish the chairman of this committee would tell you now why it was that he has left out of this bill the section contained in the Labor Committee bill which denies to the coal producer who refuses to answer the questions of his Government the right to interstate commerce for his product. The Labor Committee bill authorizes the Federal court, as a part of its verdict, to make it a criminal offense for the delinquent coal company to ship its product in interstate commerce, and it makes it an offense for a railroad to receive its product in such shipment. Ah, my colleagues, the teeth has been pulled from the bill. They can wear you out with criminal trials; they can stand a few fines, and a few thousand dollars would not make much difference to them. But if the court orders a railroad company not to receive for interstate shipment their product until they have purged themselves of contempt and answered the questions that the Government asks them, then you will get results. Why this pussyfooting on so important a question? Why take the chance, Mr. WINSLOW, if you really want the facts?

The President of this great Republic says he must have the facts. The operators that have come before the Labor Committee, the Federal Trade Commission, and before the Senate committee have brazenly refused to divulge the facts. Do you want the facts? If you do, my suggestion is that you accept an amendment to this Winslow bill which will not only promote the fullest voluntary giving up of facts but will be adequate to force their submission. I do not believe that President Harding knows the contents of this bill aside of its provision for the personnel of the board, and permit me to say, in passing, that I am now, and have been in the past, one of his most ardent admirers. He is honest; he is courageous, and has a heart full of love for the American Republic. He believes that the best interests will be conserved by leaving off the representation of miners and operators. In this I believe he has been wrongly advised. How can you hope to settle satisfactorily the facts regarding one of the greatest industries in the history of civilization, unless you at least give representation to those who are most vitally concerned and who know the facts better than anybody on earth. I have not asked that either operators or miners, or both, have control of this commission. My bill proposes a commission of 10, 2 operators, 2 miners, representing both the bituminous and the anthracite fields. Their knowledge of the industry and its many intricacies and ramifications will not be available to such a committee as the Winslow bill pro-



noses. The Winslow bill says that no person who has interest in or is connected with the coal industry shall be eligible to serve on the commission. I can not disabuse my mind of the fact that growing out of this great industrial strike which, thank God, ends to-day, a prejudice has been engendered against the industry. This kind of commission if named in a spirit of prejudice can not be helpful to the solution of the coal problem, but will tend further to disrupt and prevent any hope of peaceful, constructive stabilization, such as is desired by every patriotic American citizen.

If the President of the United States knew the Winslow bill gave no additional powers than are given to the Federal Trade Commission, and that the courts of the land have stopped the Federal Trade Commission from obtaining facts under those powers granted by Congress, and if he knew, as I believe he does, the decision of our courts which would point the road to us as to how we could bestow additional powers upon the commission, I believe he would unhesitatingly say that the Winslow bill should be radically amended.

I wish you would read section 2 of the Winslow bill. You lawyers who are in the habit of scrutinizing legislative acts will see that the word "production," except where it is casually used, is omitted from the field of investigation of the agency, and it was the word "production" that stopped the Federal Trade Commission in its inquiry. Why this omission if results are desired? Is some one acting with their fingers crossed in pretending to obey the mandates of the President? You may construe, from reading this section, that they will have the right to inquire into production when they are inquiring into profits, but I know of no good reason, in view of the legal uncertainty, for not definitely saying that the commission has the right to inquire into the production of coal, and on this subject I am fearful that the genial chairman of this committee will be as silent as the bones of Job in the valley and stolidly refuse to accept the amendment.

I venture to assert that no member of this committee since the introduction of this bill has read the Minnesota Rate case nor the Maynard Coal County case, the Shreveport case nor the Claire Furnace Co. case. If we are to profit from our mistakes when stopped by the courts, why not attempt to frame the law to conform to the courts' notion as to what our constitutional rights are if you really want to get facts?

Our Democratic friends on the other side of the aisle have charged, with certain justness, that in this piece of legislation we are camouflaging the public before the election and that we are passing a gold brick out to the public. I do not believe the President wants us to do that, and I do not believe the majority of you want us to do that, and I am not impugning the motives of any of my colleagues, but I do say that whether Mr. Hoover or any other man prepared this bill he did not know the law or he would have couched it in different language, and the day will come when our failure at this hour to insert in this bill the proper provisions will confront us in a most embarrassing way.

Some of the minor provisions of my bill have been bodily lifted out and put in this bill, but I note with great disappointment that the teeth in my bill have not been put in this bill, and I am informed, and have good reason to believe, that the Interstate Commerce Committee had the opportunity to put them in, but deliberately voted them down. I understand, gentlemen, that with an overwhelmingly Republican House—and I am glad it is overwhelmingly Republican—and with the President and administration generally behind this bill it will be difficult, regardless of the merits of the controversy, to convince you that it should be changed, but I am going to discharge my duty as a Representative in the American Congress and advocate what I believe to be to the best interest of my country, and in that advocacy I most earnestly appeal to you, gentlemen, if you are wedded to the thought that there should be no miners or operators on this board, that you should at least give heed to the verbiage of the bill, so that you may confer upon your alleged impartial board all the power which you intend to confer.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. I can not yield at this time. I am sorry. Later I will be glad to yield.

The Supreme Court, gentlemen, has held, and I think correctly so, that if legislation granting certain inquisitorial powers has been enacted that power can not be used for the purpose of fishing for information, but that only the information in contemplation by Congress at the time the act was passed can be obtained under its provisions. Why not say in this act that you empower this commission to get these facts for the purpose of levying taxation and for the other purposes enumerated in section 3 of the bill which I offer for a substitute? Do

you know of any reason why you should not include them? If you want to get the facts, can it hurt anything?

Remember that you are hanging your whole case upon the possibility of the court of appeals or the Supreme Court of the United States holding in the far distant future that the Federal Government under its commerce powers can inquire into the production of coal within the State even if that production is purely intrastate. Now, I shall not stultify myself as a lawyer, nor hide from you my real views on this proposition. I believe that the courts should hold, and I hope they will hold, that coal and its production are so essentially a part of interstate commerce that they are of Federal concern and that under the interstate commerce powers they will be permitted to inquire into them. But why take the chance of the court rendering such an opinion in the future when you can give these powers to it now? I will venture to say that no lawyer backing the bill in the sound of my voice will say that we have not the right to go into the State and inquire for the purpose of cost of production for the purpose of legislation on the question of taxation, and the refusal to place this provision in the bill is an admission that you do not want the facts or that you are indifferent and careless in the construction of the law which you hope will obtain facts. No one will contend that it could be hurtful to invoke these rights even if I were wrong in my legal premises.

Mr. JOHNSON of South Dakota. Will the gentleman insert that decision in his remarks?

Mr. BLAND of Indiana. I will be very glad to do so, and I would like to insert also this decision here that you must specifically say in the act for what purpose you are obtaining the information.

It is *Ellis v. The Interstate Commerce Commission* (237 U. S., pp. 444-5.)

A part of the Maynard decision reads as follows:

In the case of a corporation doing a wholly intrastate business could it be said that Congress has any visitatorial power under the commerce clause of the Constitution of the United States? Clearly it has not. The fact that it happens to be the same corporation in this instance which mines and ships the coal does not give Congress any greater powers to regulate production and the intrastate commerce of such corporation. The visitatorial power of Congress is limited to that part of the business over which it has control and which under the Constitution it has the power to regulate.

The mere fact that a corporation engaged in mining ships a portion of its product to other States does not subject its business of production or its intrastate commerce to the powers of Congress. Doubtless the business of every coal-mining corporation, whether engaged in interstate business or not, to some extent affects interstate prices and commerce, but, as stated in *United States v. Kind* (158 U. S. 1), above: "The power to control the manufacture of a given thing involves in a certain sense the control of its disposition, but this is a secondary and not the primary sense." No sound reason is given why there is any difference in the business of coal mining of a corporation which ships its coal to another State and that of a corporation which does not. Interstate commerce is not affected any more in the one case than in the other.

Mr. MILLS. Will the gentleman yield?

Mr. BLAND of Indiana. I will.

Mr. MILLS. Does the gentleman contend that we could, by reciting that we were trying to obtain information for the purpose of taxation, get the information which we otherwise could not get?

Mr. BLAND of Indiana. Yes; but you are not confined to that right. On the contrary, if you say you are going in to get facts which the Constitution permits, the Supreme Court has held that you are not fishing but you have a right to have the information.

Mr. MILLS. But the Supreme Court has held that where the taxing power has been used as a mere subterfuge, the mere fact that you are doing it under the taxing clause of the Constitution does not render it constitutional.

Mr. BLAND of Indiana. If you pass a law saying that you want to get the facts for taxing purposes, it can not be held unconstitutional, if you try to get facts for that purpose. The gentleman has in mind the child-labor case, in which they attempted to regulate child labor by taxation; but this is information for the purpose of taxation, and when you once obtain it you may use it for any purpose. The question is, Have you a right to obtain the information for legislative purposes? You have. This bill does not say a word in reference to obtaining it for legislative purposes.

Mr. MILLS. Will the gentleman yield for one more question?

Mr. BLAND of Indiana. Yes.

Mr. MILLS. It is a fact that we are investigating the coal situation because of the strike. Does the gentleman think that if we state in the resolution that we are doing it for taxing purposes the Supreme Court will not do what it did in the child-labor case—look at the real facts?

Mr. BLAND of Indiana. The gentleman does not state a fact when he says we are doing it on account of the strike. If the



gentleman will study the situation a little more, he will see that the coal industry is sick from other causes than the strike. The coal industry is overdeveloped.

It has one-third too many coal miners and it has one-third too many coal mines. And then again it has its seasons, and the result is that when the pinch months come the operators and dealers raise the price to \$10 and \$12 a ton, as is being doing now. There ought to be a condition brought about where the industry would be stabilized, where the efficient mines would compete. As long as the industry is seasonal we are going to have a little mine on the side hill where the miner sits idle most of the time, and only works about 120 days in the year, and when he does work he must have wages enough to keep him the year round. We ought to have an act that will get the facts. Pass a law that has teeth in it. If there is anything wrong about the industry or the organization of the men who work in it, let us go after the facts, both as to the miners and operators.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?  
Mr. BLAND of Indiana. Yes.

Mr. STEVENSON. The gentleman stated awhile ago that the facts which the public and the Government have are false, and that the reports were made deliberately false. I want to get at who promulgated these facts and false statements.

Mr. BLAND of Indiana. Oh, the operators who were making unusual profits claimed that the cost of production was higher than it really was. They made the statement that the labor cost of production is \$1.96 a ton, and we know better. We investigated the matter far enough to find that out; but if they can say that their labor cost is \$1.96 a ton and that their overhead is another \$1.96 a ton, then they can make you gentlemen think it will cost a great deal to produce coal. Then they are prone, during labor controversies, to lay it on the miner who gets only \$1.08 a ton, and do you blame the miner for wanting representation upon this board. This is not to be a regulatory body, it is not a governing body, it is not a price-fixing body, it is not a wage-fixing body; it is a body to find facts, and if you want to find facts put men on that commission whose interest and prejudices will insure that the facts will come out.

Mr. THOMAS. Mr. Chairman, I wish the gentleman from Indiana would please read the part of the decision that he speaks of.

Mr. BLAND of Indiana. I would like to do it, but I have not the decision here; some one has carried it away. I shall put it in the RECORD.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. MOORE of Virginia. I notice that your bill, which is similar to this bill in a general way, was reported to the House on May 5 last, I think, after the coal strike began.

Mr. BLAND of Indiana. Yes.

Mr. MOORE of Virginia. It never has been considered. Does the gentleman know why the House has not considered the bill?

Mr. BLAND of Indiana. I have been storming the Rules Committee for a rule. I am not responsible for the delay. I assure the gentleman that the press of the country has been anxious to have this legislation considered. This legislation has been featured by some of the biggest daily papers in the country as being the most necessary legislation before the American people to-day, but I am not responsible for its not coming up. I do know this: I know that the President of the United States realized that he could not get any facts under existing laws because they were not obtainable, and he realized when this strike situation began to cool off that we ought to constitute an agency which would clear up the facts. I think the gentleman should understand that if my bill had passed some time ago it would have had little or no effect upon the strike, because it will take more than the year's time given by this bill to get these facts. It will take a longer period than that. It could not help this strike, but, God knows, we may avert others.

Mr. MOORE of Virginia. If the gentleman's bill would not have affected this strike, then surely this bill would not.

Mr. BLAND of Indiana. I do not think it is contended that it can do anything toward affecting this strike.

Mr. POU. Is it a fact that the gentleman almost got a rule reporting out his own bill this morning?

Mr. BLAND of Indiana. Oh, I do not want to be bitter about this thing at all. I have no feeling about it. I would not impugn the motives of anyone. I know that all are interested just as much as I am. I know that the men who prepared this bill could not have been familiar with these questions, because,

if so, they would not have brought out this bill if they wanted to get the facts.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. JOHNSON of South Dakota. Is it not a fact that if this bill that is brought out by the Interstate and Foreign Commerce Committee is adopted by the Congress the operators could go before this same court that issued the injunction against the Federal Trade Commission and nullify this statute?

Mr. BLAND of Indiana. That court could make no other ruling on this bill than what they have already made on the Federal Trade Commission bill.

Mr. JOHNSON of South Dakota. If the court was consistent it would have to make the same ruling.

Mr. BLAND of Indiana. Yes.

Mr. JOHNSON of South Dakota. Then that means that the passage of this bill would be just an empty gesture to the country?

Mr. BLAND of Indiana. Absolutely. To be fair, however, as I said before, there is the argument that the interstate commerce clause of the Constitution entitles us to go into the production of coal, but the courts holding in the contrary, it would seem to me to be wise to invoke all of the powers that we have under the law. Why leave them out if you want the facts?

Mr. WARD of North Carolina. Mr. Chairman, will the gentleman yield there to permit me to ask a legal question?

Mr. BLAND of Indiana. Yes.

Mr. WARD of North Carolina. The bill provides that the commission shall report its findings of facts and such recommendations as to methods and measures as in its judgment will promote continuity of production and efficiency in mining and distribution and maintain the uninterrupted movement of coal in interstate commerce and safeguard the interests of the workers, operators, and the consuming and general public. I want the gentleman's opinion upon the question whether that would not give to the investigating committee sufficient power and authority to meet the point of the gentleman's argument. I do not say that it will or that it will not, but it impresses me that it goes a long way toward doing it.

Mr. BLAND of Indiana. That section merely goes toward the report, and it does not add anything to the powers specified in the bill.

Mr. JOHNSON of South Dakota. Will not the gentleman make the proper motion to insert his complete measure, or the Labor Committee measure, as an amendment to this bill?

Mr. BLAND of Indiana. I am glad the gentleman suggested it. At the proper time I want to move to strike out all after the enacting clause and insert the bill from the Labor Committee. I want to say as to that bill I do not care what the politics of any member of the Labor Committee may be, or if you will talk to the chief counsel of the Interstate Commerce Commission, who helped write this bill, or the chairman of the Federal Trade Commission, who recognized his hopelessness under existing law, if you will talk to them they will tell you that the Labor Committee bill will do the work and has teeth in it, and that such powers of the Federal Government will be invoked as will get the facts. Why do you want to take chances?

Mr. TINCHER. Will the gentleman yield?

Mr. BLAND of Indiana. I will.

Mr. TINCHER. Is not one of the terms of the settlement of the strike that the operators and miners have agreed to have a commission to investigate these questions?

Mr. BLAND of Indiana. I am glad the gentleman reminded me of that. The Cleveland agreement was—if I am not right, I hope the gentleman from Illinois [Mr. WILLIAMS], who has a copy of same, will correct me—that they were to have an investigation of the coal industry, and that the miners and operators will appoint and the President shall approve a commission. You saw in the papers a telegram, which I have not here, from Mr. Lewis on that subject. He regrets that this law is not giving representation to the miners. If this law is passed here, the President is not going to sanction any other commission to investigate the coal industry, and therefore the miners and operators will not get into the investigation. Furthermore, under existing law the miners and operators could not get the facts any more than the Federal Trade Commission could.

Mr. TINCHER. Then I understand you are seriously contending that the only way to get the proper kind of facts is to have it from prejudiced people—people directly interested?

Mr. BLAND of Indiana. The gentleman does not understand me correctly.



Mr. TINCHER. We are finding facts and I submit that under our form of government we would not think under any circumstances of putting an interested party on the jury.

Mr. BLAND of Indiana. If the gentleman will pardon me, there is no industry in this country that is so little known about as the coal industry. There has been an industrious hiding of facts, changing of facts, and a perversion of truth concerning the industry, and it is time the Government was unearthing them, and you can not do it under a law that is already held unconstitutional. If you want to realize what you say you are after, put some teeth in the bill.

Mr. BYRNES of South Carolina. The bill introduced by the gentleman from Massachusetts calls for \$500,000. What is appropriated by your bill?

Mr. BLAND of Indiana. The same amount. It is for a two years' period, and it provides that they shall make a report from time to time. Furthermore, we have limited their salaries to \$8,000, but in this bill the salaries are \$10,000, and that means \$90,000 in one year to a commission that has no power.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. BLAND of Indiana. I will.

Mr. HARDY of Texas. Is it not true that in order to bring about the truth you must have opposing interests investigating?

Mr. BLAND of Indiana. Yes; Judge HARDY, I think so, even if it is a regulatory body.

Mr. HARDY of Texas. It seems to me it would be absolutely necessary.

Mr. BLAND of Indiana. This is a fact-finding agency and surely interested parties should be on the commission.

Mr. STAFFORD. Does the gentleman believe that the \$50,000 as provided in his bill, section 10, would be adequate to meet the expenses of his commission before June 30, 1923?

Mr. BLAND of Indiana. To start off with.

Mr. STAFFORD. I understand the gentleman says the same amount is appropriated in his bill as asked for?

Mr. BLAND of Indiana. That was the amount we contemplated would be expended.

Mr. GRAHAM of Illinois. I have a copy of the bill in my hand which calls for \$50,000.

Mr. BLAND of Indiana. It is estimated that it will take \$500,000 to do the job, but I do not think my bill appropriated that amount at the time, but we probably would have to appropriate that amount later.

Mr. DENISON. I think the gentleman ought to emphasize the fact that the commission we are attempting to appoint is in no sense a jury. A jury is a body appointed to determine and adjudge in a controversy between different parties. This is an independent fact-finding commission, and it seems to me, and has seemed to me all the time, that it would be proper and appropriate to at least have some representative on the commission who knows something about the business from actual experience.

Mr. BLAND of Indiana. I think the gentleman is absolutely right.

Mr. MAPES. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BLAND] has expired. [Applause.]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SANDERS of Indiana having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 4) granting relief to soldiers and sailors of the War with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURSUM, Mr. SMOOR, and Mr. WALSH of Montana as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

#### House Concurrent Resolution 65.

Resolved by the House of Representatives (the Senate concurring), That there be printed 6,000 additional copies of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, of which 4,000 copies shall be for the House document room and 2,000 copies for the Senate document room.

#### UNITED STATES COAL COMMISSION.

The committee resumed its session.

Mr. WINSLOW. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Chairman and gentlemen of the committee, of course it is impossible to do very much on a question like this in five minutes. I take it that there is no difference of opinion as to the necessity of a fact-finding commission and a commission which shall, as the result of the facts as found, make recommendations that will be of benefit to the Congress and to the American people.

The gentleman from Indiana [Mr. BLAND] raises two or three specific objections to the bill before the committee. In the first place, he contends that the bill is not constitutional because of this reason, that it does not set out in what might be called the preamble all the reasons why the Congress seeks to get this information. Now, I think the question of the gentleman from New York [Mr. MILLS] was very pertinent. Certainly the question of the power of Congress to do this thing, to get these facts, rests upon the statement of powers within the Constitution itself and not upon any recitals we may make as to our purposes in getting the information. I can not believe that a mere recital in the preamble of some of the things that men have in their minds as to what are the purposes for which we are getting the facts can be controlling as determining the question of whether Congress has the power.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. HOCH. In a moment. I want to finish. I have only five minutes.

But in reading this bill you will notice that in the opening it says:

That for the purpose of securing information in connection with questions relative to interstate commerce in coal and other questions and problems arising out of and in connection with the coal industry.

Now if you can frame words broader than those as to the purpose that Congress has in its mind, I do not know what those words would be. But speaking personally, I would certainly have no objection to the incorporation there of other words to indicate that we have a desire to obtain the facts for the use, among other things, of the Government in obtaining coal for the Army and the Navy or for any other purpose. That could be done in a very simple amendment. I believe it can be shown that 90 per cent of the coal movements in this country are interstate in character, and, if that is the case, certainly Congress has the right to acquire information as to interstate movements of coal; and, if 90 per cent of the coal movements in this country are interstate in character, certainly no court will on that specific question decide that Congress does not have the power to ascertain the facts concerning interstate commerce in 90 per cent of the coal movements of the country. If there be any doubt about it at all, and I do not believe there is, the objection can be met by very simple amendment. That suggestion, however, it seems to me, from any angle, does not require, and need not be given, very earnest consideration when it comes to the matter of the real substance of this bill.

Another objection is urged to the way in which the personnel of this commission is to be formed. With all due respect to the gentleman from Indiana [Mr. BLAND], and I certainly concede his sincerity and the sincerity of anyone who believes as he does, I disagree with him fundamentally upon that proposition. I think what the American people want is not an investigation by interested parties but an investigation of disinterested parties in the interest of the people of the whole country. [Applause.] In my judgment, if you constitute this commission and start out in the first place with the idea that it has upon it representatives of this group and representatives of that group, you necessarily create an impression in the minds of the American people—you create the idea at the outset—that you have a board of arbitration to arbitrate differences, wherein one side will argue its case, and the other side will argue its case. In my judgment, you will have a cat fight at the very start of this commission. I hope the President will appoint, if this bill is enacted—I am sure he will—men of such high standing and character in this country, so disinterested in their patriotism, of such wide experience and understanding and sympathy that they will at once command the confidence of the country and the confidence that we are going to have a searching investigation of the facts of the coal industry from start to finish by a body which is wholly disinterested.

Why, gentleman, to hear the gentleman from Indiana you would think that we are not going to have any expert testimony. Are there to be no witnesses before this commission? Are not the miners to be represented, with all the evidence that they can present? Are not the operators to be represented?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. HOCH. May I have two minutes more?



Mr. WINSLOW. Mr. Chairman, I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from Kansas is recognized for two minutes more.

Mr. HOCH. Why, gentlemen, is it possible that men of large experience, sitting upon what may be said properly to be analogous to a jury, finding the facts as juries find the facts—will it be said that these gentlemen will be unable out of their large experience and great knowledge to understand the things that the witnesses tell them? Is it possible that when we go to have a commission to find facts everybody who wants to present facts before it will have to be represented on the commission? I think the difficulty with respect to courts of arbitration is in their tendency to resolve themselves into a question of who gets the third man, and I think it would be a fundamental mistake to make that possible in this case. I think the President properly stated the case in his message when he asked for a disinterested commission. We should have a commission wholly disinterested, who will give all due consideration to the representations of labor—organized labor and unorganized labor—and all due consideration to the representations of the owners and operators of the great coal industry, and who, having these interests before them and all that testimony before them, will come before the American people with a finding of facts and recommendations which will command at once the respect of the American people and which I believe will ultimately be of vast benefit to the people in helping to make impossible the recurrence of the coal situation which confronts the country and the unconscionable profiteering which is now rampant. I want still further legislation, every possible legislation, to curb the profiteers. And I believe this bill is the proper start in the right direction. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, I have used more time than the gentleman from Massachusetts [Mr. WINSLOW]. I suggest that the gentleman use some time.

Mr. WINSLOW. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. MAPES].

The CHAIRMAN. The gentleman from Michigan is recognized for five minutes.

Mr. MAPES. Mr. Chairman and gentlemen of the committee, the gentleman from Indiana [Mr. BLAND] has unquestionably given a good deal of study to the coal question and, of course, has a natural pride in the bill which he introduced. But in his zeal I think he has made some general, broad statements here which would be hard to sustain upon a careful investigation of the subject.

The gentleman from Kansas [Mr. HOCH] has answered the criticism of the provision of the pending bill fixing the personnel of this proposed commission. I want to add just one word to what the gentleman from Kansas has said. The gentleman from Indiana would leave the impression that the Winslow bill makes it impossible to put anybody on this commission who has knowledge of the coal industry. That is far from the fact. The bill simply provides that no "person who has any interest in or is connected with the coal industry" can serve upon the commission. A man may have been in the coal business, may have studied it, and may have worked in the coal mines all his life, but if he goes upon this commission he must sever his connection with the coal business before he goes upon the commission. I do not believe that any unprejudiced man here will say that that would prevent the President from appointing a man upon the commission who knows anything about the industry.

The gentleman from Indiana naturally wants his bill put through Congress instead of the bill reported and recommended by the Committee on Interstate and Foreign Commerce. I am in favor of the legislation. Everybody realizes the need of it. I think it is the psychological time to put through the bill introduced by the chairman of the Committee on Interstate and Foreign Commerce and recommended by the President, and I do not believe that the same thing can be said of the Bland bill, and for one, I am supporting the committee bill that is before the House to-day and the one that I think stands a chance of being enacted into law. I would like to say for the benefit of those who are sincerely in earnest in their desire to have legislation passed creating a fact-finding commission that it was the purpose of the Committee on Interstate and Foreign Commerce in framing and reporting this bill to make the provisions of the bill broad enough to cover the investigation of every phase of the coal industry. There was no attempt to take the teeth out of any bill. There was no attempt to limit the scope of the investigation; but on the contrary the attempt of the committee was just the opposite. It was to make the language of the bill broad enough so that this commission could investigate every phase of the subject, and it was the attempt

of the committee to make the penalty clauses severe enough to make it effective. The gentleman says that we have provided a penalty of \$5,000, but he omitted to state that we also provide a penalty of imprisonment for one year, or both such fine and imprisonment, if a man refuses to answer any material question that the commission may ask under this bill.

What the gentleman from Indiana says in regard to the lack of information on the part of the public and its inability to get accurate information in connection with the coal business is only too true. It is a lamentable fact that the public and the Congress and the Government do not know and have been unable to find out what the real facts are in connection with this essential industry. [Applause.]

The President recommended unequivocally the passage of two very concrete pieces of legislation relating to the coal problem—first, that a commission be created clothed with "authority to reveal every phase of coal production, sale, and distribution," and, second, "immediate provision for a temporary national coal agency, with needed capital, to purchase, sell, and distribute coal which is carried in interstate shipment."

I am very much in favor of the passage of legislation to put into effect both these recommendations of the President. The enactment of this bill will put into effect fully and completely the first recommendation, and I hope that Congress will pass with equal promptness legislation putting into effect the second recommendation. I read with a great deal of pleasure in one of the afternoon papers of yesterday and again in the morning papers that a bill was being drafted to carry out this second recommendation. The prompt passage of these two measures will go a long way toward reassuring the public and toward putting a wholesome respect for decency and fair dealing into the conscience of the profiteering coal operators.

It may be true, as some say, that the passage of this bill creating this so-called fact-finding commission, and its subsequent findings of fact, will cause more lasting benefit and accomplish more good in the long run than a Government agency created to buy, sell, and distribute coal during the present emergency only. No doubt the country has a right to know more about the real conditions, the real facts, surrounding the coal business than it has ever been able to ascertain. No doubt that publicity and a knowledge of those facts by the consuming public will cure many of the evils which now exist and do away with a large part of the abnormal profits which are now being made by coal operators. But that will not help the consumers this fall who are now obliged to pay two and three prices for their coal and sometimes more.

The purchasing agent of one of the large consumers of coal in my district told me only yesterday that the company which he represents has been obliged recently to pay as high as \$8.50 per ton for coal at the mines when it was buying the same grade of coal from the same mines a few months ago for from 90 cents to \$1.50 a ton, and I dare say that there has been no material increase, if any, in the cost of production during that time. Anyone who is at all acquainted with the situation can multiply instances that are just as bad or worse that have come to his attention. Unfortunately such instances of profiteering in the coal industry are altogether too common.

To relieve the large consumers of coal as well as the individual domestic consumers from being held up right now, or this fall and winter, something else is necessary than the creation of this fact-finding commission, which it is expected will not be able to make its first preliminary report until the 1st of January. To stop with the passage of this bill will put Congress somewhat in the position of the man who locked his barn after his horse was stolen.

It may be conceded that it is not a proper function of government under ordinary conditions to buy, sell, and distribute coal. But the Government is not functioning properly if it permits those who control the output of an essential industry like coal to profiteer off of its people without adopting every reasonable means to prevent it. This is no time to get into any hair-splitting controversy about what is and what is not a proper function of government. The President recommends it, and no one in my presence has ever accused the President of being in favor of having the Government interfere unduly with private business.

It may be, as the President said, that it will not be necessary for this agency to function. Perhaps the psychological effect will be sufficient to accomplish the desired result, but I believe with the President that it should be created to function if necessary. It will cost the Government nothing in any event, as it will be reimbursed for any money expended by the sale of its coal.

Such legislation is not without its precedent, if precedent is needed. It has its counterpart, it seems to me, in the legisla-



tion creating the War Finance Corporation and the United States Grain Corporation.

Both of these other Government agencies have more than justified their existence, and they serve, directly at least, only a fraction of the people as compared with those who are consumers of coal.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WINSLOW. Is the gentleman from Tennessee prepared to yield further time?

Mr. GARRETT of Tennessee. I am prepared to do so if the gentleman desires, but we have used more time on this side than the gentleman's side has used.

Mr. WINSLOW. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman, this is the bill that has been asked for by the President, who perhaps has more definite and accurate information on this subject than anyone else. The bill has his approval. Before one votes against it and for some substitute measure he ought to have the best and most conclusive of reasons to sustain him in departing from the judgment of the Chief Executive in this matter. The only two contentions made by the gentleman from Indiana [Mr. BLAND] about this bill are contentions which it seems to me have but little merit when it comes to the real question of the consideration of whether this bill shall pass or whether it shall not. The gentleman from Indiana [Mr. BLAND] says, in the first place, that we have taken some of the teeth out of this measure because we have not put into it certain provisions that were in his bill originally. These provisions are those stating that the commission is formed for the purpose of obtaining information for legislative purposes and to help the War Department and the Navy Department get coal and the District of Columbia to get a coal supply. I do not believe there will be any opposition; I know so far as I personally am concerned as a member of the committee I shall not oppose any amendment including those as additional reasons for this legislation, if the gentleman desires to offer any such amendment; but in my judgment the language of the bill is amply sufficient and broad enough to include all of those purposes, and I do not believe the Supreme Court of the United States will hold this act to be unconstitutional if it can see, in reading its broad powers, that it might cover the definite purpose which would make it constitutional. I believe the court will use a reasonable construction in that respect and will construe it to be constitutional if it can possibly do so. The provisions of the bill to which attention has been called by the gentleman from Kansas [Mr. HOCH] are broad enough; but if the gentleman from Indiana thinks they are not, and if he will offer his amendment putting in the provisions which he has proposed, I can see no objection to them if they will in any way strengthen the bill. So that disposes of that objection. It is a matter that the House can attend to when it comes to considering the bill for amendment.

The other respect in which the gentleman from Indiana [Mr. BLAND] claims that this act is unconstitutional is based upon the theory that no commission can legally do the things and make the inquiries this commission is authorized to do or make. It seems to me that is not borne out by the authorities he cites. I will not have time to go extensively into that question, of course, in the few moments I have, but I want to call your attention to the leading case cited by the gentleman which he says holds that the commission may not inquire into these facts. Let us look at it for a moment. It is found in Two hundred and thirty-seventh United States, at page 434. I will call attention to one or two clauses of the syllabus to show you that the case does not at all bear out the contention of the gentleman from Indiana [Mr. BLAND]. I had not seen the case before coming into the room here, but I have looked at it hastily while sitting here, and I think the case is not at all on all fours with the proposition here. The case is that of Ellis against the Interstate Commerce Commission, and one section of the syllabus says this:

The Interstate Commerce Commission may not in a mere fishing expedition interrogate a witness in regard to the affairs of a stranger on the chance that something discreditable may be disclosed.

Of course, the Interstate Commerce Commission can not do that. Now, let us look at the opinion briefly. On page 443 this language is used—

It—

That is the Armour car lines—

has no control over motive power or over the movement of the cars that it furnishes as above, and in short, notwithstanding some arguments to the contrary, it is not a common carrier subject to the act.

First, the Supreme Court holds that it is not a common carrier engaged in interstate commerce, and therefore that the

Interstate Commerce Commission has no jurisdiction over it. Then further along it says:

The appellant's refusal to answer the series of questions put was not based upon any objection to giving much of the information sought but on the ground that the counsel who put them avowed that they were the beginning of an attempt to go into the whole business of the Armour car lines—a fishing expedition into the affairs of a stranger for the chance that something discreditable might turn up.

In other words, the court held in that case that the Armour car lines were a stranger to that case, and hence that the Interstate Commerce Commission could not go into a fishing expedition as to their business.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. LEA].

Mr. LEA of California. Mr. Chairman, I believe it will be a fundamental mistake if this Congress adopts the Bland bill, which would make this an investigation by interested parties. The worth of this bill, if it has any, is going to be in the personnel of the commission. That commission can not, in my judgment, perform a useful function in doing the work this bill confers upon it unless it proceeds within a judicial frame of mind. Its work is essentially judicial. That requires the disinterested members the President has recommended. Whenever we place interested parties on that commission we damn the investigation from the beginning, because its reports can not possibly carry prestige or gain the confidence of the American people. [Applause.]

As to the other provision that is primarily asserted in favor of the Bland bill, that we have not broadly enough asserted the reasons for this investigation, that might be a reason for amending the bill, but it certainly is not a reason for repudiating it.

However, these are not the matters concerning which I desire to address the House. First, I call attention particularly to section 4 of the bill—the immunity section. In effect it provides that no man shall be excused from giving testimony on the ground that it would incriminate himself, but relieves him from subsequent prosecution for crimes about which he may be compelled to testify. That is not a new provision. A similar provision is found in the Federal Trade Commission act and in the Tariff Commission act and in the Labor Board act. It is necessary in order to comply with amendment 5 to the Constitution of the United States, which, among other things, provides:

No person \* \* \* shall be compelled in any criminal case to be a witness against himself.

There are two fundamental rules which rise out of this constitutional provision. The first is that the legislature may compel a witness to give testimony which may incriminate himself.

The second is, that can be done only when the law gives the witness immunity coextensive with the constitutional guaranty. In other words, it is not sufficient simply to say that the testimony of the witness shall not be used against him, but the legislature must go further and in effect relieve the witness from responsibility for prosecution and conviction of the offenses concerning which he is compelled to testify. The Bland bill is a little different from this bill in this respect. It conforms to the interstate commerce act, which provides that the witness shall be exempt from immunity concerning those matters about which he "may" testify. It will immediately be observed that the interstate commerce act and the Bland bill following that act are each broader in extending immunity than is the bill before the House. This bill provides that the witness shall be excused only when he is "compelled" to give testimony concerning those facts which may incriminate himself. In other words, the Bland bill extends immunity to every witness concerning every matter about which he testifies, whether voluntarily or not, and the bill before the House gives him immunity only when he is compelled to testify as to a particular fact which might otherwise incriminate the witness.

We have not done that blindly. I have attempted in the time available to look up the decisions of the courts. I find that the same language in this bill is embodied in a law in the State of Washington. That law has gone to the supreme court of that State, and it has been sustained. In other words, the immunity that we give, not as broad as that given in the interstate commerce act, is constitutional.

Another provision refuses to grant corporations this immunity. The Supreme Court has decided that a corporation is an instrument, a creature of the State. The State reserves the right to compel it to account in all respects, and therefore a corporation is not entitled to this immunity. I believe this section is just. It in good faith conforms to the constitutional requirements, and yet makes the limit of immunity as narrow as it is possible to draw the line and make it legal and effective. I believe, on the whole, this measure is wholesome and just. It is broad enough in its powers to authorize this commission to collect



every fact that is essential to present to Congress on which to base future legislation. [Applause.]

Mr. WINSLOW. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. BRENNAN.]

Mr. BRENNAN. Mr. Chairman, this bill providing for a fact-finding commission to investigate the coal industry has some value; but, standing alone, it is conceded that it is utterly ineffectual in so far as furnishing a remedy in the present crisis or in so far as preventing the almost inevitable coal shortage of next winter. If Congress can not reopen the mines by legislation, if we can not by law force increased production of coal, we can at least legislate to protect the public with relation to the coal on hand and the restricted amount which will be produced during the next few months. Already serious complaints of profiteering in coal are coming in from all parts of the country. Whether the strike is settled immediately or not, it is certain that there will be suffering and hardship next winter unless Congress immediately takes steps looking toward an equitable distribution of the available coal at a fair and reasonable price. While I shall vote for this inquisitorial measure before us to-day, I would much have preferred to have had the opportunity of voting to-day upon a bill designed to curb profiteering and to prevent unconscionable operators and middlemen from taking advantage of the dire necessities of the consuming public caused by the present famine in fuel.

To me the most urgent appeal in the President's message of last Friday was that which was contained in the following words:

The almost total exhaustion of stocks of coal, the crippled condition of the railways, the distressed situation that has arisen and might grow worse in our great cities due to the shortage of anthracite, the suffering which might arise in the Northwest through failure to meet winter needs by lake transportation, all these added to the possibility of outrageous price demands, in spite of the most zealous voluntary efforts of the Government to restrain them, make it necessary to ask you to consider at once some form of temporary control of distribution and prices.

As the Republican nominee for President, it was Senator Harding who coined the phrase, later strongly indorsed by the people, that there should be "less government in business." It is convincing proof of the seriousness of the present crisis when the father of these words, now the President of the United States, finds it necessary to ask for the strongest sort of governmental interference in this particular business out of regard for the public welfare.

We must know that the President would be one of the last to ask for this sort of legislation unless he was convinced of the immediate necessity for the same. The bill before us provides that the first report of the coal commission shall be submitted not later than January 1, 1923. Unless some further and more drastic action is taken by Congress at once it may be that the chief value of these reports will be that they will be used by the people in their stoves as a substitute for fuel. Some of the cartoonists of the country, perhaps not over friendly to the party in power, have been likening Congress during the past week to the well-known Roman Emperor who insisted upon rendering a violin solo while Rome burned. The comparison is unfair and inaccurate. There is no danger of the country burning this winter; but, unless this body acts at once, there will be justification for referring to Congress as fiddling while America freezes.

Mr. WINSLOW. Mr. Chairman, I yield two minutes to the gentleman from Minnesota [Mr. KNUTSON.]

Mr. KNUTSON. Mr. Chairman, it is plain to be seen that something must be done to relieve the situation existing in the country at the present time. I have not very much confidence in commissions of any character, because in the past they have failed to accomplish anything tangible. However, it seems to me that this House would make a mistake, if we are to have a commission, were we to substitute the Bland bill for the measure reported out by the committee. The gentleman from California [Mr. LEA], who just preceded me, pointed out several very important features of the committee bill which are superior to those contained in the Bland bill, and I for one propose to vote to pass the committee bill.

Something must be done to relieve the acute shortage in coal, and if the commission which this measure proposes to create for the purpose of studying the coal situation can gather some definite data upon which to base legislation to regulate the coal industry it will be worth while.

Ever since I can remember we have had sporadic strikes in the coal fields, and it is my belief that the trouble can largely be laid at the doors of the operators. There are too many mines being operated and also too many miners engaged to supply the needs of the country. The result is that the miners are out of employment a great portion of the year. It would seem

that the proper thing for us to do is to have a careful survey made with view to correcting that phase. Let the coal industry be so organized that the miners employed can work the year round. Of course, Congress can not say to A, B, and C, "Close down your mines, for they are not necessary." We can, however, so regulate the business and fix the prices at the mines that the high cost-producing mines will be compelled to shut down until such a time as they can be operated continuously and at a reasonable profit.

In my section of the country we are paying around \$14 per ton for bituminous coal and \$20 for anthracite. The American people can not continue to pay such outrageous prices, and we must do something about it at once. Let us have all the facts so that we can legislate intelligently, and let us have the information at the earliest possible date.

Mr. WINSLOW. Mr. Chairman, I yield two minutes to the gentleman from New Jersey [Mr. PARKER.]

Mr. PARKER of New Jersey. Mr. Chairman and gentlemen of the committee, the important question as I understand it about coal is to have continuous mining, as well as transportation when transportation is cheap. If the mining be not continuous, miners do not get regular employment, for too many mines have to be worked at one time and too few at another. There is no fairness in that. Continuity requires storage in large quantities where the coal is to be consumed. I might say the same thing about food. We want the old storeroom as well as the wood pile that carried the family through the winter in order to be saved from distress caused by interruptions of transportation and in order to have any certainty about our life.

One matter has interfered with storage. In our State we once had two enormous coal piles, enough to take care of the city of New York and its neighborhood for months. Those coal piles were useful in keeping up constant mining and distribution, and they no longer exist only because of the fact that the little towns where those coal piles were kept thought it a good thing to get a tax every year from millions of dollars' worth of coal. The railroads and the coal dealers objected that this coal was part of interstate commerce and that it only stopped on the way, but the courts held that it could be taxed by the locality. The great dealers for this reason could not profitably keep up a scheme which was for the benefit of the public, and some investigation should be ordered by this bill not only as to distribution but as to storage as a part of interstate commerce, and some remedy should be found by which such storage near to the consumer may be encouraged. [Applause.]

Mr. WINSLOW. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. DENISON.]

Mr. DENISON. Mr. Chairman, I shall vote for this bill if I have to, if it can not be changed from the form in which it was reported. It does not suit me; I would change it if I could, and endeavored to do so in committee. There are a number of provisions that I do not approve of. I do not think that we ought to create a commission of nine men and pay them each \$10,000. Five or seven members are plenty, and \$7,500 each is an ample salary. I do not think there is any necessity or excuse for more members or more pay than that. I do not think that we ought to appropriate \$500,000 to make the investigation. Two hundred and fifty thousand dollars is plenty. I do not think it is necessary or excusable, and if we appropriate that amount a part at least of it will be wasted. We had a committee of the House that spent two years investigating all the war transactions; they went all over this country and Europe and made a thorough investigation of the immense war transactions and only expended about \$250,000. So I say it is absolutely inexcusable for us to appropriate \$500,000 to make an investigation of a single business in this country.

Let me say that this bill would not be considered now if it were not for the President's message. If the bill is passed the President will be entitled to the credit for it or will be responsible for it. We have had bills pending before Congress for months asking for a fact-finding commission of this kind. Senator BORAH has had one before the Senate for months. The gentleman from Minnesota [Mr. NEWTON] has had a bill before our committee for months asking for a fact-finding commission and authority to make an investigation of the coal industry. The gentleman from Indiana [Mr. BLAND] has had a similar bill before the House. They were not seriously considered. Now the President comes before Congress with a special message and asks for a fact-finding commission and here we are precipitately passing a bill which I must admit has not had very much serious consideration.

History repeats itself here as elsewhere. In 1916, I think, there was a great strike threatened. The people knew the situation, or Congress did at least. President Wilson came before



us with a special message and demanded instant legislation and Congress hastily bowed to his wishes and passed what is known as the Adamson law. I have heard of some Members who are not very proud of what they did on that occasion.

Here we have another strike and another threatened strike and the President comes before Congress with a special message and asks for certain legislation, and although there has been similar legislation pending before Congress for months without special attention being given it by Congress, yet when the President comes and asks for a fact-finding commission here we are without very serious consideration rushing in to pass a bill. I am in favor of a fact-finding commission to investigate the coal industry, but if we should pass it I think we ought to have done so long before now. I do not think we ought to pass it in the form in which it is now reported if we can get a better measure. I shall vote for this bill if we can not get a better one.

I represent a district in which the largest industry is the coal-mining industry. I shall vote for this bill because I do not want to appear to be afraid of an investigation of that industry, and I do not want to leave the impression upon anyone that the coal operators and the coal miners who are engaged in that great industry in my district are afraid of or object to an investigation. Therefore, I shall vote for the bill if we can not amend it, but I do hope that the committee will amend it in some important respects.

The bill should be amended to provide for a commission of five members. That number will do better and quicker work than nine. We should amend the bill to provide salaries of \$7,500 instead of \$10,000 for the commissioners.

I think the bill should be amended so as to provide that at least one member of the commission should be an experienced coal miner and one member an experienced coal operator. The industry is entitled to this representation on the commission; and if the industry is not given some fair representation on the commission, both operators and miners will feel that they have not been given fair treatment and will not have much confidence in or respect for the commission's findings and recommendations.

The bill should be amended so as to reduce the amount appropriated. I do not think it is excusable to go into the Public Treasury to the extent of \$500,000 and allow this commission to throw money away in making an investigation as to facts of a single industry like the coal industry. The President's message is no excuse for us to lose our heads and forget the Public Treasury. I want to go along with the President and comply with his request. But we can improve this bill by these amendments and still satisfy the President's recommendations.

Mr. WINSLOW. Mr. Chairman, I may be doing the unusual thing, but whenever my committee is attacked by anybody I feel called upon to stand up in my boots and speak for my committee associates. The gentleman who has preceded me is a member of our committee, and he would have you think, from his speech, that he thought that our committee action was hasty and untimely. The gentleman himself, unassociated, prepared a bill to meet the President's call and was prepared to lay it before our committee for consideration, but another bill was taken up instead.

Mr. DENISON. Will the gentleman yield?

Mr. WINSLOW. Certainly.

Mr. DENISON. I did not file my bill after I talked with the chairman and found that he was filing one. I did not ask for consideration of my bill. I was preparing a bill in response to the President's request, but I did not ask for its consideration.

Mr. WINSLOW. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman and gentlemen of the House, as a member of the committee which had the bill under consideration I shall be very happy to vote for it. Not being a lawyer I shall not attempt to discuss the constitutionality of this measure. I think that has been generally gone over by the lawyers of the committee. I was interested in listening to the remarks of the gentleman from Illinois a few moments ago in which he said that at various times Congress had bowed to the will of the President, and he referred to the action that Congress took on the passage of the Adamson law. It seemed to me that he tried to leave the impression that this bill we are now considering is along the line of the Adamson bill. On last Friday we had the pleasure of listening to the President. He came to talk about the coal question and the railroad labor situation. I believe every Member of this body who looked into his face as he made that wonderful address realized what the President had passed through during the last five or six months. These questions have weighed very heavily on his heart, and I am sure he came to Congress to let us know how he felt about it. He wanted the American people to know what

was his position and how hard he had worked and tried to bring out a solution and adjustment of these great questions. In his message he requested Congress to create a commission which might help to solve the coal problem, and I want to read what he said along that line:

Because of these things, because of the impressions of many cases of unjustifiable profits in the industry, and because public interest demands investigation, and demands the finding of facts be given to the public, I am asking at your hands the authority to create a commission to make a searching investigation into the whole coal industry, with provision for its lawful activities and the bestowal of authority to reveal every phase of coal production, sale, and distribution. I am speaking now on behalf of mine workers, mine operators, and the American public. It will bring protection to all and point the way to continuity of production and the better economic functioning of the industry in the future.

Then he went further on and he said:

The necessity for such a searching national investigation with constructive recommendation is imperative. At the moment the coal skies are clearing, but unless we find a cure for the economic ills which affect the industry and therein find a basis for righteous relationship, we shall be faced with a like menacing situation on next April 1 on the expiration of the wage contracts which are now being made.

You notice that the President requests that the law provide that the commission shall make a report before January 1, 1923. The Bland bill does not require the commission to report for two years.

The Winslow bill before the House at this time provides that the commission shall make a report not later than next January 1. Now, the President expressly asked that there be some report made in order that we could try to get the information and the facts before Congress by the time the present wage scales expired. I believe that the President has these great problems on his heart, and I think we should stand by him and pass this bill and see if we can not come to some solution in trying to solve these great labor and economic questions before the country at this time. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, in June, 1919, I sought to get an investigation of the coal industry. Profiteering in coal was going on then, and I foresaw that we were going to have a riot of profiteering to follow. I introduced a bill providing for a congressional commission to that end. I also introduced a companion bill to limit the price at which coal might be sold. About September, 1917, Senator FRELINGHUYSEN introduced a bill embodying very much the same idea. Under the Frelinghuysen bill a limited investigation was carried on by a committee of the Senate. It disclosed a situation which demanded the attention of the country and legislation by Congress. In the course of the Calder investigation the coal industry was gone into pretty exhaustively by a subcommittee of the Senate committee, of which the subchairman was Senator LA FOLLETTE. Two volumes of hearings were published, carrying a great deal of information concerning the subject. Following upon the report of that committee, Senator FRELINGHUYSEN introduced another bill which embodied almost identically the same idea as this bill. That was about February, 1921.

Early during the present Congress the gentleman from Minnesota [Mr. NEWTON] introduced a bill quite similar to the Frelinghuysen bill. It carried substantially the same idea that is embodied in this bill. The Newton bill has been before the Committee on Interstate and Foreign Commerce for more than a year, yet no hearings have been held upon it. In March, 1922, the gentleman from Indiana [Mr. BLAND] introduced a bill for a coal facts-finding agency—it then appeared that a coal strike was inevitable. The action which is now proposed to be taken might as appropriately have been taken at any time within the last three years. It might even better have been taken at any time before the present, because it can not possibly have the slightest relation to the present coal situation.

This bill is brought forward under the mask that it is a strike measure; that it has some relation to the existing coal situation. It has not the slightest thing in the world to do with the present coal situation, and any pretense that it has is just the purest "bunk" that was ever put out in a "bunk Congress." We are going through our usual performance today of dealing with the bill as though it was a matter of emergency and of the greatest importance. As usual, we are going through the pretense of doing something in connection with the present situation without really doing anything. If the coal industry needs investigation now, it has needed it ever since the war.

Mr. THOMAS. Will the gentleman yield?

Mr. HUDDLESTON. I trust the gentleman will excuse me.

An investigation may produce some results. But it must be remembered if any results be produced they will not be of the slightest value to the country within the next 12 months. The



real fact is that this bill is now being put forward for the partisan political purpose of clearing the skirts of the majority and the administration for the neglect—

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. I yield one minute more to the gentleman.

Mr. HUDDLESTON. The bill is being pressed for the purpose of clearing the skirts of the majority and the administration for their neglect of the coal situation, for the complacency with which they allowed the strike to occur without making an honest effort to avert it, and for their lack of courage and intelligence to deal with it. That is the whole purpose. It is a smoke being raised. Will it do it? No. There will be shivering from cold next winter in many of the homes of this country, industry will suffer, and women and children will want food. The people will have plenty of time to reflect upon the supineness of the administration. They will have time to reflect that those in control of the powers of government have been remiss in their duty. I hope that the blame may be placed where it belongs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. THOMAS].

The CHAIRMAN. The gentleman from Kentucky is recognized for 15 minutes.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. THOMAS. Mr. Chairman and gentlemen of the House, it is my purpose to discuss for a brief time the pending coal bill introduced by the gentleman from Massachusetts [Mr. WINSLOW], but I shall discourse more at length on the subject of "The light that failed."

About 18 months ago this administration began with the Harding normalcy prosperity special on the main track. It started with a great blowing of whistles and ringing of bells, but it got stuck in the tunnel of hard times and is 18 months behind time with a dead engine and no fire in the furnace and no water in the tank and has come to a standstill and is unable to proceed.

There is little, if anything, in the Winslow bill. It provides for a commission with large salaries to investigate the coal situation. I suppose it should be adopted because a shot in the dark may be better than nothing. It provides for an investigation of the coal situation by a commission which does not know a thing about the coal business. That commission should consist of practical coal miners and practical coal operators, of men who know what they are to investigate and how to make the investigation. If a person is ill, he sends for a physician and not a blacksmith to attend him. If a person desires to erect a house, he sends for a carpenter and not a druggist to build it. Only miners and operators know or can properly obtain correct information as to the cost of producing coal.

The number of miners employed, their wages, the number of tons of coal mined and the cost of mining it, the upkeep of the mine, the interest on the money invested, and the freight rates are the matters to be determined, to which should be added the cost of the miner's living and the average number of days he is able to obtain employment. These are the matters that should be fairly investigated and determined in the coal-mining industry, but this can not be properly done by a commission which has no practical knowledge of the business. The coal industry at best is a hazardous and dangerous calling. It is almost as dangerous as making a Democratic speech in the Kentucky mountains when the Harding cohorts are on the rampage.

It is a customary pastime and a favorite diversion of the leaders of the Harding administration to proclaim with confident and impudent assurance that the Democratic Party has always been a party of negation, without sufficient ability to enact any legislation of lasting benefit to the country, and they have proclaimed that fable so frequently that they themselves have almost come to believe that their unfounded assertion is the truth. The facts of history refute all such statements.

The conception of American liberty, like Jupiter, from the brain of Minerva, sprang full fledged and panoplied from the masterly intellects of the fathers of the Democratic Party. They founded this Republic on the principles of equal rights to all and exclusive privileges to none and on the doctrine of equal and exact justice and the equality of all men before the law.

While an ancestor of Senator LODGE, leader of the administration forces in the Senate, was being accused of treason to the united Colonies the sunshine of freedom was casting its beneficent beams across the mountain tops of North Carolina and radiating thence to the most distant parts of the land.

Liberty in this land first found open, concerted expression in the adoption of the Mecklenberg declaration of independence, and that action of the valiant North Carolinians set in motion the forces of resistance to England which resulted in the complete emancipation of the Colonies. Thomas Jefferson, a Democrat, was the author of the Declaration of Independence, the greatest chart of human liberty ever conceived by the mind of man, while Madison, another great Democrat, was the father of the Constitution under which we live—the greatest of all constitutions, a constitution that has withstood the assaults of iconoclasm and the mutations of time. The fathers of Democracy erected this Republic on the sure and lasting foundations of the Declaration of Independence and the Constitution, and their labors will be recognized as a perpetual monument to their wise forethought, their genius, and transcendent abilities when the men who assert that the Democratic Party has never produced any statesmen of constructive ability are dead and forgotten.

The Democratic Party has been in power, comparatively, but a short time during the past 50 years, and I never hear administration leaders criticize the administration of Cleveland, but they reserve all their powder and shot for assaults on Mr. Wilson. When Harding came into power "normalcy" was the leading feature pictured at the administration "normalcy" comedy of errors, and Mr. MONDELL, leader of the administration majority, frequently recited in solemn and enthusiastic language how the Democratic Party had never been constructive; how it had never done anything, and how the Republican Party, as he calls it, is possessed of all the intelligence and patriotism in the country and the only party capable of enacting any beneficial legislation. To hear the melancholy looking gentleman declaim about the virtues and wisdom of his party one would think that wisdom and normalcy will die with this administration.

The present administration is not a Republican administration. There is nothing Republican about it. It is a Wall Street administration, and I will not insult the memories of Lincoln and Grant by calling it a Republican administration. Neither Lincoln nor Grant if living would be admitted to a modern Harding primary or caucus, now called conference by Harding adherents because of the bad odor their caucuses emit. Lincoln, with prophetic vision, foresaw the future, and declared that corporations will become enthroned and an era of corruption will follow, and he feared for the safety of his country. He must have foreseen the advent of the Harding administration. The principles, purposes, and actions of the Harding party are as far removed from the teachings of Lincoln and Grant as the farthest and brightest star that sweeps through the immensity of space is distant from this earth.

The administration led its deluded followers to believe during the campaign that if given power it would "make good" and at once restore peace, plenty, and prosperity, but it now blames its lamentable failure on the war, and declares that Wilson bequeathed it a heritage of ills that it will take time to remedy. Its excuses remind me of an experience I had with some Washington druggists. During the war I entered a Washington drug store to purchase a small article for which I usually paid 5 cents.

The druggist charged me 15 cents for it. I inquired why he charged that price. He replied, "It is all on account of the war," and stated that the article was made in Germany, and that no more could be obtained and therefore the price had advanced. Afterwards I went to another drug store to purchase exactly the same article, was charged 20 cents, and told the same falsehood about the article being made in Germany. I went to a third drug store, purchased the same article, and was charged 5 cents. I related to the last druggist my experience with the other two, and he replied, "They told you a falsehood; that article is not made in Germany but is made in Philadelphia, and did not cost me quite 1 cent." So the administration's failure to return to normalcy and its excuse of war as the cause is about on a level with the excuse of the Washington druggists for charging profiteering prices.

Mr. MONDELL, in his keynote address to the House, reciting the alleged accomplishments of the Harding administration in enacting legislation beneficial to the country, called attention to numerous private bills which are of no benefit to anyone except the private individuals in whose interest they were enacted, and many of them are of the most glaring species of graft. He also, with heaving bosom, swelling chest, and great pride, called attention to public bills which are the product of ad-



ministration intelligence. He recited the emergency tariff law, the immigration bill, the Budget bill, the peace resolution, the bill providing for a Treasury deposit of \$25,000,000 for the Farm Loan Board, the bill organizing corporations to promote foreign trade, the decentralization of the War Risk Bureau, the bill for Federal supervision of the meat industry, a good roads bill in conference, a bill to extend farm credits through the War Finance Corporation in conference. This is about the sum and substance of nearly four years' labor, as detailed by Mr. MONDELL, and most of this legislation is not constructive but is destructive. It was claimed that the emergency tariff law would remedy all ills of which the farmers and business men are suffering and that prosperity, like the dews of heaven, would fall on all parts of the land.

Mr. MONDELL's defense of the administration and his claim of prosperity were obviously only a feeble flourish.

If the emergency tariff act, as we were informed, was a cure for all the diseases of the body politic, why pass the Fordney tariff law or any other tariff law at all? The alleged achievements of this administration remind me of Pony Mopps. Pony was a candidate for president of the town board in his village on a platform of normalcy, prosperity, and many reforms. At the end of a year he announced he had made the following reforms:

- A talked-of swimming pool.
- New courthouse steps contemplated.
- A reduction of taxes in the background.
- Four new lamp-posts proposed.
- A budget system suggested.
- A party split almost ironed out.

The emergency tariff law was enacted for the specific purpose of deluding the farmers and other business interests, leading them to believe it would enhance the value of farmers' products and make business better, when, as a matter of fact, most all farm products have declined in value since the passage of that law, and prices still have a downward tendency.

The immigration bill is practically worthless and foreigners are pouring into this country by way of Canada, Cuba, and Mexico, while the law at the port of New York is administered principally by foreigners, and how many who should not enter come in through that port is not known. Whenever the gates to immigration are closed and those who have been in this country more than five years without becoming naturalized citizens are deported, then the immigration question will be settled as it should be. This administration really desires an influx of foreigners into this country that their cheap services may be utilized in competition to American labor by the interests who are the masters of the activities of the Harding administration.

The budget bill is heralded as a masterly piece of constructive legislation. That bill was passed in imitation of the laws of England, France, and other European countries, and, in my opinion, violates the constitutional rights of Members, and is an echo from the dead past of feudal times. The law is a cumbersome piece of autocratic machinery that serves no useful purpose whatever.

All bills authorizing appropriations must be referred to that committee, and no Member can secure the passage of a bill authorizing any appropriation whatever without the approval of that committee. And then, if that committee approves the appropriation it must next run the gauntlet of the millionaire steering committee, composed of seven millionaires. If the steering committee approves the bill it is reported to the House and placed on the calendar or brought up for consideration by a special rule. If it does not meet the approval of the steering committee it is laid aside and passes into that legislative sleep from which it never awakes. Under this administration seven millionaires determine what legislation shall be enacted and what shall be refused, and that is the Budget system, on which the administration lays great stress.

Administration leaders seem to be quite proud of the fact that they decentralized the War Risk Bureau and changed its name to the Veterans' Bureau, and scattered the war records all over the United States, depositing them at 14 different places and increased the number of employees from about 7,000 to about 18,000, and this they claim to have done in the interest of economy. General Dawes, he of "hell and Mariah" notoriety, was imported by Harding to take charge of this important work. He erroneously conceived the idea that he is a great man, especially adapted for the reorganization of that bureau and the entire Government, but since he has completed his reorganization scheme no man can tell heads or tails of that bureau. The service is inefficient and incompetence is in full command, and Congressmen have little, if any, opportunity to examine the records of their soldier constituents. The whole thing was a bungle and mistake. "Hell and Mariah" Dawes came to Wash-

ington with a noise like the rushing of many winds and was heralded with a mighty blast of newspaper trumpets, and for a time occupied the front pages with many and picturesque "cuss" words, but he seems to have passed out of public view, while that brave and able warrior, General Sawyer, seems to have replaced him in the confidence and affection of this normalcy administration. General Sawyer struts nobly in his new uniform, which always appears to me to be several sizes too large for him, and when I see him he reminds me of a picture of "puss in boots."

The administration, through Mr. MONDELL, claims credit for the good roads law. For many years the administration party resisted and defeated every effort to appropriate money for the purpose of building good roads, and that law was passed by a Democratic Congress and approved by a Democratic President. All this administration has done in regard to good roads has been to reduce the appropriation from \$100,000,000 to \$74,000,000, thereby retarding the work of constructing better roads. As a matter of fact, the party of Mr. MONDELL, through all its devious and tortuous history, defeated every attempt to appropriate money for that purpose, and it would not now make any appropriation but for a fear of the righteous wrath of the people.

Harding declared against the League of Nations, and on that issue won the election, although he voted, when in the Senate, a number of times for a league of nations. He called a four-power disarmament conference, consisting of the United States, Great Britain, France, and Japan, and entered into a league of nations with those powers, which differs in no essential respect from the treaty of Versailles. He entered into this treaty on the ground that not to do so the United States would isolate itself from the world and would be compelled to follow a course of nonparticipation in world affairs.

Those nations were invited by Harding to participate in an alleged disarmament conference, and the result so far as disarmament is concerned amounted to nothing except numerous banquets and a lot of cheap advertising. It was agreed not to build any more battleships, as they are defunct and of no service in time of war. But the nations proceed as before in building airships and submarines, strengthening land forces, and manufacturing deadly implements of war, and armies have not been disbanded nor navies scuttled among the nations who signed this compact. The fires are kept burning and the hammers are constantly ringing in the factories which produce the instruments of death.

There is no difference in principle between a four-power league of nations and a league consisting of many powers, and the greater number of nations embraced in such league the more effective it becomes.

Harding's league of nations is a treaty which guarantees the financial assistance of this country to Japan in the event that power is attacked by a foreign foe. There is no essential difference between the much discussed "article 10" of the treaty of Versailles and "article 2" of Harding's four-power league of nations.

The European conspirators outwitted Harding and the foliage-faced Secretary of State and secured a treaty which will leave this country to the mercy of the combined naval power of the other three parties to the compact.

The first disarmament treaty to which the United States was ever a party was the Rush-Bagot treaty of 1818, which was negotiated by a Democrat and approved by James Monroe, a Democratic President. That treaty was made with Great Britain and provided for disarmament on the northern lakes, dividing the two countries; and no additional vessels were to be built. One vessel of a hundred tons was permitted on Lake Ontario, and one on Lake Champlain, and two each on the other Great Lakes. As a result of the wise statesmanship of a Democratic President that treaty has been in effect for more than a hundred years to the mutual benefit and advantage of both countries. In the face of this history Harding adherents claim that his four-power league of nations was the first thing of the kind ever proposed and acclaim his idea the greatest achievement of ancient or modern statesmanship.

The emergency tariff law was enacted with the express promise that it would bring instant and permanent relief to the agricultural class, but the American farmer has yet to experience his first period of high prices under that tariff law and this normalcy administration. In ancient Egypt there were seven fat years and seven lean years, but since the advent of Harding into the Presidency the farmer has experienced nothing but lean periods.

For a time wheat advanced in price, but the advance in the cost of farm machinery and farm implements and other farm necessities have been much greater than the advance in the



price of wheat, so that the profits on wheat raising have not only decreased but have almost disappeared.

That able and experienced agriculturist, President Harding, declared in a speech in the United States Senate, July 19, 1917, that—

in this latter day farming has become an occupation for profit; and I happen to know that under normal conditions dollar wheat makes it a very profitable occupation.

The man who states that under normal conditions wheat can be profitably raised for a dollar a bushel in the State of Ohio or elsewhere on land that cost from \$150 to \$200 per acre does not know what he is talking about or anything about farming.

The most I can learn from Harding's congressional biography is that he was never a farmer, but entered into the newspaper business when 19 years of age, and there remained until elected to the United States Senate, and consequently does not know anything about farming or the cost of agricultural products. Prior to his entry into the newspaper business, if newspaper reports be correct, he spent much of his time tooting a horn in the village brass band, and consequently was never in position to give farmers advice about raising wheat.

According to the report of the Secretary of Agriculture, the total value of the principal farm products for the year 1921 was \$5,675,000,000, while for the year 1920 their value was \$9,075,000,000, and the two years prior to that time their value was \$13,675,000,000. The income of the agricultural class under this "normalcy" administration for that short period was reduced \$800,000,000. It is estimated that industrial workers lost, in 1921, \$500,000,000 through lack of employment, and in addition many more millions were lost because of a reduction of wages. The producers of the country since Harding's presidential incumbency have been unjustly deprived of a sum sufficient to pay the entire national debt.

Wheat has fallen to a dollar a bushel and less since Harding has been President, while the price of bread and flour has fallen but little, if any. Under present conditions it costs about \$20 per acre to raise wheat, and even if a farmer could raise 20 bushels to the acre, which can be done only in rare instances and on the best wheat land, he would only come out even, raising a-dollar-a-bushel wheat.

Western farmers are burning corn for fuel, and deflation of the currency, brought about by this administration in the interest of big business, prevents the agricultural classes from obtaining credit at the banks, while the monopolist can obtain all the credit he desires. He operates his business on short time, and by cooperation with his fellow conspirators and skillfully evading the antitrust laws he maintains the price of his products at exorbitant figures, while the farmer, for lack of proper credit, is compelled to sell his products for any price he can obtain.

The Secretary of Agriculture does not have any remedy to suggest, although he claims to be a farmer, but his farming activities since he has been Secretary of Agriculture have been mostly confined to swivel-chair advice.

According to a report of the Secretary of Commerce, the United States in 1920 sold to foreign customers 218,000,000 bushels of wheat and 269,000,000 bushels during 11 months of the year 1921; and although our wheat exports increased over 50,000,000 bushels during that period, the price of wheat went down.

This condition of affairs was brought about by the ignorance or willful mismanagement of the Harding managers of the Federal reserve system, which oppressed the small banks and denied the farmers credit, so they were compelled to dispose of their crops for any price they could obtain, while the millers and speculators were pocketing the profits that should have gone to the farmers, and "normalcy" was the light that failed.

Our foreign trade has steadily decreased under Harding's fiscal policy. For the fiscal year ending June 30, 1922, our foreign trade amounted to \$6,378,000,000. These figures show a decrease of \$3,792,000,000 compared with 1921, when our foreign trade amounted to \$10,170,000,000; and a prohibitive tariff, such as is proposed by the Fordney bill, will add millions to the cost of living, while the most stupendous railway strike in the world is paralyzing the commercial life of the Nation and great business concerns are closing down for lack of fuel, thus depriving thousands of employment, and "normalcy" is the light that failed.

While the Secretary of Agriculture was informing the country that the total value of farm products in the United States would not exceed \$5,670,000,000, the Secretary of the Treasury was testifying that the yearly expenses of the Government under Harding's "normalcy" policy was \$5,440,000,000. The

value of farm products I believe are much greater than the sum cited if the farmers could have obtained fair prices for their products, while the expense of running the Government was much greater, but a thimble method of bookkeeping reduced the amount, I believe, actually expended.

Agricultural products have reached a low level, and if a farmer takes a cowhide to the country village for sale he is in luck if he returns home with a hame string in place of the hide he took to market. I heard of a farmer in South Dakota, where great crops of oats are grown, getting his back broken while in a field at work. Friends had gathered around to aid and console him when a stranger passing by inquired how the accident happened, and the reply was, "He broke his back trying to lift 25 cents worth of Harding oats." Millions of dollars more are wasted on the Agricultural Department than the benefit derived. I once heard a story of a conversation between a farmer and one of the verdant expert "bugologists" of the Agricultural Department, in which the old experienced farmer expressed his opinion to the effect that "when a farmer must learn the botanical name of what he is raising, and the entomological name of the insect that eats it, and the pharmaceutical name of the chemical which will kill it, somebody has got to pay."

Under the administration of Harding the "crown of thorns" presses heavily down on the brow of labor. The empty dinner pail, the empty coal bin, the depleted pocketbook, and the hungry stomach are a few of the results that now confront the country, and this administration is, in my opinion, the most sinister danger that in 500 years has cast its baleful shadow across the pathway of human progress.

Under the administration of Wilson prosperity was never so abundant and was shared by all classes. The farmer received double the price for his products he formerly got. The merchant saw his business expand until it was no longer a question of getting customers, but a question of waiting on those who voluntarily came to purchase. The deposits of the banker doubled and trebled, and the credit system was almost unknown, while the laboring man enjoyed a degree of prosperity never pictured in his wildest fancy. Judged by the present ability of the people to buy there are now in this country—

More feet than shoes.  
More necks than collars.  
More heads than hats.  
More mouths than food.  
More bodies than clothing.  
More furnaces than coal.  
More families than houses.  
More homes than furniture.

The people may forget the President who kept us out of war, but it will be many years before they forget the President who kept us out of work.

A situation nearing national calamity prevails in the coal mining region, and Governor Davis, of Ohio, recently declared in a proclamation that "general depression in the coal trade has brought enforced idleness, and with it privation to thousands of miners. Large numbers verge on the brink of starvation. Miners have not appealed for charity, but ask that they be given a chance to fight want through work."

The Fordney tariff bill places a duty of 1.6 cents per pound on sugar imported from Cuba, and refined sugar may be imported at the rate of 1.2 cents per pound for every pound of sugar the American Sugar Trust refines. That trust refines nearly all the sugar refined in this country and is the only beneficiary of the rebate which will take about \$20,000,000 out of the pockets of the American sugar users and add it to the swollen profits of the sugar refiners, while the price of sugar will advance, and the light of "normalcy" will fail, so far as the sugar buyer is concerned.

Before the war, according to the Manufacturers' Record, the labor cost of a pair of \$3.50 shoes was about 60 cents; and during the war the labor cost increased about 40 cents, but the retail price advanced to \$8.50. The labor cost of a pair of \$18 shoes is \$1.30; yet the manufacturers of shoes, while still maintaining their profiteering prices, are clamoring for a reduction of wages.

The administration revenue bill places a tax of 15 per cent on all corporations instead of the graduated excess-profits tax, thereby increasing the taxes of corporations making small profits and decreasing the taxes of large corporations which make large gains and contribute liberally to the campaign fund. The taxes of corporations which make profits of \$100,000 or more are reduced, while the smaller corporations have had their taxes increased. Under this administration every scheme



of exploitation that inventive rascality can conceive has been used to gouge the public and levy tribute on the people.

The Fordney tariff bill lays a higher tribute on the necessities used by the public than any tariff bill ever enacted. The average duties are higher than those of the Payne bill, which wrecked the political fortunes of President Taft, and the robbery will be resented by the people regardless of party affiliations.

During the Harding campaign the people were led to believe that the President had the power to declare war and that President Wilson did declare war against Germany. The power to declare war is by the Constitution vested alone in Congress, and Congress and not President Wilson passed the war resolution. Harding adherents had been clamoring for war for two years, and the war resolution was piloted through the House by Mr. KAHN, a Harding supporter; and so was the draft bill, the recommendation of the Democratic committee having been ignored in the matter. These measures were approved almost unanimously by Harding supporters, and yet the public has been led to believe that the war was the work of Wilson alone.

Harding's campaign was pitched on a platform declaring against the League of Nations and foreign alliances, but his administration negotiated a four-power league of nations and has been engaged in foreign entanglements since its beginning.

Wilson was criticized and abused for keeping soldiers in Germany and in Haiti, and although Harding has been in office nearly two years soldiers of this Republic still keep watch on the Rhine and the American flag still waves over German territory. Marines are stationed in Haiti to protect profiteering sugar interests, and this administration has meddled with the affairs of a number of South American countries. It authorized Costa Rica to seize and exercise jurisdiction over territory in dispute between that country and Panama which was in possession of Panama, and dispatched ships and armed marines to take up advantageous positions near the territory in dispute. It meddled in the affairs of Venezuela and received a curt note from that country to the effect it would be time enough for Harding to intervene in the affairs of that land when he established a republican and constitutional government in the feudal barony of West Virginia.

The Democratic Party, according to the statement of the inspired apostle of "normalcy," "has never done nothing now" and his party has accomplished all things that are good and grand and great. It is true his party freed the negroes, and they ought to have been freed, but it was done for the sole purpose of swelling the vote of a discredited party. His party freed the negroes, but the Democrats have fed them; and what is freedom without food? That act is about the sum and substance of all it can claim that is of any importance.

The Democratic Party added to the territory of this Nation the Louisiana Purchase and all the vast empire, except Alaska, west of the Mississippi, a territory richer than the valley of the Nile, and whose fields of waving wheat and corn feed millions of people. The fanes and temples of Democracy will remain forever unimpaired, a place of worship for the common multitudes and a lasting monument to the wisdom of the founders of this Republic when the acts of this administration are lost in the dusty pages of forgotten history.

The Democratic Party has been in power only 16 years during the last 62 years, and part of that time did not have control of all departments of the Government. During those 16 years it has accomplished for the benefit of the people, for progress and good government, more than the Harding administration and other like administrations have accomplished in all history. And during the Presidency of Mr. Wilson more beneficial laws were enacted than Harding's party ever enacted in all its life. To recite a few of those laws were:

- Income tax law.
- Election of Senators by the people.
- Federal reserve bank law.
- Parcels post law.
- Rural credit banks.
- Antitrust law.
- Corrupt practice act.
- The shipping bill.
- Eight hour day law and 13 other labor bills.
- Child labor law.

To this list might be added many more good laws which the people approve.

Mr. MONDELL, in his recitation of legislation passed by the Harding administration, either through a lapse of memory or innate modesty, neglected to call attention to the Esch-Cummins bill, the great railroad strike, the great coal strike, and general unemployment now aboard the fast-running "normalcy" special. I presume he would have done so, but "normalcy" is the light that failed.

On second thought, the administration has done some things; it has coined a new peace dollar with an eagle on one side and a rising sun on the other. Instead of an eagle there should have been a crow cawing at normalcy, a four-power league of nations, and numerous foreign entanglements, strikes, and unemployment.

The troubles of the farmer under "normalcy" are many and serious. They range from cheap farm products to 8 per cent notes, and from large land depreciation to big pocket-book deflation. During the war the slogan of the laboring man was "no beer no work," and now he has neither.

To my mind there was never a more unjust or unfair law passed by an American Congress than the Esch-Cummins railroad law, passed by this administration.

For six months after the railroads were returned to private individuals a rental amounting to \$475,400,000 was guaranteed by the Government. The bill provides for a 6 per cent return on a valuation of \$18,900,000,000, or \$1,134,000,000 annually, \$8,000,000,000 of which is watered stock. The bill appropriated \$200,000,000 to cover deficiencies.

Freight rates have been increased from 35 to 40 per cent and passenger rates 20 per cent, with a surcharge of 50 per cent on Pullman passengers, and rates have been "boosted" on baggage and express that the roads may make more money, and wages have been reduced.

And it is now proposed by this "normalcy" administration to donate at once another \$500,000,000 to the roads, and Director General Davis declares \$200,000,000 more will be needed before the end of the year.

Taxes are high, but forget it, because the railroads want more money to pay large dividends on watered stock, and this administration will assist them to the utmost of its ability to "put over" any nefarious proposition for that purpose.

While the managers of the big roads are endeavoring to reduce the wages of its employees down as low as \$2.20 per day in some departments, Henry Ford has raised wages on the road owned by him to a minimum of \$6 per day and proposes a reduction of freight rates.

This is a constructive administration, but the construction has all been in the interest of big business. On every hand the public is met by the rent gouger, the food profiteer, the coal prate, the street, gas, and manufacturing bandit, and every human scheme of exploitation to rob the people flourishes under Harding.

The railroads are operated not for the benefit of the public or for purposes of transportation but for the profit of the stock market, and railroad profiteering has been reduced to a fine art.

Had it not been for the interference of Harding and the Labor Board presided over by the gentleman from the rabbit ridges of east Tennessee, a gentleman of great "anagosity and general understanding throughout the neighborhood" in which he resides, the coal strike and the railroad strike would have been settled long ago. Neither made any suggestion in regard to a settlement of those strikes that was worth a "tinker's dam," and all their suggestions, if they can be called such, were rejected by everybody connected with the strikes, and the parties to the controversy have about settled the questions among themselves, and Harding takes credit, through administration leaders, when he had nothing to do with the settlement, and no credit is due him whatever.

When strikes were threatened Mr. Wilson called the parties together, and readjustments were made before any strikes were called. That is the difference between statesmanship and incompetent mediocrity.

The "handwriting is on the wall" and the Belshazzar feast of Harding will end. He can see it if he reads unprejudiced newspapers; but perhaps he does not.

And this reminds me of a story of a commercial traveler and a waitress at a village hotel. It was raining very heavily and the traveler, addressing the waitress, after the manner peculiar to commercial men, said, "Dearie, it looks like the flood," "I don't know," replied the waitress, "I haven't seen a newspaper for three days." Perhaps Harding has not seen an unprejudiced newspaper for some time, but when he does he will find the "flood" is coming.

This is evidently a "golf" administration. The President owns a lavish supply of trousers—50 pairs—no doubt combining all the hues of the rainbow, or maybe the variegated colors of the historical coat of biblical Joseph. The minutest details of his arduous duties in playing golf and engaging in other innocent diversions are forcefully portrayed in the Washington Court Journal. We are informed that the President spends many hours playing golf, and also on frequent occasions bravely sails the turbulent waters of the wave-lashed Potomac, aboard the *Mayflower*, and frequently has the picture of Laddie Boy

and himself taken together, and Laddie Boy works his ears and wags his tail in appreciation of the great honor conferred.

The President, we are informed, likes eggs, we do not know whether soft or hard boiled, or fried, and that he delights in batter cakes and loves to meet with debutantes and talk about the little birds and sweet flowers that bloom in the springtime, when he should be in his office discharging his duties and considering the grave problems that confront the Nation every day in the week.

A constructive administration, why certainly, if catering to big business is constructive.

Every financial panic, every period of "hard times" has been brought about by Mr. MONDELL's party of constructive normalcy.

In September, 1873, Jay Cooke & Co. failed in New York, and then at once followed a great financial panic. The big financial institutions in New York, Philadelphia, Chicago, St. Louis, and other large cities went to the wall, and left thousands of people stranded. Banks all over the country failed and toppled over like toy temples and one unparalleled period of ruin and depression followed.

The so-called Cleveland panic began under Harrison's administration in May, before Cleveland was nominated, and the Homestead riots occurred before Cleveland was elected and unemployment and hard times were all over the country before Cleveland was inaugurated. Other panics followed, and during the Roosevelt panic of 1907 a man could not draw his own money out of bank on his own check.

The pretense of economy under this administration is a fraud and a sham. Appropriations under this administration for the present year are \$5,360,000,000 more than under the Wilson administration for the year 1915 for the actual necessary expenses of running the Government, including war-time obligations. The appropriations, so far as known, for the fiscal year 1923 are now, leaving out war-time debts, \$319,000,000 less than in 1922, but the greater part was a saving made by reducing Army and Navy appropriations and charging the good-roads item to the postal appropriations. Excluding all after war expenses, the legitimate expenses of the Government this year are \$1,320,000,000, as against \$793,000,000 for 1915.

Mr. MANN, former administration leader, before the election, in a speech delivered in the House in August, 1912, and which is still circulated as a canon of the true faith, predicted that the wage earners would have to endure "hell" if a Democratic President should be elected. Mr. MANN evidently got his wires crossed and will have to publish an administration bible of recantation.

These administration leaders are like the colored preacher who was requested by his congregation to resign but wanted to know the reason why. He said to the "brudders," "Ain't I argufied wid de sinners?" "Yes, brudder, you has been long on argufication," replied one of the deacons. "An' ain't ah sputified concerning of de Scripture?" demanded the parson. "Yes, brudder," admitted another, "you are powerful strong on sputification." "Den what am de matter wid mah services?" demanded the reverend one. "Well," replied one of the church board, scratching his woolly pate, "it am like dis, you argufy and sputify, but yo' don't specify wharin."

So, Mr. MONDELL argufies and sputifies as to the great legislative enactments of this Congress, but he is unable to specify much "wharin." Millions of idle men are walking the streets of the cities of the North, hand in hand with normalcy, but "normalcy," they find, is the light that failed.

Harding, when a Member of the Senate, let few occasions pass on which he failed, with caustic tongue to abuse President Wilson and criticize his administration, but if anyone dares to criticize Harding the administration leaders are up in arms in his defense, and declare it a shame for anyone to speak disrespectfully of their king, who can do no wrong.

Mr. Wilson was, by his arduous services, as surely wounded as any soldier who fell on the field of battle. He consecrated his very life to winning the war. He sent over nearly 4,000,000 of men to the battle front across the sea without the loss of a man carried on an American ship, and without a financial panic.

Seneca declared it to be the practice of little minds to bark at great men as little dogs do at strangers, and Wilson has certainly been pursued by a snarling, yelping pack; but the sick and silent sufferer of the city of magnificent distances, with courtly reserve disdains to notice the envious comments of his malicious detractors.

The people who voted for Harding are getting what is justly coming to them. They demanded a change and they got it. Unemployment holds high but hungry carnival. Wages have

been reduced, agricultural products have gone down, and the light of "normalcy" has failed.

There is nothing in tobacco,  
Nothing in your stock,  
Nothing in your harvest,  
Nothing in your flock,  
Hogs have gone to nothing,  
And corn ain't worth a darn;  
Trusts have got the Nation  
And debts have got the farm.  
Harding tells us nothing,  
Wall Street now is king,  
Money magnates whistle  
And Swift and Armour sing.  
There's plenty in this story,  
And as your homestead rocks,  
Just whistle like you whistled  
When you sandbagged Jimmy Cox.

This administration promised the soldiers a bonus, but the proposed bonus bill makes no provision by which the soldiers will be paid. A promissory note without any real or expected assets to discharge the obligation is of little value. Harding is opposed to a bonus of any kind, and so is a majority of the administration leaders, but they stand in fear of the soldier vote. Harding read a message to the Senate in opposition to the passage of a bonus bill if it does not make such provisions for payment as he in his superior wisdom thinks ought to be made. He favors a sales tax, which will be oppressive on the public and compel the soldiers in part to pay their own bonus. Big business is opposed to any kind of bonus, and Harding is in favor of any kind of big business and afraid of the soldier vote. He is drifting between the Scylla and Charybdis of pitiful indecision.

Some of the patriots who stand when the Star-Spangled Banner is sung, and go to church on Sunday and sit in the amen corner wearing a button they got for buying a \$50 Liberty bond, and who sing "Praise God from Whom all blessings flow" louder than anyone, are opposed to a soldier bonus because they are afraid it might cost them something; but, at the same time, would sell out the national honor for which the boys fought, and many died, at a bargain sale if they could realize a profit from the transaction. The bonus bill as proposed is a political gold brick. The soldiers asked the "normalcy" administration for bread and have been given a stone.

They say that the soldiers if given a bonus will spend it. Suppose they do. It will be theirs to spend and they earned it with their services, their blood, and by their courage. Why is it the profiteers, to defend whose property the soldiers fought, are willing to have them to defend the Nation's honor and are unwilling to trust them to spend a bonus as they see fit?

The bonus should be paid with the interest on the money we loaned to England, France, and other European countries, but this administration discarded that proposition, as that money is needed to pay the interest on foreign bonds held by big business interests in this country.

There are many reasons why this bonus should be paid.

First. The American people owe a debt of gratitude to the men who defended the national honor and no amount of money can really discharge that debt.

Second. The men who went to the front and to insanitary camps, and gave up their positions for \$30 per month, while those who did not enter the service but remained at home in safety and comfort and drew large salaries, are entitled to an equalizing compensation.

Third. Because this great Nation, the richest on earth, is amply able, if it will collect the debts owed it by European countries, to satisfy the obligation it owes to those who rendered dangerous services of superlative value.

As to whether Harding will sign a bonus bill, there is not anyone who knows, and I doubt if he knows himself. He will consider, in my opinion, the political advantages in the matter, and act accordingly. He has no confidence in himself as to what his action will be.

He reminds me of a rhyme about the war:

Absolute confidence have I none,  
But my aunt's charwoman's son  
Heard a policeman on his beat  
Say to the housemaid in Downing Street,  
That he had a brother who had a friend  
Who knew when the war was going to end.

No braver soldiers ever followed a flag than the American doughboys who went to war and those who were compelled to remain in camps, ready and anxious to go.

Hannibal, among the greatest of all commanders, who swore eternal enmity against Rome at the bier of Hamilcar, led his victorious legions to the gates of the seven-hilled city. Alexander the Great conquered the then known world and wept because there were no more worlds for him to conquer. Alaric, King of the Visigoths, sprang from his northern lair and led his



triumphant soldiers across the everlasting Alps and planted his victorious banners on the battlements of the conquered Palatine. The conscript boys of France, with the shout of "long live the Emperor," charged the dauntless English infantry on the field of Waterloo, and their tread shook the earth, and they died with smiles on their pallid lips; but the courage of none of these equaled the bravery of the American doughboys on the red fields of Europe.

They never retreated, but stood by their colors and died unafraid. They charged over trenches wet with the blood of their dead comrades; over riddled trees and roofless huts; through gun-swept fields and over shattered walls; and thousands of them turned sightless eyes, "that will shine no more, toward stars that will shine forever." St. Mihiel, the Argonne, and all the battle fronts of France are deathless monuments to their unequalled valor and indomitable courage.

Many of them sleep the sleep that knows no waking in Flanders fields, between the crosses where the poppies grow and the roses bloom, but their deeds of valor will live forever in the memory of a grateful Nation.

Mr. WINSLOW. Will the Chair kindly inform me how much time remains?

The CHAIRMAN (Mr. CAMPBELL of Kansas). The gentleman from Massachusetts has 13 minutes remaining and the gentleman from Tennessee has 4 minutes.

Mr. WINSLOW. Is the gentleman from Tennessee ready to yield some time?

Mr. GARRETT of Tennessee. Will the gentleman go ahead with one more speech?

Mr. WINSLOW. Yes; I yield eight minutes to the gentleman from Minnesota [Mr. NEWTON]. [Applause.]

Mr. NEWTON of Minnesota. Mr. Chairman, for four months this country has been going through one of its periodic coal strikes. Think what this means. For to run our factories, transport products, and heat our homes we consume over 500,000,000 tons of coal per year. During this four months but a small fraction of this quantity has been mined. The reserves have been exhausted and the country is practically out of coal. The industrial life of the Nation is being strangled, and if something is not done, and done quickly, many of us in the northern part of our country will freeze. I am using the term "strangle" advisedly, for yesterday I received word that 23 industrial plants in my neighboring State of Wisconsin had closed down for lack of coal.

In my country we must have coal. Eight months of the year we require it in our homes. Industrially it is a necessity, of course, the year around. This coal comes to us by rail, lake and rail, and by all rail. Probably 80 per cent of it comes by way of the Great Lakes to Duluth. There it is stored in great docks and shipped throughout the fall and winter. The lake season closes about December 1. To-day these docks should have several million tons on hand. They have about 200,000. Winter is but three months away.

Gentlemen, that is our situation. Not only our property but our very lives are at stake.

I brought this to the attention of the House last March. I did not then expect operators and miners to get together and I advocated Federal regulation in the form of a fact-finding agency with power to investigate and report as to all phases of the industry. Nothing was done.

For four months operator and miner have come to no agreement. Collective bargaining has failed. Governments exist to protect life and property, and it is high time for the Federal Government to step in and see that coal, the "lifeblood of transportation and the staff of life of industry," is again being produced.

We can not longer leave this to operator and miner. Both have long since demonstrated in preceding strikes that they care not one whit for the public.

The President offered arbitration, but that was turned down. It is time for legislation, and real legislation. The President has requested legislation for a fact-finding commission to ascertain the facts and make report thereof to him and to Congress for legislation. For myself I feel that we as a Nation can not longer tolerate this holding up of the Nation every year by either the United Mine Workers, the National Coal Association, or both. There are many of us who are now commencing to think that there is collusion between them.

The anthracite industry is a monopoly in every sense of the word, and the public suffers because of it. The bituminous industry is too highly competitive at times, and the public pays the bill. Let us find the facts, and with accurate information then let us legislate. The President has asked for this legislation, and with the President's request in mind the Committee on Interstate and Foreign Commerce has reported a bill estab-

lishing such a commission. This commission is to find all the facts from ownership, investment, and production to ultimate distribution, and report its findings and recommendation to Congress by January 1 next.

The commission must report then, for there is almost a certainty of a repetition of present conditions by another strike if adequate legislation is not enacted by that time. Time, therefore, is of the essence.

What are the objections to the bill? The gentleman from Indiana [Mr. BLAND] has a bill of his own. He objects to the bill as being unconstitutional, as having no teeth in it, and for not having miner and operator represented upon it. He thinks it would be improved if it contained the provisions of his bill. I do not blame the gentleman for being proud of his own child. All fathers are. I have had a fact-finding regulatory coal bill before the committee myself for over a year. I think it is the best bill in Congress. But, gentlemen, it is time to forget about our individual interests and act quickly for the benefit of the entire country. [Applause.] Again let me say time is of the essence.

Let us consider his objections. The gentleman from Indiana would have upon the board two members representing the anthracite and bituminous coal operators. In other words, he would place upon this commission nominees of these associations who have so outrageously gouged the public during the past few years. I submitted figures in my speech of March 8 where the dividends of the anthracite operators during a period of nine years ran as high as 550 per cent. I say, keep such men and their nominees off the commission.

Furthermore, he provides that two of the members must be appointed from nominees of the United Mine Workers. No provision is made for the nonmember of that organization without whose help to-day the country would be absolutely without any coal whatever.

Mr. Chairman, we know that if groups are to be represented that we will have nothing but fighting and bickering from the start. For one, I want to see the President free to appoint only those men in whom he has implicit confidence. In this crisis I am not willing to restrict him as to the men whom he shall appoint to this commission. [Applause.]

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. BLAND of Indiana. Does not the bill restrict the President in his appointive power? Does not the bill restrict him so that he can not appoint either a miner, an operator, or a Member of Congress to this commission?

Mr. NEWTON of Minnesota. Because the President does not want to appoint them, for a very good reason. The President has seen miner and operator trying to get together for four months, and thinking only of themselves and caring nothing for the public. [Applause.] We say leave them off the commission. Let both sides appear before the commission with the facts and testify upon oath. But as we value our country, as we love our people who are facing this winter with a lack of coal, let us not put upon that commission special advocates thinking of no one else but their own special interests. [Applause.]

Mr. COOPER of Ohio. There is nothing in this bill of the committee that would prohibit the miner and the operator from coming before the commission and giving the facts?

Mr. NEWTON of Minnesota. No; they would be invited to come, but when they come they will find unprejudiced men sitting there as a jury to hear them. There will be no special pleaders sitting on the bench.

Mr. KNUTSON. The intention of the committee bill is to have the commission composed of disinterested people, is it not?

Mr. NEWTON of Minnesota. Yes; just like any court.

Mr. VAILE. The miners and the operators are going to be subpoenaed to appear before the commission, are they not?

Mr. NEWTON of Minnesota. Yes; and some of them are going to be subpoenaed very quickly before they can avoid service.

The gentleman claims that our bill has no teeth. Let us see. Both are fact-finding measures. The committee bill compels the giving of evidence under constitutional guaranties and punishes by contempt proceedings and by a heavy fine and prison sentence. His bill punishes only by contempt, but contains no fine or prison penalty.

The gentleman claims the bill is unconstitutional and bases it upon the decision of a district judge, an ordinary Federal trial court in the District of Columbia, in the so-called Maynard case. This court held that the Federal Trade Commission had no power to inquire as to costs of production of coal. This upon the grounds it was not interstate commerce. An appeal was taken from the decision and that appeal is still pending.

Ninety per cent of our coal moves in interstate commerce. Twenty-five per cent is used in transportation itself. Interstate commerce, as we know it, could not be without coal, its principal motive power. I can not agree with this decision. The gentleman is willing to lie down upon this decision of a trial court. Undoubtedly this court has been wrong before and has been reversed. In any event, I can not accede to that proposition until the Supreme Court of the United States says so.

Furthermore, the operators themselves have little confidence in the decision. The National Coal Association, whom the gentleman wants to see represented upon this commission, was back of this Maynard case. They advised their members to refuse to give information as to production costs, and so forth, to the Federal Trade Commission. They objected in the Maynard case because the production of coal was intrastate commerce. Shortly thereafter the Indiana State Commission passed some regulatory order regarding coal and its production and information regarding it. This same association appeared in this Vandavia case and contended that the production of coal was interstate commerce. It is in this manner that this association and its members keep faith with the public. Again I say, keep them off the commission. [Applause.]

But, Mr. Chairman, under this bill there is no attempt to rest solely upon the interstate commerce clause. Under the Constitution numerous powers are granted to Congress. This bill is designed to aid Congress in legislating on this broad question by furnishing us with information. The bill is based upon the right of Congress to ascertain facts and legislate under any one of its many powers. There is no necessity of enumerating them.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield half a minute to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman, I ask unanimous consent to print in the Record a telegram from Leroy T. Harkness, of the New York Coal Commission, on the coal situation in that city.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print in the Record the telegram referred to. Is there objection?

There was no objection.

The telegram is as follows:

NEW YORK, N. Y., August 22, 1922.

HON. OGDEN L. MILLS,  
United States House of Representatives, Washington, D. C.:

The New York State Coal Commission very earnestly urges upon you the necessity for prompt action in carrying out the President's recommendations for a governmental agency to control the distribution and price of coal and for vesting in that agency all the power the Congress can give it. The situation in New York State this fall and winter will be very acute at the best; nearly five months of anthracite coal production has already been lost, and even though all the mines were opened to-morrow, some time must necessarily elapse before they can be operated to full capacity. The greatest difficulty is being experienced in getting through shipments out of the very reduced supply of bituminous coal. The governor has called the legislature in special session for next Monday, and legislation will undoubtedly be enacted clothing the New York State Fuel Administration with all the powers the State can give it. The benefit of such action will largely be lost unless the Federal Government on its part promptly constitutes a strong central agency to secure the coal and get it to the several States. The necessity for the investigation of the entire coal situation as recommended by the President is apparent, but even more imperative is the need for prompt action on his recommendation for a governmental coal agency; unless effective and vigorous measures are taken to develop to the utmost the supply and distribution of coal, especially anthracite coal, New York faces a coal shortage even worse than that of the winter of 1917-18. New York is absolutely dependent upon anthracite coal to keep warm, aside from the needs of industry. A shortage in anthracite affects every household in the cities of the State, and a serious shortage spells sickness and intense suffering, especially in the tenements and poorer districts; the prospects of winter being so near and the State almost denuded of anthracite is alarming in this emergency. The coal commission believes it should call this matter to the attention of the New York delegation in Congress and urge upon it vigorous and united effort to secure immediate action.

LEROY T. HARKNESS,  
For the New York State Coal Commission.

Mr. GARRETT of Tennessee. Mr. Chairman, I do not know, of course, to what extent the agencies of government are eventually going to have to go in dealing with the coal question. In my opinion, it would probably be unwise to venture a prediction along that line. I do feel absolutely sure that this bill offers no relief to the present situation, nor can I see anything in it that holds out the slightest promise of relieving similar situations that may arise in the future. It seems to me that it may be very well designated as a subterfuge, which will cost half a million dollars without there being any practical, tangible result accomplished for the relief of the present situation or for the prevention of any such situation arising in the future. For that reason I shall vote against this bill at this time.

Mr. WINSLOW. Mr. Chairman, has the time been exhausted on the other side?

The CHAIRMAN. The time has been exhausted, and the gentleman from Massachusetts has four minutes remaining.

Mr. WINSLOW. Mr. Chairman and gentlemen of the committee, it has been a great pleasure to note that in the discussion of this bill to-day no one so far as I can recall has undertaken to bring any politics into the debate. We have had before us this proposition, and I think we have all considered it fairly and squarely. I am of the mind that everybody in this Chamber has felt the necessity of doing something in respect of the coal business. We have wallowed around in this country for half a dozen years and when disturbances have arisen we have had one way of looking at it now and another way again; we have been patient and patient, and over again patient, all the time hoping that the miners and the operators and all the others who had to do with the control of the coal situation would find some way of settling conditions and finally going on their way in such a manner as to give us all a fair deal in coal. We have not had it. We have tried one way and another without avail until now comes the President of the United States—I do not care whether he be a Democrat or a Republican—I know he has been in a sweatshop with these men for weeks going through, I believe, the torments of hell, the torments of which we have no conception, trying to do something. Whether he has done it or not is a matter of opinion. Evidently he thinks as a result of his experience that he has not obtained the information which he feels he ought to have and that Congress ought to have and that the people of the country ought to have. After his experience, after having had his nose on the grindstone, he ought to come pretty near having an idea as to the size of the instruments that are working upon him and something of an idea of what the public is up against. Looking to the well-being of the public, the bill is framed cautiously so that it will not preclude your support of it—it is for the Congress and the President to get the facts, and we all know, even the gentleman from Indiana [Mr. BLAND] knows and admits, that we the public are entitled to know what is going on. If we can find out for such a little sum as \$500,000 I think it would be the cheapest bill that the Government has paid for many a day. In 1920 when things were running along without the present-day annoyances there were mined in this country 665,333,200 tons of coal. Why, my friends, if you were to save even a paltry dime on every one of those tons of coal you would be saving over sixty-six and a half million dollars. I am willing at this time to take the word of the leader of the American people who has had the best opportunity to find out what we want and to follow him in his desire to go to the bottom of everything. We should gladly pass his recommendation if only as a hope that it may accomplish the result. [Applause.]

The CHAIRMAN. All time for debate has expired, and the Clerk will read the bill.

The Clerk again read the bill, with the committee amendment.

At the conclusion of the reading of section 11 of the committee amendment.

Mr. MOORE of Virginia and Mr. BLAND of Indiana rose.

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. MOORE of Virginia. Mr. Chairman, I move to amend section 11, the section just read, by striking out the sum of \$500,000 and inserting in lieu thereof the sum of \$200,000, and I desire to be heard upon that amendment.

Mr. BLAND of Indiana. Mr. Chairman, as I understand it, the gentleman has not been recognized to offer an amendment as yet.

The CHAIRMAN. The Chair asked the gentleman from Virginia for what purpose he rose.

Mr. MOORE of Virginia. And I stated I rose to propose an amendment to the section that had just been read immediately before I took the floor, without further reading by the Clerk.

The CHAIRMAN. But the Chair has not yet stated the pending question. The question is on agreeing to the committee amendment.

Mr. BLAND of Indiana. Mr. Chairman, I move as a substitute for the committee amendment the following, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Indiana: Strike out all after the enacting clause and insert in lieu thereof the following:

"That when used in this act—

"(a) The term 'person' means individual, partnership, corporation, or association; and

"(b) The term 'coal' means anthracite, bituminous, and other coal, lignite, coke, and culm, whether in place, extracted, or banked.

"Sec. 2. (a) That there is hereby established a governmental agency to be known as the 'coal investigation agency,' and to be composed of 10 members, as follows:

"(1) The Director of the Geological Survey, the Director of the Bureau of Mines, the Director of the Bureau of the Census, and the Commissioner of Labor Statistics;



"(2) Two members constituting the public group, representing the public, to be appointed by the President, by and with the advice and consent of the Senate;

"(3) Two members constituting the miners' group, representing the employees of coal-mine operators, to be appointed by the President, by and with the advice and consent of the Senate, from four nominees presented to the President by the president of the United Mine Workers of America; and

"(4) Two members constituting the operators' group, representing the coal-mine operators, to be appointed by the President, by and with the advice and consent of the Senate, one to be appointed from two nominees presented to the President by the president of the National Coal Association, and one to be appointed from two nominees presented to the President jointly by the president of the Anthracite Bureau of Information and the president of the Anthracite Coal Operators' Association.

"(b) Any vacancy in the office of an appointed member of the coal investigation agency shall be filled in the same manner as the original appointment. The appointed members shall each receive a salary of \$6,000 a year. The members specified in paragraph (1) of subdivision (a) shall receive no additional salary for their services as members.

"(c) If the president of any organization specified in subdivision (a) fails to present nominees to the President in accordance with such subdivision within 30 days after the passage of this act, or, in case of a vacancy, within 30 days after the vacancy occurs, the President of the United States shall thereupon directly make the appointment, by and with the advice and consent of the Senate. In making any such appointment the President shall select an individual associated in interest with the employees or coal-mine operators, whichever he is to represent.

"(d) The coal investigation agency shall cease to exist two years after the passage of this act.

"Sec. 3. That for the purpose of providing information for the Congress as a basis for legislation (a) to settle industrial disputes in and prevent the overdevelopment of the coal industry, (b) to stabilize such industry and levy taxes in respect thereto, (c) to regulate commerce in coal among the several States and with foreign nations, (d) to provide a coal supply for the maintenance of the Navy and the merchant marine, and (e) to protect the coal supply for the District of Columbia, and forts, magazines, arsenals, dockyards, and other public buildings of the United States outside the District of Columbia, the coal investigation agency is authorized and directed to require and obtain from any person such data, information, and reports as it deems desirable for such purpose, including among other matters data, information, and reports (1) as to the supply, production, distribution, storage, and consumption of coal and its grading and economic utilization, (2) as to the relations between operators of coal mines and washeries and their employees with particular reference to wages, hours of labor, and working conditions, and (3) as to the ownership and value of coal lands, and of property of operators or owners which is of use in the operation of coal mines or washeries.

"Sec. 4. That the coal investigation agency shall make such reports to the Congress and to the President from time to time as it deems advisable, and shall make to the Congress and to the President a final report not later than two years after the passage of this act. All data or information obtained by the coal investigation agency shall not be made public except in such reports to the Congress and to the President, or in compliance with the subpoena or order of a court of competent jurisdiction. Such reports shall not contain any such data or information which would disclose the trade secrets of any person. Any officer or employee of the coal investigation agency who shall make public any data or information in violation of the provisions of this section shall, upon conviction thereof, be punished by a fine of not more than \$5,000 or imprisoned for not more than one year, or both.

"Sec. 5. (a) That for the efficient administration of the functions vested in the coal investigation agency by this act, the agency may require by subpoena, issued and signed by the chairman, the attendance of any witness and the production of any book, paper, document, or other evidence from any place in the United States at any designated place of hearing, and the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed by the deponent. Any member of the coal investigation agency may administer oaths and examine any witness. Any witness summoned or whose deposition is taken under this act shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

"(b) In case of failure to comply with any subpoena or in case of the contumacy of any witness before the coal investigation agency, the agency may invoke the aid of any United States district court. Such court may thereupon order the witness to comply with the requirements of such subpoena, and to give evidence touching the matter in question. If the court makes such order it may also fix in the order the time for compliance therewith, and enjoin the witness from shipping or receiving from shipment in commerce among the several States or with foreign nations any coal after the time so fixed and before his obedience to the order. Any failure to obey such order or injunction may be punished by the court as a contempt thereof.

"(c) No person shall be excused from so attending and testifying and depositing, or from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, he may so testify or produce in evidence; except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

"Sec. 6. That for the efficient administration of the functions vested in the Coal Investigation Agency by this act, any member, officer, or employee thereof, duly authorized in writing by the agency, shall, at all reasonable times, for the purpose of examination, have access to and the right to copy any book, account, record, paper, or correspondence relating to any matter which the Coal Investigation Agency is authorized by this act to investigate.

"Sec. 7. That every officer or employee of the United States, whenever requested by the Coal Investigation Agency, shall supply it with any data or information pertaining to any investigation by the agency, which may be contained in the records of the office of such officer or employee.

"Sec. 8. (a) That no person shall willfully (1) fail or refuse to make any report required by the Coal Investigation Agency, (2) make in any such report any statement which is false in any material par-

ticular, or (3) deny any duly authorized person any right granted by section 6. Any person who violates this subdivision shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned for not more than one year, or both.

"(b) In construing and enforcing the provisions of this act the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case also be deemed the act, omission, or failure of such individual, partnership, corporation, or association as well as of such person.

"Sec. 9. That for the efficient administration of the provisions of this act the Coal Investigation Agency may make such regulations as it deems necessary.

"Sec. 10. (a) That the Coal Investigation Agency may appoint, remove, and fix the compensation of such employees, and make such expenditures, including salaries, traveling expenses, per diem rates of allowance in lieu of subsistence, and witness fees, as are necessary for the efficient administration of the functions vested in the agency by this act, and as may be provided for by the Congress from time to time. All the expenses of the Coal Investigation Agency shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the agency.

"(b) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, or so much thereof as may be necessary, to be available until June 30, 1923. Such sum shall be expended by the Coal Investigation Agency, in the District of Columbia or elsewhere, for defraying the expenses of the maintenance and establishment of the agency, including the payment of salaries.

"Sec. 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby."

Mr. STAFFORD. Mr. Chairman, I make the point of order on the amendment offered, that a substitute to the committee substitute is not in order at this time, that only perfecting amendments either to the original bill which is before the House for consideration, or perfecting amendments to the substitute, are in order; that the House must be given an opportunity, first, to either perfect the original bill which the committee recommends be stricken out and a substitute considered instead, or to amend the committee substitute. It is fundamental that you can not have amendments in the third degree. It is fundamental that you may have a substitute for the original proposition pending under consideration. What is the original proposition here pending for consideration? We have the original bill which the committee recommends be stricken out. It is within the privilege or should be within the privilege of any Member of the House, if he sees fit, to offer first a perfecting amendment to the original bill. Then it would be within the privilege of the members of the committee before that perfecting amendment had been voted on to perfect the amendment to the substitute. What is the hiatus you are going to be confronted with if the Chair holds that any Member, even the gentleman from Indiana, has the right to offer an entirely different substitute to that offered by the committee? What is the status to-day, if the Chair holds that his amendment is in order in respect to the degree in which it is held to the committee substitute? It must be held to be an amendment in the second degree. Then, if it is an amendment in the second degree, there will be no opportunity for any Member in the House to offer any perfecting amendment, because it would be in the third degree. We would be obliged then to be without the privilege of perfecting either the committee substitute or the substitute offered to the substitute by the gentleman from Indiana, or we might obviate that by voting down the amendment offered by the gentleman from Indiana, but the committee would not have any opportunity whatsoever to perfect it. If we voted it up, then after we adopted it as a whole the committee has not any opportunity even to perfect that, because it is beyond that stage, as the committee has acted upon the entire matter embodied in the amendment offered by the gentleman.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MANN. Has the gentleman recently read Rule XIX?

Mr. STAFFORD. I would not say recently, because I have been away on a vacation. I have not looked at my legislative bible for some weeks.

Mr. MANN. Will the gentleman permit me to read it to him?

Mr. STAFFORD. Certainly.

Mr. MANN. Rule XIX reads as follows:

When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

Does not that entirely cover all of the questions which the gentleman has discussed? Here is an original proposition before the House, the original bill, to which the committee has offered an amendment. An amendment may be offered to that amendment under this rule, and a substitute may be offered to the committee amendment under that rule. An

amendment may be offered to the substitute under that rule, but the original text shall be perfected before these substitute amendments are voted on. Does not that absolutely cover the case?

Mr. STAFFORD. I take issue with the gentleman. Then the committee would have three propositions pending before it for consideration.

Mr. MANN. It might have five at once.

Mr. STAFFORD. Oh, you can not have more than four. You can not have more than two original propositions at one time.

Mr. MANN. Oh, you can have an original proposition, an amendment to it, and amendment to the amendment, a substitute, and an amendment to the substitute. That makes five.

Mr. STAFFORD. I take issue with the gentleman there.

Mr. MANN. Perhaps my mathematics are wrong.

Mr. STAFFORD. You can have an original proposition, an amendment to that proposition, and you can have a substitute and an amendment to the substitute, and that is all; but this proposes that you shall have three main substantive propositions before the committee, the original proposition, the substitute offered by the committee, and the substitute to the substitute offered by the gentleman from Indiana.

Mr. TOWNER. Mr. Chairman, there is no particular difficulty regarding this matter. An amendment perfecting the original text may be offered at this time, and amendments to perfect the committee amendment may be offered at this time. Amendments even to perfect the substitute may be offered at this time.

But the order in which this may be voted on has been determined by the rule read by the gentleman from Illinois [Mr. MANN]. The perfecting amendments to both the original text and to the amendment to the original text must be voted on before the substitute can be voted on. But at this time, Mr. Chairman, the Chair has not passed upon the question.

Mr. LONGWORTH. However, would not the committee amendment take precedence over the motion to amend the original text?

Mr. TOWNER. It certainly would. Has the Chair passed upon the point of order?

The CHAIRMAN. The text is the original proposition. The committee offers a substitute in the nature of an amendment, or an amendment in the nature of a substitute. And the late practice of the House has used the committee substitute or amendment by interchangeable terms. There may be a substitute for the committee amendment; there may be an amendment to the substitute; there may be an amendment to the committee amendment as the matter now stands. So the Chair thinks that we may proceed in order to the consideration of the substitute offered by the gentleman from Indiana [Mr. BLAND] for the committee amendment. And the Chair overrules the point of order.

Mr. TOWNER. Mr. Chairman, I offer a preferential perfecting amendment to the amendment offered to the committee amendment.

The CHAIRMAN. The gentleman from Iowa offers a preferential amendment, which the Clerk will report.

Mr. TOWNER. I move to strike out the word "other" in the second line, page 5, and substitute in place of that the word "all." I do not think it needs any explanation.

The CHAIRMAN. The Clerk will report the amendment.

Mr. BLAND of Indiana. Has the Chair ruled that that is a preferential motion?

The CHAIRMAN. As perfecting the amendment.

The Clerk read as follows:

Mr. TOWNER moves to amend the committee amendment by striking out on page 5, line 2, the word "other" and inserting in lieu thereof the word "all."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BLAND of Indiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND of Indiana. I understand that you vote on the committee substitute amendment before you vote upon the substitute for the committee amendment. If you are going to substitute for the amendment you should vote on it first. Which text are you going to perfect first?

The CHAIRMAN. The text of the committee amendment.

The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The question was taken and the amendment was agreed to.

Mr. LONDON. Mr. Chairman, I offer a preferential amendment.

Mr. MOORE of Virginia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Virginia. In the event of the Bland substitute being rejected, will there be then the right to offer an amendment to the committee amendment?

The CHAIRMAN. Certainly; germane amendments.

Mr. MOORE of Virginia. Subsequent to the action?

The CHAIRMAN. Subsequent to the action of either rejecting or accepting the amendment.

Mr. KINCHELOE. The gentleman from Virginia [Mr. MOORE] undertook to get recognition for the purpose of offering an amendment to the committee substitute. Would not that take precedence over any committee amendment by way of substitute that the gentleman from Indiana indicated?

The CHAIRMAN. It is a question of orderly procedure. The gentleman from Indiana [Mr. BLAND] has been recognized to offer his substitute.

Mr. KINCHELOE. I mean by order of voting.

The CHAIRMAN. The vote may be had upon that amendment and without prejudice to the amendment to be offered later by the gentleman.

Mr. LONDON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONDON. In order to offer an amendment to the committee amendment, is it in order to offer it now?

The CHAIRMAN. It would be in order if the gentleman had the floor. The gentleman from Indiana [Mr. BLAND] has the floor.

Mr. WINSLOW. What is the right as to time or debate on this question?

The CHAIRMAN. Five minutes on each side.

Mr. BLAND of Indiana. Mr. Chairman, I do not care to go into details, because of my discussion on the same question at length in general debate, but I made the statement that you would not be convinced when this argument was over that any more power was conferred on this commission under the committee bill than was already given to the Federal Trade Commission, and I assume you gentlemen who have sat here and heard this argument and have listened carefully enough to know that not a single argument has been adduced to show that more power has been conferred than the Federal Trade Commission now has. Of all the array of lawyers before me here—who never considered this bill very seriously—none of them has convinced you that more power is conferred in this bill than we already have.

The minority leader could well talk of leaving this to the Federal Trade Commission under existing law. There is no miner or operator on the Federal Trade Commission. They are an impartial tribunal, and they have got to admit that the Federal Trade Commission, under the organic act, has the same powers that this bill seeks to confer on the commission. Do you want to be hung up again for two or three years in getting these facts? The Federal Trade Commission has been stopped for two years by a decision which the gentleman from Minnesota says he would not "lie down on."

Mr. MAPES. Will the gentleman yield?

Mr. BLAND of Indiana. I can not yield when I have only five minutes. I am sorry. If you will put in there that you are going out over the country to ascertain coal facts for the purpose of taxation and the other matters we have put in the Labor Committee bill, you will have the right under the decisions to get the facts. More than that, if they refuse to give you the facts you will have a law that has some teeth in it that will make them squirm until they give you the facts.

I represent both operators and miners in my district. I know that some of the operators in my district will refuse to give the facts to the Federal Trade Commission or to any other commission if they think they can evade the law, because they have done it, and I know we will be confronted with the same procedure we are confronted with now. And while I am not impugning the motives of the men that have brought this bill up, and their loyalty to the President, I wish to say that their lack of time for bringing out a bill is responsible for the inadequacy of it, and that it will not do the work it purports to do. I am a mighty good Republican; I am an original Harding man. I like him, but I am not willing as a legislator to shirk my own responsibility and take some bill that they say the President is for when he knows nothing about its contents except as to the personnel of the board.

I say it is an absurd thing to do to try to have a commission of people that know nothing about this industry which we all know so little about, and concerning which it is so hard to get information function in so important a matter. You put a good coal miner on there, a man who is shrewd and keen, and if he



finds they are not bringing out the facts he will know where to go and find them. The same is true if you put an operator on as pertaining to the wages and working conditions of the coal miner.

But, my friends, what about a man who does not know a thing about a coal mine or anything about the coal industry? He does not know where to get the facts. The operator will bring the facts out as regards operating costs, and he will show them to be as high as he can. We want the facts. You can not get them unless you pass a bill that is carefully drawn.

None of these gentlemen here have given any argument to show that this bill gives more power than is given to the Federal Trade Commission. It is a correct assumption that this legislation is subject to the same objections in consequence of which the Federal Trade Commission has been stalled for two years now.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. I regret I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLAND of Indiana. Are you going in your haste to adopt this makeshift, or are you going to adopt a substitute which in your heart of hearts you know will not get real results? [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WINSLOW. Mr. Chairman, I wish I had the time to answer seriatim the great number of incorrect—inaccurate, I may say—statements which have been made easily by the gentleman from Indiana [Mr. BLAND]. He has known more of what has happened in our committee than any of our members and has stated these inaccuracies to the House. I have not the time to discuss them.

I do think it is pertinent, however, to answer one statement that he has just made, in that it involves so great and good a man as the President of the United States. If I mistake not, the gentleman from Indiana said to us that he did not believe the President knew anything that was in this bill except the provision as to the personnel. I have undertaken to-day previously to say something in the hope that I would impress it upon the members of the committee, and I wish to say it again in answer to the statement of the gentleman from Indiana. I sat at the President's desk while he read every word that was in the original bill. There have been two or three unimportant changes made in it to round it up and, as we say, perfect it. You must know that if this bill goes through it goes through essentially approved by the President of the United States after having had something to do with its preparation and finally reading it within an hour and a half before the time it went into the hands of the committee. There has been nothing of real importance changed in it since. I do not mean to assume or to arrogate to myself the right to represent the President, but I do not like to have his part in a performance of this kind flippantly referred to or waved aside as though it were a small matter to be conjured with.

If any member of the committee is of a mind that this bill does not, in the form in which it is presented here, carry with it an authority to go through with everything that has to do with this coal business from bottom to top, I think you will now realize that by virtue of the adoption of the amendment proposed by the gentleman from Iowa [Mr. TOWNER] the language is so perfected that the commission can tackle almost anything that the human mind can devise in connection with the coal business. That provision will read:

That for the purpose of securing information in connection with questions relative to interstate commerce in coal and all questions and problems arising out of and connected with the coal industry.

That ought to be satisfactory to everybody, no matter what his opinion of the bill may be in other respects.

The committee has put before you gentlemen a bill which it believes—and others outside of the committee who have a right to be consulted believe, and lawyers who hitherto have been regarded as worthy of confidence and approval believe—will furnish sufficient power to the commission to carry out what we intend to have them carry out. For that reason and in view of the fact that the amendment as proposed by the substitution of the so-called Bland amendment will merely disturb the conditions of the bill that we have put in in compliance with the appeal of the President, and in view of the fact that it will introduce other problems that we are probably not here of a mind to take up to-day, I trust that you will stand by the amendment of the committee and oppose the proposed substitution. [Applause.]

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent to proceed for five minutes on the Bland amendment.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five minutes on the Bland amendment. Is there objection?

There was no objection.

Mr. SANDERS of Indiana. Mr. Chairman, the thing about which the people of the country are anxious is that we create such a fact-finding commission as will give us the information which the Constitution of the United States empowers the Congress to obtain. My colleague, Mr. BLAND, invented this idea of a fact-finding commission many months ago. He has devoted months of work to it. His committee held hearings, and I hold in my hand these voluminous printed hearings on the Bland bill. The committee with which he is connected reported a bill, and it has been in such status that it could be brought before the House at any time.

Personally, although I would like to make two or three changes, if the bill could be amended, here before the committee, I prefer the Bland bill. I think it has had more consideration than this bill has had, although this bill has had as careful consideration as could be given by our committee in the time which we had to give it. I doubt if we have constitutional powers to go quite as far as the Winslow bill provides. My colleague, Mr. BLAND, cited an authority from a Federal court holding that some of the lengths to which we go in this bill are not in accord with the Constitution.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. I have just five minutes, if the gentleman will pardon me.

The CHAIRMAN. The gentleman declines to yield.

Mr. SANDERS of Indiana. But it is important for this Congress to pass a measure providing for a fact-finding commission, and we go just as far as our constitutional powers will permit us. I think it is better to adopt a bill which will afford a member from the coal-mining industry, representing coal operators and also representing the miners, because this is not a commission that adjudicates rights or that passes upon anything. This is a commission to find facts; and with a membership of nine, if you have some members on that commission who know something about the industry, it will find a better avenue to obtain facts. We need some one on the commission that knows something about the industry. We have a provision in this measure which I will undertake to move to strike out if the Bland bill is not adopted. This provision that I hope to strike out is to the effect that no man who is connected with the coal industry can be a member of the commission. We want some one on that commission who knows something about the industry, first, from the standpoint of the mine workers, and, second, from the standpoint of the mine operators.

The people of this country want to stop coal profiteering. As far as I am concerned, I wish that the United States Government had the power and the authority that each State government has, so that we could deal with the question of coal profiteering in the only effective way to deal with it. I have studied this question very carefully, and I am very much afraid that there is no power in the National Congress to undertake in time of peace to fix the price of coal, and I very much fear that if we undertake to deal with that question we shall be simply going in a direction that will not reach any definite results, but that will mislead the States, so that the States which have that authority under their sovereignty will fail to exercise it. Of course, as a matter of fact, the law of supply and demand is going to cut these profiteering prices down, but for a few weeks we are going to have the rankest profiteering that the country has ever experienced unless by the creation of this fact-finding commission, clothing it with constitutional authority, to go out to the coal operators and the dealers in coal and get the facts, that action shall help to prevent it.

I think when those in the private industry who fix the price of coal know that they will soon have to appear and tell under oath the profits made they will hesitate before fixing unconscionable prices.

It is important to safeguard the law so that it shall be constitutional. In nine cases out of ten the operators are not responsible for the high prices that you pay for coal out in Minnesota. It is the middleman, the dealer, and the speculator, and the "sales company" that is organized sometimes by some of the choice stockholders of the producing company to sell the coal.

It is the seller of the coal rather than the producer who is responsible for much of the profiteering. So, Mr. Chairman, whether we adopt the Bland bill or the Winslow bill it is important to-day to pass this measure and clothe this commission with constitutional authority to get the facts and submit them

as promptly as possible to the Congress, so that the country and the public may be protected as far as our constitutional power will permit.

The fact that a considerable majority of the coal producers have voluntarily agreed to the fair prices makes the action of the minority who sell at exorbitant prices more abominable.

The public demands that coal profiteering shall stop. It must stop. If the State governments turn out to be powerless to prevent unconscionable prices wrung from a shivering public there will be a demand that the strong arm of the Federal Government reach out and regulate the charges as charges for transportation are now regulated. We are not going beyond our constitutional powers, but if the evil shall require heroic methods we shall amend the Constitution.

I much prefer that private industry shall furnish to the country its fuel and its transportation, but let no one be deceived; if failure is at hand society, the public, the Government will care for its own.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I do not think that the pending measure at all meets the real, pressing question before the country. This morning I saw Mr. Spencer, the Federal fuel distributor. He said that one-half of all the coal mined in eastern Kentucky and the western half of West Virginia has been ordered to Lake Erie ports to be sent to Lakes Michigan and Superior ports for distribution. Last week they sent 250,000 tons. This week they expect to send 400,000 tons; but he told me that 12,000,000 tons will be needed up there before the 1st of December. Telegrams are pouring in, as the gentleman from Minnesota [Mr. NEWTON] said a few minutes ago, telling of firms stopping business—23 I think he said—in my State of Wisconsin because of lack of coal. This bill does not touch this real, pressing problem. But President Harding touched it in his message when he asked Congress to do something to help get coal to the people now and at a price lower than that which the coal profiteers are sure to demand. Here is what the President said:

The possibility of outrageous price demands in spite of the most zealous voluntary efforts of the Government to restrain them make it necessary to ask you to consider at once some form of temporary control of distribution and prices.

I listened carefully to the President, and when he came to the statement I have just read I thought it the most immediately important thing in all the message. It brought back vividly an incident that is strongly impressed on my memory. I was out of Congress from March 4, 1919, until March 4, 1921. In January, 1921, I attended a small dinner party at one of the leading hotels in Chicago. After the dinner I conversed with one of the guests, a wealthy manufacturer, who made his money honestly, as all of his friends and acquaintances without exception believe. I never heard it intimated that in his accumulation of riches there was a dishonest penny. I said to him: "Last week I received from the finance committee of the common council of the city of Beloit—a city of 22,000 people in my district—a letter accompanied by a letter from the city attorney of Beloit, both communications imploring me to see that something be done to lower the price of anthracite coal there, it being \$22.50 a ton."

Beloit is about 100 miles from Chicago, at a junction of the Chicago, Milwaukee & St. Paul and the Chicago & North Western Railway, two of the great trunk systems of the United States. Now, somebody has put on more than \$17 a ton between the mine and the consumer in Beloit. When I told this wealthy man that story he said "COOPER, I was at a dinner a few weeks ago in this very hotel at which one of the greatest members of the coal trust was a guest. One of the group, as we were conversing after dinner, said to this leading member of the Coal Trust"—my friend gave me his name, which I do not care to mention, though I know it well—"we think it an outrage that you are charging such high prices for coal. Fortunately this is a mild winter; but if it were as severe as the awful winter of 1917-18, when war was raging in Europe and this country was in such distress, there might be dangerous consequences." In describing this incident to me my friend said that the coal-trust man "chuckled"—that is the word he used, "chuckled"—and replied: "Well, we have got the coal and if they want it I guess they will pay our prices." My friend remarked to me, "COOPER, I know as well as I can know anything about another's business, and I know his pretty well, this man has for several months been making an average of a million dollars a month. He has been making lavish expenditures. He is making a million dollars a month."

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask for five minutes more.

Mr. ASWELL. Mr. Chairman, I object.

Mr. GRAHAM of Illinois. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. ASWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASWELL. Has not the time for debate closed on this amendment?

The CHAIRMAN. The pro forma amendment offered by the gentleman from Wisconsin [Mr. COOPER] has been debated on the affirmative side only. The gentleman from Illinois [Mr. GRAHAM] rises in opposition to the pro forma amendment.

Mr. ASWELL. This will end it?

The CHAIRMAN. This will end the debate on the pro forma amendment.

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, knowing the desire of the House to reach a conclusion of this matter, I would not have arisen at this time if it had not been for the remarks of the gentleman from Indiana [Mr. SANDERS]. His remarks always carry conviction in the House because of his studious and able character as a debater. The gentleman from Indiana [Mr. SANDERS] says that, in his judgment, there may be some doubt about the constitutionality of the Winslow measure, that it perhaps goes too far, and in the same breath he says that he prefers the Bland measure. Now, one is as broad as another so far as the inquisitorial measures are concerned. The Bland measure provides that this coal investigating agency may bring in or obtain from any person data, information, or report it deems desirable for the purpose, and gives in section 5 the right to issue subpoenas, bring them in, compel them to answer, and makes it unlawful if they do not answer, and provides that they can not engage in interstate commerce while they are in contempt of court, which, in my judgment, is an unworkable condition. The Winslow bill makes provision that the person can not be prosecuted for any crime growing out of the facts to which they testified and makes it a crime punishable by indictment and imprisonment if they do not testify. This is the direct way to get at it. So if there is any doubt in the mind of the gentleman from Indiana as to the constitutionality of the measure, it extends to the Bland measure as well.

Now, in my judgment the opinion of the Federal judge of the District of Columbia is not good law. If you read the Maynard case, it is a decision of the District court, and on its face you will find that if you carry it to its logical conclusion Congress could not investigate about the production of any article in the United States. We could not go into the investigation of anything. Carried to its logical conclusion, it would deprive the United States from getting almost any information it desired to get. I do not believe the Supreme Court of the United States will ever hold in a matter so essential to interstate commerce as coal that the Congress of the United States can not, exercising any of its powers, find out the facts about it.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. GREEN of Iowa. I agree with the gentleman that the Maynard case is not decisive of the constitutionality of this bill. The Maynard case does not hold that Congress can not authorize the investigation of any subject, but, on the contrary, holds that it may investigate or have investigated any subject it wishes, although this case places limitations on the way the information may be obtained. Unless the matter is one over which the Constitution gives Congress authority, it can not compel the production of private books and papers. Now, coming back to the objection the gentleman made to the Bland bill, suppose Congress had no authority to compel the witness in the first instance to come before the commission, would it have the right to penalize the man by depriving him of the privilege of interstate commerce, as proposed by the gentleman from Indiana [Mr. BLAND]?

Mr. GRAHAM of Illinois. No; and it seems to me it is unworkable. It seems to me that while the gentleman from Indiana says that his bill is carefully prepared it has not been carefully prepared. This bill has been prepared by men who have sweat blood about this question for weeks, and I think it is better to follow the President of the United States. [Applause.]

The CHAIRMAN. All debate on the pending amendment as a substitute is exhausted.

Mr. MONDELL. I move to strike out the last word.

The CHAIRMAN. And the further motion to strike out the last word is not in order. The question is on agreeing to



the pro forma amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was lost.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I hope the motion to adopt the substitute will not carry. I have no doubt but what that bill is a very excellent measure in its way and for the purpose for which it was intended, but it does not meet the requirements of the President's request to Congress for a commission of disinterested persons to secure facts and lay them before the people of the country. I do not think that for the purposes suggested by the President we ought to name as four of the members of this commission the Director of the Geological Survey, the Director of the Bureau of Mines, the Director of the Bureau of the Census, and the Commissioner of Labor Statistics as proposed in this bill. They are all of them fine gentlemen, but I do not know of any reason why they should be especially named as members of the commission.

The Winslow bill was drawn for the purpose of carrying out the recommendations of the President. As drawn it does carry out the recommendations of the President and would give us a commission that would have no other object or purpose than to present to the American people the facts in regard to the coal industry.

Now just one word in regard to the matter referred to by the gentleman from Wisconsin and others. The gentleman from Wisconsin says that this bill of itself will not cure all of the evils of the present situation. That is undoubtedly true, and my own thought is that, as much as we may regret it, we are confronted with the necessity of considering other legislation to be hereafter presented drawn with the view of making an earnest effort to prevent the profiteering that seems to be almost inevitable unless the Congress shall use all the power of the Federal Government to prevent it. [Applause.] We do not have authority under the Constitution for direct price fixing.

Our authority is more limited than the authority of the people of the States in the control over private business. And yet I believe ways and means can be found within the authority of the Congress, within the four corners of the Constitution, to enact legislation the effect of which will be to very greatly discourage and largely prevent efforts at coal profiteering. I believe we can enact legislation that will protect the American people in the next few months from the efforts that will be made—that are certain to be made—by certain classes of operators and certain classes of dealers to raise the price of fuel to the American people. [Applause.] Within a short period of time we will reach the days of frost and cold, and if all the mines were to be opened to-morrow there would not be coal enough to meet the immediate demand. In that situation there will be every temptation to unreasonably raise prices, and, in my opinion, it is our duty to do the very best we can to prevent that being done. [Applause.]

Mr. DENISON. Mr. Chairman, I want to offer an amendment to perfect the substitute offered by the committee. I want to do it at the proper time.

The CHAIRMAN. It is in order to offer it at this time.

Mr. DENISON. Mr. Chairman, I offer the following amendment to the committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. DENISON to the committee amendment: Page 5, line 6, strike out the word "nine" and insert in lieu thereof the word "five."

Mr. DENISON. Mr. Chairman, the bill of the committee eliminated the idea of having anyone upon the commission who has been identified in any way with either the operators or the miners, so that it provides for the appointment of nine wholly disinterested people for this commission. My own thought has been that that is an unnecessary number, and that the business of the commission will be expedited and transacted better if we have a less number on the commission. Also, it will be a matter of economy. I think if we want to get quick action, as we evidently do, and get a report before the 1st of January of next year, a commission of five, if they are going to be all disinterested, would be enough to conduct this investigation. The argument in favor of the number nine was that the commission may be divided up into subcommittees, and one of them go to one part of the country, say, three members, three to another part of the country, and three to another part of the country, and in that way carry on separate investigations. The result of that is going to be that you are going to have facts found and recommendations made by three men instead of by the commission. That is the practical effect of it, and I think it would be better to let the commission as a whole make the investigation and have the judgment and recommendations of

five men on all these propositions, rather than have the investigation spread out over the country in that way and then get only the judgment of three men.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. KNUTSON. By having a membership as provided in the committee bill, would it not be possible to hold hearings on the anthracite and the bituminous situations at the same time?

Mr. DENISON. I think it would; yes. The idea of appointing a commission of five was embodied in the draft of a bill which I prepared. I apologize for referring to it, and would not do so but for the fact that the chairman of the committee referred to it a moment ago when he was speaking. After the President's message I conferred with a number of Members of the House, particularly with the majority leader, as the chairman of the committee [Mr. WINSLOW] was not in town. Neither was the next ranking man on the committee [Mr. PARKER]. I could not find the next ranking member. As I was the next ranking man on the committee in town, I thought some one ought to prepare a bill to be submitted to our committee, in view of the fact that it was the judgment of most of those whom I consulted that this legislation proposed by the President should come from the Committee on Interstate and Foreign Commerce. Therefore, I drafted a bill providing for a commission of five members, but withheld the filing of it until the chairman of our committee should come to the city. I even refused to give the contents of it to the press. After the chairman came to town I refused to file it until I first consulted him. I did so and found that he was preparing a bill himself, and, deferring to his wishes, as I always try to do, I said that I would not file mine but would present my views to the committee, and I did so by trying to amend the committee bill, as I have stated. That is the substance of the matter to which the chairman of the committee referred a moment ago. I had no thought of trying to rush the bill through if members of the committee desired hearings. The draft of the bill I prepared provided for a commission of five members, and I think that is a more desirable number than nine.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WINSLOW. Mr. Chairman, the only matter that I care to answer or speak about is the question of the number of persons on the commission. The bill which was originally drafted to meet this situation contained the number five, as the gentleman from Illinois [Mr. DENISON] has indicated. It seemed to those who brought together the first two or three bills that five was a very reasonable and a proper number. When we began to study the matter, however, and undertook to go through a little to see where it might land it became apparent that while five might be a very satisfactory number, yet, on the other hand, it might be an unwise number, a number which would be a handicap to the operation of legislation. Then came up the question about increasing the number, and an odd number was thought of, naturally. The number jumped up to seven, and as that number was considered it seemed that nine would be a better number, and for this reason: The centers of coal production are numerous and wide apart. We are asking the commission to make a report to us on the 1st of January. They naturally will have to work fast. We thought in the end, as did all those who were consulted, that if it turned out in the selection of commissioners and the development of work and the general procedure under the legislation that they would like to be investigating in different parts of the country, it would be wise to have a number sufficient that the commission could be divided up, one-third, say, in the southern section, one-third in Illinois, and so on. They could then get their facts together and work out, maybe, something practical in the way of suggestion much better and quicker than they could if they had too small a number. So those who had to do with preparing the bill—and I, the one who introduced it—came to the conclusion that the safe thing to do was to provide an elastic arrangement so as to allow a number up to nine and let the President do as he wished. I think the question of numbers is a matter of small concern, so long as we have at least five.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The question is on agreeing to the amendment offered by the gentleman from Illinois to the committee amendment.

The amendment to the amendment was rejected.

Mr. SANDERS of Indiana. Mr. Chairman, I desire to offer an amendment, which I send to the desk.

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent that all debate upon the Bland amendment do now close.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate upon the Bland amendment and all amendments thereto be now closed. Is there objection?

Mr. BLAND of Indiana. That includes the committee amendment as well?

The CHAIRMAN. No. Is there objection?

Mr. TUCKER. Mr. Chairman, I object.

Mr. WINSLOW. Then, Mr. Chairman, I move that all debate upon the Bland substitute and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Indiana [Mr. BLAND] for the committee amendment.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. BLAND of Indiana. Mr. Chairman, I demand tellers.

The CHAIRMAN. Does the gentleman from Indiana demand a division?

Mr. BLAND of Indiana. I call for a division first.

The committee divided; and there were—ayes 75, yeas 126.

Mr. BLAND of Indiana. I demand tellers, Mr. Chairman.

Tellers were refused.

So the substitute was rejected.

Mr. BANKHEAD. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Alabama rise?

Mr. BANKHEAD. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

Mr. BANKHEAD. Mr. Chairman, on page 5, line 22, I move to strike out "\$10,000 a year," and insert in lieu thereof "\$7,500 a year."

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD to the committee amendment: Page 5, line 22, strike out the figures "10,000" and insert in lieu thereof the figures "7,500."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BANKHEAD. Mr. Chairman, I desire to say a few words in reference to this amendment. I shall not consume the five minutes allotted under the rule. It will be observed by the terms of this bill the members of this commission are not required to devote their full time and attention to the duties of this investigation. It is no doubt probable that the President of the United States in the event this bill should pass will appoint on this commission nine men of some character of substantial business, and this annuity of \$10,000 as proposed in this bill would be merely an additional compensation to their regular income. All the expenses of the members of the commission are paid under the terms of the bill, and it seems to me that a salary of \$7,500 a year under the circumstances would be entirely ample. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. BANKHEAD].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. BANKHEAD. Mr. Chairman, I ask for a division.

The committee divided; and there were—yeas 116, yeas 72.

So the amendment was agreed to.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

Mr. MOORE of Virginia. To strike out the sum of \$500,000 in line 20, page 9, and insert the sum of \$300,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia to the committee amendment: On page 9, line 20, strike out the figures "\$500,000" and insert in lieu thereof "\$300,000."

Mr. MOORE of Virginia. Mr. Chairman, it seems to me that to provide an additional appropriation of \$500,000 would simply invite wasteful expenditure. This is said in view of the experience we have all had with governmental operations. It can certainly do no harm to specify a less amount, because if \$300,000 should prove insufficient, Congress, being almost constantly in session, that amount could be increased at nearly any time. If the distinguished chairman of the Committee on Appropriations [Mr. MADDEN] is here, he will surely indorse my statement that it is incumbent upon us to economize at every step. Here is a chance to work a possible economy. I expect to vote for the bill, but not because I have any great confidence in the result that will be accomplished by the investigation. I believe we are in possession of most, if not all, of the ascertainable facts, and that what we ought to be doing now is not to

become excited about opening the door for a further inquiry but rather to take the facts that we have and legislate upon the basis of those facts to relieve to any extent that is possible the great and dangerous emergency that exists in this country. [Applause.] I shall vote for the bill in deference to those who are convinced that there are unrevealed facts which should be ascertained.

I find, however, in looking back that the coal industry has been investigated almost continuously. In 1898 the Industrial Commission, with Senator Penrose as chairman, was created, which investigated the coal and other industries. In 1912 the Committee on Industrial Relations, with Mr. WALSH as chairman, was created, that made another investigation which included the coal industry. Those commissions took an immense mass of evidence and submitted voluminous reports of a very exhaustive character. The Interstate Commerce Commission in 1917 and 1918 conducted a most elaborate investigation dealing with the whole coal situation and all conditions pertaining to it in the territory between the Mississippi River and the Atlantic Ocean, wherever coal is mined. The Labor Board has investigated. The Department of Labor has investigated. The Trade Commission has investigated. And there have been the Colorado, the West Virginia, and perhaps other more limited investigations. The difficulty is that the accumulated facts which are within the reach of all of us are not considered by any of us, or certainly not by many of us. And now we are engaged in doing something less important than the work of dealing with the great emergency which confronts us. That is a matter of incalculable importance and urgency.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. WINSLOW. Mr. Chairman, I wish to say in behalf of the committee, that after consultation I find as to the amount of \$300,000 we have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. MOORE].

The question was taken, and the amendment was agreed to.

Mr. WINSLOW. Mr. Chairman, I would like to call attention on page 9, line 17, to the spelling of the word "approved."

The CHAIRMAN. Without objection, the spelling will be corrected to "approved."

There was no objection.

Mr. SANDERS of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: On page 5, line 11, after the first word, "Commission," insert: "One of such members shall be an experienced coal miner and one such member shall be an experienced coal operator."

Mr. SANDERS of Indiana. Mr. Chairman, I do not care to say anything on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. SANDERS].

The question was taken, and the amendment was rejected.

Mr. BLAND of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Indiana: Page 5, line 1, after the word "information," insert "for the Congress as a basis for legislation on matters pertaining to taxation and."

The CHAIRMAN. Does the gentleman from Indiana desire to be recognized?

Mr. BLAND of Indiana. Just for one minute. As to this amendment, in which I am seeking to try to express the purpose of the legislation, the title of the bill indicates that the commission is "for the purpose of securing information in connection with and relative to the question of interstate commerce in coal, and for other purposes." I think it entirely proper to state another purpose for which you are getting information. I believe it is important also to include that purpose, since you say it is for interstate commerce. I think it is important to include the additional purpose that you want this information for by saying it is to include tax legislation.

Mr. WINSLOW. Mr. Chairman and gentlemen, if the purpose of the amendment were merely to emphasize the desire to have information as an aid to legislation and for the study of the taxation question, I am sure the committee would not offer much if any objection. Under the proposed phrasing, however, we might limit the potentialities of the commission to the points where the items set forth in the amendment could only be considered. So at the moment the committee objects to the amendment.



Mr. BLAND of Indiana. You also say, "For other purposes."

Mr. WINSLOW. I know; but this might be a very delicately put-up job, or it might be merely an accident. I think it is an accident, but at the same time I do not want to take any chances.

Mr. HOCH. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the pending amendment will again be reported.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Indiana: Page 5, line 1, after the word "information," insert "for the Congress as a basis for legislation and matters pertaining to taxation and," so that the paragraph will read: "That for the purpose of securing information for the Congress as a basis for legislation and matters pertaining to taxation and in connection with questions relative to questions of interstate commerce in coal and all questions and problems arising out of and connected with the coal industry," etc.

The CHAIRMAN. The debate on the amendment is exhausted. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent to submit a question to the chairman of the committee for information.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to submit a question to the chairman of the committee for information. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. On page 6, beginning with line 18, it seems that that language creates nine different commissioners. Each member of this commission, under that language, would have the power to set up an investigation of his own, uncontrolled by the commission. I was just wondering whether or not the committee has carefully examined that language.

Mr. WINSLOW. I would say to the gentleman from Texas that the committee spent a considerable time over that feature, and finally concluded, in view of the precedents set in the case of the Interstate Commerce Commission and Federal Trade Commission and other commissions, with respect to the latitude covered by them, that we would make the same arrangement here.

Mr. SUMNERS of Texas. Does not the chairman think there ought to be added, after the word "commission," the words "authorized so to do by the commission"? That is in line 18. The members of this commission would not be under the control of the commission as a whole. Any one member of this commission could go off down to Tennessee or to Kentucky or wherever else he wanted to go and set up entirely inquisitorial proceedings of his own and the commission could not control him.

Mr. WINSLOW. The language follows the provisions of the other commissions, and we saw no impractical feature connected with it.

Mr. SUMNERS of Texas. I do not want to offer an amendment. I just wanted to make inquiry about it.

Mr. BLAND of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Indiana: Page 5, line 8, after the word "Senate," strike out all of lines 8, 9, and 10 down to and including the word "commission" in line 11.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WINSLOW. Which word "commission" is meant? I suppose, of course, it is the first.

Mr. BLAND of Indiana. Yes.

I would like to explain the amendment. I do not want five minutes. The purpose of it is to eliminate that part of the bill which says you can not have on the commission a Member of Congress—a Member of the House or a Member of the Senate—or a miner, or an operator. It is as plain as day here that you do not want the President to be hampered. For God's sake do not let him be hampered.

Mr. NEWTON of Minnesota. We do not want him to be hampered by coal men and miners asking to be put on the commission.

Mr. BLAND of Indiana. He has got courage, and he will face the issue. Do not be afraid of that.

Mr. STAFFORD. There might be some danger in having some Senator wanting to be on the commission.

Mr. GOODYKOONTZ. Mr. Speaker, the bill under consideration, reported by the Committee on Interstate and Foreign Commerce, is intended to carry into effect the recommendation of the President, made in his recent message to Congress, for the creation of a board of nine members, to be known as the United States coal commission with authority to secure in-

formation in relation to the coal industry. The second section of the bill, defining the duties of the commission, reads thus:

That it shall be the duty of said commission to investigate and to ascertain facts in the coal industry as to ownership of coal mines, prices of coal, wages, wage contracts, conditions of employment, distribution, waste of coal, profits realized by owners or operators of coal mines or by other persons or corporations having to do with the production, distribution, or sale of coal, and any other material facts in connection with the coal industry generally and the organization and persons connected with it. Said commission shall report to the President and to Congress its findings of fact and such recommendations as to methods and measures as in its judgment will promote continuity of production and efficiency in mining and distribution and maintain the uninterrupted movement of coal in interstate commerce and safeguard the interests of the workers, operators, and the consuming and general public. Said commission shall submit its first report not later than the 1st day of January, 1923.

The action of the President and of Congress has been prompted by pressure brought to bear by consumers of coal located in every part of the country vitally affected by a coal shortage which not only hampers industry but ominously threatens the comfort, the health, and tolerable existence of the people during the coming winter. It is alleged that even if there were an immediate general resumption of mining operations, that sufficient coal could not be mined and transported to our North-western States before navigation closes on the Great Lakes to meet the requirements of that region.

As you very well know, coal mining is West Virginia's greatest industry. The State has suffered immensely by reason of the interruption in mining and delay in the transportation of coal from its mines. Frankly speaking, I have not much faith and but little hope that any good will ever come from the legislation proposed. My colleagues in the House from West Virginia share the same view.

First of all, we believe that there are already too many Government bureaus, boards, and commissions, and that some of these already existing should be abolished and the taxpayers saved the expense of their maintenance; and, secondly, we believe that all the facts in relation to the mining, transportation, and distribution of coal are already fully known.

For years investigation of the coal industry has been going on. All during the war there was a Government Fuel Administration whose investigation covered every phase of the business; the Geological Survey, with every facility that money can provide; and the Federal Trade Bureau, operating at great governmental expense, and with a vast array of expert investigators, have assembled facts as to every branch of the business; and, furthermore, each House of Congress has literally taken thousands of pages of evidence on the problem.

The fundamental facts are known and, indeed, not disputed. Briefly, they are these:

- (a) There are 200,000 more miners than are needed.
- (b) There are one-fifth more acres of land under development than is necessary.
- (c) There has existed since April 1 a strike of the union coal miners.

(d) More recently there has been a strike of certain railway workmen which has interfered with transportation.

These are the factors involved in the entire question.

The commission will spend thousands of dollars and then solemnly report these elementary facts. For the reasons stated we West Virginia Members of the House are not very enthusiastic concerning the pending measure.

The conclusion to which we have arrived, however, is that since it is West Virginia's chief industry that is to be investigated, and since we have nothing to conceal and everything to gain by a full, fair, and open investigation and exposition of the facts, by a disinterested tribunal, and on account of the vast national interest in the subject, and finally, since the President, speaking for the Nation, earnestly recommends that it be done, we, the Members from West Virginia, have decided to vote for the bill.

There is a matter which cropped out in debate that I should not let pass without comment.

Certain gentlemen from other States, notably from Kentucky [Mr. THOMAS], have accused the coal operators of their respective States of assenting to the price of \$3.50 per ton, as fixed by Mr. Hoover, and then of going home and ignoring their agreement by shamefully charging from nine to ten dollars per ton.

It affords me pleasure to tell you that I have it upon the authority of the Department of Commerce, given to me on yesterday, that the operators of smokeless coal in the great Pocahtontas, Winding Gulf, Kanawha, New River, and other fields of West Virginia have faithfully kept their agreement with the department, and that of the operators of every class of coal in my State that not to exceed 15 per cent have charged in excess of the Government rate, and that this 15 per cent was

practically made up of little mines—those of a one or two car a day capacity, and farmers and others who operate wagon mines.

The coal operators and working miners of my State I am justly proud of, for they have been truly faithful to the country in the time of a great public need.

I now desire to put in the RECORD the following telegram placed in my hands by the gentleman from Pennsylvania [Mr. EDMONDS]. The message reads:

August 21, 1922.

P. C. MADEIRA,  
President, 900 North American Building, Philadelphia, Pa.:

A meeting was held at Saxton on Saturday, the 19th, between a committee consisting of Messrs. McIntire, Thropp, Gutschall, and Sommerville, appointed by a majority meeting of Broad Top operators and district board members, Taylor district organizer, Donaldson, and Messrs. Fleck and Morgan, representing the United Mine Workers of America, District No. 2. The representative of the miners stated that they would refuse to sign the Cleveland agreement unless the operators of the Broad Top region would enter into a secret agreement not to employ certain men, a list of whose names would be compiled by the secretaries of the various locals, and a complete list for the region to be furnished each operator, and stated that if any of these men were employed the miners would refuse to work with them. The operators must further agree to collect any and all assessments in addition to the check off that the union might order, either for furnishing aid to the nonunion fields or for other purposes; also, any operators owning both union and nonunion mines would be forced to sign up for their nonunion mines before they would sign for or permit their union mines to work. The committee stated that this policy would be insisted on all over district 2. Swope and a few small operators have signed up, apparently on this basis.

J. S. SOMMERVILLE.

You will have noted from the reading of the message that the United Mine Workers' officials refuse to sign the so-called Cleveland agreement with the Pennsylvania operators, except and unless the operators shall enter into a secret—mind you, secret—agreement providing—

First. The operators shall not employ certain men, a list of whose names is to be compiled and furnished the operators by the secretaries of the various locals, and a complete list of whose names for the region to be furnished each operator.

Second. In addition to the check off the operator shall withhold from the pay of the miner any assessment, either for furnishing aid to the nonunion fields or for other purposes, as the union may order.

Third. That operators owning both union and nonunion mines should be forced to sign up for their nonunion mines before they would be allowed to sign for or permitted to work their union mines.

The effect of the first demand, if carried to fruition, is to blacklist any miner who may incur the displeasure of the union officials.

The effect of the second demand, if conceded, would be the securing of funds for carrying on propaganda and maintaining strikes in nonunion territory and to procure funds for political and other purposes the nature of which is not disclosed.

The effect of the third paragraph would be, in case a company such as the Madeira-Hill Coal Mining Co., having mines in two or more States, to require that employer to sign up for all its mines in nonunion as well as union territory and where-soever situated.

This matter I submit to Congress and to the people for their information, consideration, and judgment. To my mind, it presents a proposition of the gravest concern to the American public.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment of the gentleman from Indiana [Mr. BLAND].

The question being taken, the amendment was rejected.

Mr. BLAND of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Indiana: On page 6, line 4, after the word "distribution" insert the word "production."

The CHAIRMAN. The question is on agreeing to the amendment.

The question being taken, the amendment was rejected.

Mr. BLAND of Indiana. Mr. Chairman, I have one more amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Indiana: Page 7, line 5, add a new section, as follows:

"In case of failure to comply with any subpoena or in case of the contumacy of any witness before the coal investigation agency, the agency may invoke the aid of any United States district court. Such

court may thereupon order the witness to comply with the requirements of such subpoena and to give evidence touching the matter in question. If the court makes such order it may also fix in the order the time for compliance therewith and enjoin the witness from shipping or receiving from shipment in commerce among the several States or with foreign nations any coal after the time so fixed and before his obedience to the order. Any failure to obey such order or injunction may be punished by the court as a contempt thereof."

Mr. BLAND of Indiana. Mr. Chairman, the amendment purports to impose a penalty upon one who refuses to give information, such a penalty as probably will bring results. I can well understand that one who would make a speech like the one which we heard a moment ago probably would not want that amendment, because he says the facts are already known. Every man knows that the facts are not known, and, Mr. Chairman, we can not get the facts unless you put some teeth in the bill. I am hoping for the passage of this amendment to deny the right of interstate commerce to the coal operator who refuses to give information.

Mr. REED of West Virginia. Will the gentleman yield for a question on that point?

Mr. BLAND of Indiana. Not now. It was said that could not be done. If gentlemen on the Interstate Commerce Committee are familiar with past legislation they know that some of the most effective legislation that has been written into law has been to deny to great corporations the right of interstate commerce unless they complied with the requests of the Government. There are some gentlemen here who do not want that provision to go into the bill. I leave it to you.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana.

The question being taken, the amendment was rejected.

Mr. LONDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: On page 5, line 17, after the word "investigation," strike out the comma and insert a period in lieu thereof, and strike out all after the period in line 17 and all on line 18.

Mr. LONDON. Mr. Chairman, the object of this amendment is to permit minority reports. The way I interpret this section only one report will be possible, and minority opinions of members of the commission will be excluded. It is possible that the President may find nine persons who are disinterested so far as the coal industry is concerned, men who live on another planet. Every man in his senses is interested in coal in one way or another. If one is a banker the stability of his bank may depend upon the production of coal. A producer of iron needs coal. The owner of a railroad bond is interested in coal. In short, it is impossible to conceive of anybody who should not be concerned about coal, whether he be a resident of the tenement-house district in New York or a farmer in Oklahoma. Not only does this bill fail to give representation on the commission to organized labor; not only does it exclude as members all persons who have some knowledge of the industry and its difficulties, but it seeks in advance to suppress every minority opinion. I ask the chairman of the committee whether my interpretation of the meaning of lines 17 and 18 on page 5 is not correct?

The CHAIRMAN. The time of gentleman has expired.

The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LONDON].

Mr. GARRETT of Tennessee. I ask for a division. May we have that amendment reported again?

The CHAIRMAN. The gentleman from Tennessee asks for a division, and pending that asks unanimous consent that the amendment may be reported again. Without objection, the amendment will be reported again.

The Clerk again read the amendment.

Mr. MANN. Let the Clerk read the language proposed to be stricken out.

The Clerk read as follows:

Strike out the words "but all reports to the Congress and to the President shall be made by majority action of said commission."

The CHAIRMAN. The gentleman from Tennessee asks for a division on this amendment.

The committee divided, and there were—yeas 60, noes 112.

Accordingly the amendment was rejected.

Mr. YOUNG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. YOUNG: Page 5, line 4, after the word "industry," insert "and to aid the Congress to legislate under any of its powers."



The CHAIRMAN. The question is on the amendment of the gentleman from North Dakota.

The question being taken, the amendment was rejected.

The CHAIRMAN. The question is on the committee amendment as amended.

The question was taken, and the committee amendment was agreed to.

Mr. BLAND of Indiana. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND of Indiana. When will a motion to recommit the bill be in order?

The CHAIRMAN. In the House after the bill has been ordered to be read a third time.

Mr. WINSLOW. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12377, to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. WINSLOW. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

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

Mr. GARRETT of Tennessee. Mr. Speaker, I move to recommit the bill.

Mr. BLAND of Indiana. I have a motion to recommit.

The SPEAKER. Is the gentleman from Tennessee opposed to the bill?

Mr. GARRETT of Tennessee. I am.

The SPEAKER. The gentleman from Tennessee offers a motion to recommit.

The Clerk read as follows:

Mr. GARRETT of Tennessee moves to recommit the bill to the Committee on Interstate and Foreign Commerce, with instructions to report the same back forthwith, with the following amendment: Page 5, line 17, strike out the comma and insert a period in lieu thereof, and strike out all after the period of lines 17 and 18.

Mr. MANN. Mr. Speaker, I make a point of order that a motion to recommit is not in order. Beginning a good many years ago, and perhaps not beginning at that time, Speaker Clark ruled that it was not in order, in a motion to recommit, to move to strike out any part of an amendment which had just been voted upon and agreed to by the House. That ruling has been consistently followed by both Speaker Clark and the present Speaker ever since the original distinct ruling was made, the original distinct ruling having been made on the rulings by prior Speakers. This is a motion to recommit with instructions to strike out a portion of an amendment just voted in and comes clearly within the ruling of Speakers heretofore.

The SPEAKER. The precedents are very clear, and the Chair sustains the point of order. The question is on the passage of the bill.

Mr. BLAND of Indiana. Mr. Speaker, I have a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLAND of Indiana. I am in its present form, but I think I shall support the bill.

Mr. LONDON. Mr. Speaker, I am opposed to the bill any way, and I ask for recognition on a motion to recommit.

The SPEAKER. The gentleman will submit his motion.

Mr. LONDON. I make a motion to recommit the bill.

Mr. BANKHEAD. I want to offer a motion to recommit with instructions.

Mr. BLAND of Indiana. Mr. Speaker, does not a motion with a specific recommendation have preference over a motion without any recommendation?

The SPEAKER. No.

Mr. BLAND of Indiana. Where there are two persons both opposed to the bill and neither a member of the committee, does not the one having a motion to recommit with instructions have preference?

The SPEAKER. That case has not arisen.

Mr. BLAND of Indiana. I understand that it has arisen here.

The SPEAKER. The gentleman from New York [Mr. LONDON] said he was opposed to the bill, and he has been recognized.

Mr. BLAND of Indiana. Before the question was put, the gentleman from Alabama said he had a motion to recommit, making specific recommendations. Has not he a right to be heard, and has he not preference over the other gentleman? The gentleman from Tennessee was given the preference over me, and I do not understand how you can play fox and geese in that way.

The SPEAKER. When the gentleman from Tennessee made the motion to recommit the Chair was not aware that any other gentleman had such a motion.

Mr. BLAND of Indiana. I stated that I had a motion to recommit.

The SPEAKER. The Chair did not hear the gentleman until after the gentleman from Tennessee had made his motion. The Chair did not hear the gentleman from Indiana offer his motion until after the point of order had been made on the motion of the gentleman from Tennessee.

Mr. BLAND of Indiana. I had offered it once before. Undoubtedly the Chair did not hear me. The point I wish to ask the Chair about is where two gentlemen are demanding recognition and one says he is opposed to the bill and wants to give specific directions to the committee, and the other says he is opposed to the bill but has no directions, which one has the preference?

The SPEAKER. The Chair does not care to hear any further argument. After the third reading of the bill the gentleman from Tennessee [Mr. GARRETT], so far as the Chair knew, was the only gentleman to offer a motion to recommit. The Chair asked him if he was opposed to the bill, and he said he was. The Chair therefore recognized him. That motion to recommit was ruled out on a point of order. The gentleman from Indiana then offered to make a motion to recommit and the Chair put to him the usual question, not knowing at that time that any other gentleman wishes to make such a motion. The Chair really expected to recognize the gentleman from Indiana, although the gentleman said that he was not opposed to the bill, but did not like its present form, because the Chair did not know that anyone else desired to be recognized. Immediately then—and that was the first time the Chair had any intimation that the gentleman from New York [Mr. LONDON] wanted to make a motion—the gentleman from New York [Mr. LONDON] rose and said that he was opposed to the bill, and offered a motion to recommit. The Chair had no alternative except to recognize him for the purpose of making that motion.

Mr. BLAND of Indiana. I am not saying that it is I who want to make a motion to recommit now. The gentleman from Alabama [Mr. BANKHEAD] wants to offer a motion to recommit with instructions.

The SPEAKER. The Chair has no knowledge whether the gentleman from Alabama was opposed to the bill or that he had a motion to recommit until after the gentleman from New York [Mr. LONDON] had been recognized and had made his motion. The question is on ordering the previous question demanded by the gentleman from Michigan [Mr. MAPES].

The previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from New York to recommit the bill.

The question was taken; and on a division (demanded by Mr. BLAND of Indiana) there were—ayes 45, noes 148.

So the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the bill.

Mr. MONDELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken and there were—yeas 219, nays 55, not voting 153, as follows:

## YEAS—219.

Andrews, Nebr.	Butler	Cullen	Fenn
Ansorge	Cable	Curry	Fitzgerald
Anthony	Campbell, Kans.	Dale	Focht
Appleby	Campbell, Pa.	Dallinger	Fordney
Atkeson	Cannon	Darrow	Foster
Bacharach	Carew	Davis, Minn.	Free
Begg	Chalmers	Denison	Freeman
Benham	Chandler, N. Y.	Dickinson	French
Bird	Chandler, Okla.	Doughton	Frothingham
Bixler	Chindblom	Dowling	Fuller
Bland, Ind.	Christopherson	Dunbar	Geraerd
Bland, Va.	Clague	Dyer	Glynn
Boles	Clarke, N. Y.	Echols	Goodykoontz
Bowers	Cole, Iowa	Edmonds	Gorman
Brennan	Cole, Ohio	Elliott	Graham, Ill.
Britten	Colton	Ellis	Graham, Pa.
Brooks, Ill.	Connolly, Pa.	Evans	Green, Iowa
Brooks, Pa.	Cooper, Ohio	Fairfield	Greene, Mass.
Bulwinkle	Cooper, Wis.	Faust	Greene, Vt.
Burdick	Coughlin	Favrot	Griest

Hadley	Lampert	Parker, N. J.	Smithwick
Hammer	Lankford	Pariser, N. Y.	Snell
Hardy, Colo.	Lawrence	Patterson, Mo.	Snyder
Hardy, Tex.	Layton	Perkins	Speaks
Haugen	Lazaro	Perhman	Sproul
Hawley	Lea, Calif.	Petersen	Stafford
Hayden	Leatherwood	Porter	Stephens
Hays	Lee, N. Y.	Pou	Strong, Kans.
Hersey	Lehbach	Pringle	Taylor, N. J.
Hickey	Longworth	Purnell	Taylor, Tenn.
Hicks	Lowrey	Radcliffe	Timberlake
Hill	Luhring	Ransley	Tincher
Himes	McFadden	Rayburn	Tinkham
Hoch	McKenzie	Reece	Towner
Huddleston	McLaughlin, Mich.	Reed, W. Va.	Treadway
Hull	MacGregor	Ricketts	Underhill
Ireland	Madden	Roach	Vaile
James	Magee	Rodenberg	Vare
Johnson, S. Dak.	Mann	Rogers	Vestal
Johnson, Wash.	Mapes	Rose	Volstead
Kearns	Michener	Rosenbloom	Walters
Kelly, Pa.	Mills	Ressdale	Ward, N. C.
Kendall	Millsbaugh	Ryan	Wason
Kennedy	Mondell	Sanders, Ind.	Watson
Ketcham	Moore, Ill.	Sanders, N. Y.	Weaver
Kindred	Moore, Ohio	Sandlin	Wheeler
King	Moore, Va.	Schall	White, Kans.
Kirkpatrick	Moore, Ind.	Scott, Tenn.	Williams, Ill.
Kissel	Mudd	Shaw	Winslow
Kline, N. Y.	Murphy	Shreve	Woodyard
Kline, Pa.	Newton, Minn.	Siegel	Wurzbach
Knutson	Norton	Sinnott	Wyant
Kopp	O'Connor	Slemp	Young
Kraus	Osborne	Smith, Idaho	Zihlman
Kreider	Paige	Smith, Mich.	

NAYS—55.

Almon	Drewry	Lanham	Steagall
Aswell	Driver	Lee, Ga.	Sumners, Tex.
Bankhead	Fisher	London	Swank
Black	Garner	McClintic	Thomas
Bowling	Garrett, Tenn.	McDuffie	Tillman
Box	Garrett, Tex.	McLaughlin, Nebr.	Tucker
Briggs	Gilbert	Morgan	Tyson
Buchanan	Harrison	Oliver	Upshaw
Burke	Hooker	Parks, Ark.	Vinson
Byrnes, S. C.	Hudspeth	Quin	Williams, Tex.
Collier	Humphreys	Rankin	Wilson
Crisp	Jeffers, Ala.	Robison	Wingo
Davis, Tenn.	Jones, Tex.	Rouse	Wright
Drane	Kincheloe	Sanders, Tex.	

NOT VOTING—153.

Ackerman	Fess	Luce	Robertson
Anderson	Fields	Lyon	Rucker
Andrew, Mass.	Flsh	McArthur	Sabath
Arentz	Frear	McCormick	Scott, Mich.
Barbour	Fulmer	McLaughlin, Pa.	Sears
Barkley	Funk	McPherson	Shelton
Beck	Gahn	McSwain	Sinclair
Beedy	Gallivan	Maloney	Sisson
Bell	Gensman	Mansfield	Stedman
Blakeney	Goldsborough	Martin	Steenerson
Blanton	Gould	Mead	Stevenson
Bond	Griffin	Merritt	Stiness
Brand	Hawes	Michaelson	Stoll
Brown, Tenn.	Henry	Miller	Strong, Pa.
Browne, Wis.	Herrick	Montague	Sullivan
Burroughs	Hogan	Montoya	Summers, Wash.
Burtness	Hukriede	Morin	Sweet
Burton	Husted	Mott	Swing
Byrns, Tenn.	Hutchinson	Nelson, Me.	Tague
Cantrill	Jacoway	Nelson, A. P.	Taylor, Ark.
Carter	Jefferis, Nebr.	Nelson, J. M.	Taylor, Colo.
Clark, Fla.	Johnson, Ky.	Newton, Mo.	Temple
Classon	Johnson, Miss.	Nolan	Ten Eyck
Clouse	Jones, Pa.	O'Brien	Thompson
Cockran	Kahn	Ogden	Tilson
Codd	Keller	Oldfield	Voigt
Collins	Kelley, Mich.	Olpp	Volk
Connally, Tex.	Kiess	Overstreet	Ward, N. Y.
Connell	Kitchin	Park, Ga.	Webster
Copley	Kieccka	Patterson, N. J.	White, Me.
Crago	Knight	Rainey, Ala.	Williamson
Cramton	Kunz	Rainey, Ill.	Wise
Crowther	Langley	Raker	Wood, Ind.
Deal	Larsen, Ga.	Ramseyer	Woodruff
Dempsey	Larson, Minn.	Reber	Woods, Va.
Dominick	Lineberger	Reed, N. Y.	Yates
Dunn	Linthicum	Rhodes	
Dupré	Little	Riddick	
Fairchild	Logan	Riordan	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Ten Eyck (for) with Mr. Mansfield (against).

Mr. Patterson of New Jersey (for) with Mr. Stevenson (against).

Until further notice:

Mr. Maloney with Mr. Gallivan.

Mr. Langley with Mr. Clark of Florida.

Mr. Ramseyer with Mr. Cantrill.

Mr. Burton with Mr. Oldfield.

Mr. Thompson with Mr. Tague.

Mr. Cramton with Mr. Carter.

Mr. Nolan with Mr. Riordan.

Mr. Morin with Mr. Bell.

Mr. Beck with Mr. McSwain.

Mr. Temple with Mr. Woods of Virginia.

Mr. Wood of Indiana with Mr. Sisson.  
 Mr. Kahn with Mr. Kitchin.  
 Mr. McArthur with Mr. Overstreet.  
 Mr. Kiess with Mr. Martin.  
 Mr. Burroughs with Mr. O'Brien.  
 Mr. Stiness with Mr. Cockran.  
 Mr. Olpp with Mr. Brand.  
 Mr. Steenerson with Mr. Rainey of Illinois.  
 Mr. Strong of Pennsylvania with Mr. Connally of Texas.  
 Mr. Rhodes with Mr. Dupré.  
 Mr. Larson of Minnesota with Mr. Blanton.  
 Mr. Crowther with Mr. Dominick.  
 Mr. Newton of Missouri with Mr. Logan.  
 Mr. Merritt with Mr. Barkley.  
 Mr. Lineberger with Mr. Wise.  
 Mr. Hutchinson with Mr. Deal.  
 Mr. Sinclair with Mr. Taylor of Colorado.  
 Mr. Yates with Mr. Rucker.  
 Mr. Fish with Mr. Rainey of Alabama.  
 Mr. Henry with Mr. Fields.  
 Mr. Beedy with Mr. Raker.  
 Mr. Jones of Pennsylvania with Mr. Park of Georgia.  
 Mr. Reed of New York with Mr. Hawes.  
 Mr. White of Maine with Mr. Fulmer.  
 Mr. Nelson of Maine with Mr. Mead.  
 Mr. Michaelson with Mr. Lyon.  
 Mr. Anderson with Mr. Johnson of Mississippi.  
 Mr. Burtness with Mr. Goldsborough.  
 Miss Robertson with Mr. Stedman.  
 Mr. Ward of New York with Mr. Collins.  
 Mr. McPherson with Mr. Griffin.  
 Mr. Montoya with Mr. Sabath.  
 Mr. Codd with Mr. Montague.  
 Mr. Scott of Michigan with Mr. Johnson of Kentucky.  
 Mr. Shelton with Mr. Linthicum.  
 Mr. Nelson, A. P., with Mr. Byrns of Tennessee.  
 Mr. Fess with Mr. Kunz.  
 Mr. Gahn with Mr. Larsen of Georgia.  
 Mr. Kleczka with Mr. Sears.  
 Mr. Summers of Washington with Mr. Taylor of Arkansas.  
 Mr. Hukriede with Mr. Sullivan.  
 Mr. Sweet with Mr. Stoll.  
 Mr. Husted with Mr. Jacoway.

Mr. MAPES. Mr. Speaker, I am requested to announce that if my colleague, Mr. CRAMTON, were here he would vote "yea." The result of the vote was announced as above recorded.

On motion of Mr. WINSLOW, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMITTEE TO ATTEND FUNERAL OF LATE CHAPLAIN HENRY N. COUDEN.

The SPEAKER appointed as members of the committee to attend the funeral of Doctor Couden, the following: Mr. MANN, Mr. GANNON, Mr. COOPER of Wisconsin, Mr. PARKER of New Jersey, Mr. JOHNSON of Washington, Mr. OSBORNE, Mr. TUCKER, Mr. CRISP, and Mr. STEAGALL.

EXTENSION OF REMARKS.

Mr. WINSLOW. Mr. Speaker, I would like to ask that all of those who spoke on the bill before the House committee to-day be allowed five days in which to extend their remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PENSIONS.

Mr. KNUTSON, from the Committee on Pensions, submitted a conference report on the bill H. R. 4, entitled "An act granting relief to the soldiers and sailors of the war with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses," for printing under the rules.

TRANSFER OF DIPLOMATIC REPRESENTATION AT LUXEMBURG.

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Foreign Affairs:

*The Senate and House of Representatives:*

I transmit a report by the Secretary of State in regard to the advisability of transferring United States diplomatic representation at Luxemburg from the minister at The Hague to the ambassador at Brussels, on account of the economical union which has been established between Belgium and Luxemburg by treaty.

I concur in the recommendation of the Secretary of State that legislation be enacted which will enable this to be done, and in view of the reason advanced and the further fact that all the



other Governments having diplomatic representation at Luxemburg, except Portugal, have made the transfer I request of Congress early action that in place of an "envoy extraordinary and minister plenipotentiary to the Netherlands and Luxemburg" and an "ambassador extraordinary and plenipotentiary to Belgium," as at present, will provide for an "envoy extraordinary and minister plenipotentiary to the Netherlands" and an "ambassador extraordinary and plenipotentiary to Belgium, who shall also be envoy extraordinary and minister plenipotentiary to Luxemburg."

WARREN G. HARDING.

THE WHITE HOUSE,  
Washington, July 18, 1922.

EXTENSION OF REMARKS.

Mr. WILLIAMS of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

Mr. ROBSION. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ROSSDALE. Mr. Speaker, I ask unanimous consent to print in the RECORD an address delivered in Washington recently by my colleague, the Hon. ISAAC SIEGEL, on the subject of immigration.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. ROSSDALE. Mr. Speaker, Congressman ISAAC SIEGEL, of New York, has led the fight for liberal immigration in the Sixty-fourth, Sixty-fifth, Sixty-sixth, and Sixty-seventh Congresses. It is admitted by those who have given the subject thorough study that he knows as much of immigration, naturalization, and Americanization as any man in the United States. For nearly 30 years he has studied the question from every angle. His latest view of this important subject appeared in the Washington Times of July 23, 1922, and the article was copied in a large number of newspapers throughout the country. I know that the Members will be interested in having it in full, because it contains material which they should have at hand and which will help them to further study this important question. The article as it appeared in the Washington Times is as follows:

[From the Washington Times, Sunday, July 23, 1922.]

IMMIGRATION PROBLEM, INVOLVING NATIONAL WELFARE AND HUMAN HAPPINESS, DISCUSSED BY COMMITTEE CHIEF—ISAAC SIEGEL, M. C. OF NEW YORK, LONG STUDENT OF PUZZLE—THOUGH 3 PER CENT QUOTA LAW ADMITTEDLY WORKS INDIVIDUAL HARDSHIPS, RANKING MEMBER OF IMMIGRATION COMMITTEE IS OPTIMISTIC OVER ITS ADMINISTRATION—PRESENT LAWS O. K., BUT DEMAND STRICT, SANE ENFORCEMENT—REGULATIONS ARE ADEQUATE, SAYS SIEGEL, BUT SHOULD BE AIDED BY GREATER PROVISION FOR REAL AMERICANIZATION WORK, THROUGH ADDITIONAL NATURALIZATION COURTS AND CLERKS.

(By Maurice S. Hyland.)

What are we going to do about immigration?

Certainly it is one of our most important problems.

One of the foremost authorities on this subject is Congressman ISAAC SIEGEL, of New York, ranking member of the Immigration Committee and chairman of the Census Committee. A keen observer and lifelong student of economics, Mr. SIEGEL's views on immigration will receive the earnest attention of all thoughtful persons.

That he has also devoted considerable time to politics is apparent. He is serving his fourth term in Congress, attracting national attention by defeating Morris Hillquit, the noted Socialist, at each election.

By virtue of his official position, he has unusual opportunities of studying human nature. More, he has studied it as it is affected by soil and climate, and by the pressure of men upon each other. Of course, if Mr. SIEGEL thus studies immigrants so closely, it is, perhaps, because he has recognized in them a new mode in the operations of intellect.

Mr. SIEGEL believes that civilization can increase and morality exist as a controlling force only in the measure in which liberty exists.

He is convinced that pursuit and capture of this liberty is one of the primary causes of immigration.

Throughout the interview the Congressman displayed marked optimism as to the operation of present and future immigration laws.

EXTREME HARDSHIP.

"In many cases the present 3 per cent law has resulted in extreme hardship in the division of families," he said. "Up to May 3 of this year 2,787 were turned back solely on account of excess quotas. The total number arriving in the United States from June 30, 1921, to May 3, 1922, was 230,537. There were admitted temporarily, on account of hardships of the 3 per cent law, 2,787. For failure to pass the literacy test and for physical and mental reasons 11,066 immigrants were debarred during the 11 months.

"Under the 3 per cent immigration law the basis of calculation is the country of nativity and not of residence.

"Here is a typical case: Last year a man came to America with his wife. He was born in Poland, but he lived in England for many years. He served in the English Army and he thought he was an Englishman. When he reached Ellis Island the officials regarded him as a Pole. The Polish quota was full, so he had to go back to England. His wife was born in England; the officials said she could come into America. Of course she did not wish to be separated from her husband, so she returned to England with him.

"Last October I wrote to President Harding on this phase of the subject. He admitted the law led to great hardships and offered to help remedy the situation.

"It seems to me this law will remain in effect for two years. Then an attempt will be made to reduce the 3 per cent to 2 per cent. Such a reduction would be an economic blunder. In a conversation last week with one of the highest Government officials he assured me that within 60 to 90 days this country will experience the greatest business revival it has ever known—if we except the war period. He declared frankly that there would be a serious shortage of laborers.

LABOR SHORTAGE.

"His prophecy is borne out by the semimonthly report just issued by the Pennsylvania State department of labor and industry, which states that for the first time in two years an acute shortage of labor exists. The demand for labor in the building trades, metals, and mines far exceeds the supply. Because of this demand rates of pay in some localities has increased from 25 cents an hour to 35 and 40 cents.

"It is true that immigrants entering America are, at least temporarily, working under unfamiliar conditions. The work is new to them, and often they are willing at the start to work for wages that are lower than received by American workmen. But they rapidly adjust themselves to existing conditions and make useful and permanent citizens."

"What are your views on naturalization, and what interest does the immigrant exhibit in public affairs?" Mr. Siegel was asked.

"There would be a larger increase in naturalization if sufficient courts and clerks for that purpose were provided. In cities like New York, Chicago, Philadelphia, Boston, and Pittsburgh there are insufficient courts and clerks. Application for citizenship is a costly proposition, because the applicant is obliged to appear frequently, with witnesses, and in most cases it is necessary for him to pay the amount of wages lost by the witnesses while attending court. The Federal Government receives all the money paid by the applicants for naturalization. The money goes into the Treasury. More than 6,000,000 persons in the United States are unnaturalized. Of these 1,032,000 reside in the city of New York.

"Since each nation has its own peculiar form of government it is rather difficult to say just what interest immigrants, as a whole, exhibit in public affairs.

ADOPT UNITED STATES IDEAS.

"Temporarily, at least, immigrants observe the customs of the land from which they came. In time, of course, they are assimilated and change their views to conform to American ideas. My observation shows that many of the most prominent men in the United States have come from foreign countries. Take the case of Harry Fischel, for instance:

"Fischel landed in New York about 35 years ago with \$1.37, a saw, and a hammer. To-day he is a director in many of the leading institutions of New York. He is the owner of the Holland House and valuable real estate along Park Avenue and Fifth Avenue. He recently purchased the Astor Library and remodeled it. The building is now used to aid immigrants. It is known as the Hebrew Sheltering and Immigration Aid Society.

"Or the case of Joseph S. Marcus:

"Forty years ago Marcus first saw New York. His wealth was exactly \$2. Embarking in the clothing line he soon obtained a reputation for honesty, and was able to get credit. He organized the Public National Bank of New York, and later sold his shares in the bank for \$1,000,000. He also organized the Bank of the United States, with many branches. He is to-day worth many millions of dollars.

"Certainly these two men took much interest in public affairs. Of course, such instances could be multiplied."

The Japanese problem, according to the Congressman, will likely be settled by diplomacy between now and the next session of Congress, since it is most probable that Congress will enact an immigration law in the winter of 1922-23 providing that no immigrant who intends to remain permanently in the United States shall be allowed to enter unless he is eligible to citizenship.

"The question of illiteracy," observed Mr. SIEGEL, "is a most interesting one. According to the 1920 census our country stands first in illiteracy. The examinations held by the Army and Navy officials during the draft showed there were approximately 26 per cent of those drafted unable to use the English language.

POLISH-JEW WON PRIZE.

"From figures at my disposal I should say there are about 6,000,000 illiterates in the United States. There are about 2,000,000 of these illiterates scattered through the Southern States. But there should be a sharp reduction in this number very soon, as the immigrants now arriving in this country must pass the literacy test. Recently the Daughters of the American Revolution offered a prize for the best essay on 'George Washington.' The prize was won by a Polish-Jewish lad who arrived in America just about one year ago. That is progress.

The illiteracy problem is a big factor in our economic and political scheme. Immigrants who arrive here in childhood or early manhood, soon become voters, and they exercise great influence in the results of our elections. Then, too, large numbers of women have become voters through their husbands having obtained citizenship. To obtain citizenship, the husband must be able to read and write, show that he understands the Constitution; in fact, prove that he intends to become a good citizen. The wife, however, is not obliged to undergo this test at the present time. But the House will shortly pass a bill providing for the same test for women. In New York City, in 1910, there were 870,140 foreign-born women. Of these, 360,255 were citizens. In the majority of cases through naturalization of their husbands."

Living conditions in the large cities of the country, despite heavy immigration, have improved to a very large extent. The enactment of tenement house laws during recent years has given to most of the tenements baths, electric lights, hot water, and steam heat. Faulty sanitation has been corrected. An adequate water supply has been provided. Streets in the congested sections are cleaned more frequently. Sewerage and drainage conditions have been improved.

The cold-water flats, so far as the larger cities are concerned, are gradually passing away. The telephone has come into such great use in the city of New York that there is hardly a tenement that has not at least one telephone.

Furthermore, there has been a great development as a result of increased transportation facilities, of suburban territory around the big cities. Mark the sharp increase in the Borough of the Bronx.

BRONX BOOMING.

It now has a population of over 800,000; in 1910 it had a population of 400,000. There has been a perceptible rise in population in the Borough of Queens, which is part of the city of New York. Similar increases are noted in Chicago, Buffalo, and Milwaukee.



"A little over 960,000 children of immigrants attend the public schools in the city of New York alone," the Congressman replied, in answer to my question as to the school attendance and progress of children of immigrants.

"It is an admitted fact," he continued, "that where the foreign born or their descendants have settled there is an increased attendance in school. It is worth noting that in the College of the City of New York 92 per cent of those who are attending the college are either foreign born or are of the first generation of foreign born."

Duluth, Minn., and Chelsea, Mass., with 74.1 per cent, were found to have the greatest number of pupils with foreign-born fathers, New York City, with 71.5 per cent, was third; Chicago, with 67.3 per cent, was fourth; and Boston, with 63.5 per cent, was fifth.

In the greater cities where there is a larger attendance of the children of foreign born it is apparent how important is the assimilative force of the public schools in determining the effect of these future citizens in Government affairs.

This assimilative force is very great. So much so that in a second generation the majority of these pupils become Americanized.

"There is a surprisingly regular attendance on the part of foreign-born children," the Congressman declared. "That is a sign that they desire to become citizens—a sign of progress, in fact. I have seen numbers of these children when they landed at Ellis Island and have kept in touch with many of them. The transformation even in two or three months is remarkable. And at the end of a year's residence here the change is startling.

"The appearance of these children on landing excites the greatest sympathy.

#### FORLORN FIGURES.

"Many are undernourished, stooped, and with suffering pictured strongly in their pinched faces. Forlorn little figures they are, cowering and shivering, gazing with a curious, timid stare at their new surroundings. The liberty they never knew in their own country is hidden from their gaze. But the beauties they are to behold and the improvement they are to experience, both mental and physical, starts almost immediately after they reach their destination.

"Is it any wonder they make every effort to become citizens?

"Is it any wonder that of the 4,600,000 warriors sent abroad by the Army and Navy in the recent war, 495,000 came from New York alone?

"Psychological speculation may extend the range of these observations.

"The number of nationalities attending a single school is almost unbelievable. Secretary of Labor Davis addressed two of the schools in my district on June 15. Twenty-seven nationalities were represented. There are 42 different languages spoken by as many peoples in New York City."

"Are new immigration laws needed?" I queried.

"Our immigration laws are adequate," the Congressman declared. "And on the whole I would say they are administered satisfactorily. A strict enforcement of the immigration act of 1917, plus the amendments previous to the quota law, is really all that is necessary. The law would be aided if greater provision for Americanization work and more naturalization courts and clerks were established. It will interest your readers to learn that the Treasury of the United States has received and retained above all appropriations from the head tax more than \$6,000,000. Ultimately some of this money will be used in creating more naturalization courts and clerks."

#### SAFE FROM DISEASE.

It is possible that slight changes in administration methods may be made, the Congressman stated. We are pretty well protected so far as contagious diseases are concerned. There is little need of further legislation as to paupers.

The law affecting the admission of immoral persons and criminals could be made more stringent, perhaps, both as to those coming as passengers and as immigrants. Especial attention should be paid to alien seamen, especially those who desire to enter the country by deserting their ships. The 1917 act did much to remedy these evils.

"What is the attitude of foreign governments toward immigration," I asked.

"Of course," observed the Congressman, "foreign governments, especially European, seem to regard it as inevitable that a certain percentage of their subjects will emigrate soon or late. Their attitude is one of tolerance, although foreign governments insist that all obligations be discharged before embarking for another country. This applies particularly to military duty. And if the subject has evaded that duty he is liable to arrest should he return. After all, the economic factor is the most important."

"A discussion of the ship subsidy bill would be interesting," I reminded the Congressman.

#### HUGE PROFIT IN FARES.

"It would," he agreed. "The most important feature of the bill is the requirement that 50 per cent of our immigration from each country must be carried on American ships. Under the 3 per cent law we expect about 250,000 immigrants. At \$50 a head this will amount to a splendid sum. It will be a real profit to owners of American vessels and at no expense to our taxpayers. It is a most profitable business. I think the average immigrant fare at present is about \$85. At the hearings on the merchant marine bill shipping men asserted that practically one-half of this amount was profit.

"Unfortunately we have very few ships for this purpose. We have about 50, according to Chairman Lasker, of the Shipping Board, whereas Great Britain has more than 200."

"Will you mention some of the causes of immigration, Congressman?"

"Certainly," he replied. "I should say more persons emigrate on account of religious or political persecution than from any other cause. But one should not overlook the fact that very many immigrants are influenced by the superior advantages America offers.

"The standard of living abroad is very much below that of America. So, often immigrants depart from their native lands to improve not only their own condition but the condition of their children as well."

#### LOOK TO HEALTH.

In concluding, the Congressman advised all foreign-born who desire to fetch relatives and friends to America to see that their health is good before they start. The trip to America from their native land is usually a long one. Unless the parents and children are strong before they leave they are liable to become sick on the way. Sickness will cause weakness. Therefore, with lowered vitality, death may result.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD.

Mr. JOHNSON of Washington. On the bill just passed?

Mr. THOMAS. Yes.

Mr. JOHNSON of Washington. Without reference to the five-day limit?

There was no objection.

#### RESIGNATION FROM COMMITTEES.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE TERRITORIES,  
Washington, D. C., August 23, 1922.

HON. FREDERICK H. GILLETT,

Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Expenditures in the Navy Department, of the Committee on Insular Affairs, and of the Committee on Territories.

Respectfully yours, P. H. DREWRY.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BYRNS of Tennessee, indefinitely, on account of important business.

To Mr. STRONG of Pennsylvania, indefinitely, on account of sickness.

To Mr. PORTER, for 30 days, to attend the Brazilian centennial as a member of the commission appointed to represent the United States.

To Mr. LANGLEY, for an indefinite period, on account of personal business.

#### EXTENSION OF REMARKS.

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Balfour and the foreign debt.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the subject of Balfour and the foreign debt. Is there objection? [After a pause.] The Chair hears none.

#### BALFOUR AND THE FOREIGN DEBT.

Mr. MACGREGOR. Mr. Speaker, the recent note of Lord Balfour, Acting Secretary of Foreign Affairs of the British Government, addressed to the French Government, is a fine example of British diplomacy. It is addressed to the French, but it can easily be conceived that it was meant for the United States. The substance of the note is that the United States is the deep-dyed villain who is preventing the rehabilitation of the world, because it insists upon the payment of the money lent to England. England owes to the United States practically \$4,000,000,000. England lent this to the other Allies, together with other funds amounting in the aggregate to about \$17,000,000,000. The United States loaned to the Allies, in addition, about \$6,000,000,000, making a total of \$10,000,000,000, the proceeds of Liberty bonds subscribed for by the American people, that were loaned to the European Governments for war purposes.

The Balfour note attempts to place England before the other European powers as a benefactor. She is perfectly willing to relinquish her claims, but hard-fisted America is foreclosing the mortgage upon her, and therefore she must demand the money that she lent. She is perfectly willing to be generous if America pays for her generosity. The note in effect says that the United States is lacking in generosity; that the war was fought for the benefit of the United States as well as Europe, and that she should not make any claims for the money that she loaned.

England always has her eye upon the main chance. For centuries she has been adding to her territories and her opportunities for trade development. Immense gains have come to her out of the World War. The Versailles treaty gave to her territorial possessions almost equal to continental United States, and added at least 35,000,000 inhabitants to her Empire. The value of the spoils of the war to her is much greater than any sum that she owes to the United States. She has become the greatest Empire in the history of the world. Greece, Rome, and Egypt were pygmies beside her. The melodramatics of Balfour would be humorous if one could escape the hypocrisy of the situation. His tears shed over the greediness of the United States in contrast with the



generous spirit of Britain do not harmonize with the scene. The stage effect is poor.

America went into the war to maintain her honor, to uphold the dignity of her flag, and to curb the dominance of imperialism. She poured out her treasure and her blood without thought of gain, either of money or territory. After the war her charity toward the suffering peoples of Europe was unstinted. Europe would have starved without her aid. America gave freely and without price.

Nothing strikes deeper than ingratitude. The attempt to portray America now before the world as cold, hard, ungenerous, grasping is steeped in such ingratitude that generous America is incapable of understanding it.

It would be easy for Great Britain to discharge its debt to the United States without the expenditure of a penny. She has an overplus of land for the world's good. It would be a good bargain for both countries if Great Britain in consideration of the cancellation of the debt would cede to the United States the portion of Canada embracing the whole of the Great Lakes and the connecting waters. What a great blessing it would be to that portion of Canada to be a part of our great country. It would make possible the development of both shores of the Great Lakes; it would make both sides of the Niagara River the great industrial center of the world by freeing the development of power at Niagara Falls from boundary questions. The people of that portion of Canada would be immensely enriched and the United States would round out its territory at a point where it would be of benefit to the world and to humanity to be under one jurisdiction.

Balfour must offer something more than sneers to our people before they will be willing to forego a just debt.

#### EXTENSION OF REMARKS.

Mr. SANDERS of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the requested legislation for the relief of the placer claimants on the Red River.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. SANDERS of Indiana. Mr. Speaker, I introduced a bill for the relief of certain persons interested in oil lands lying south of the medial line of the main channel of Red River, in Oklahoma.

The people in my district, more than 700 in number, who are interested in this relief are stockholders in the Burke Divide Oil Co., Consolidated. This oil company is not subsidiary to any other corporation, but is a small independent company with about 1,114 stockholders, approximately 700 of whom live in Vigo County, Ind. They come from all walks of life—from the ranks of clerks, dentists, school-teachers, physicians, surgeons, lawyers, bankers, farmers, railroad employees, merchants, and laborers. Of the seven directors of the company, two are retired farmers, one is an auditor employed by a railroad company, one is a member of a firm engaged in the transfer and taxicab business, one is a lumber merchant, one is a lawyer engaged in general practice, and one is the proprietor of a restaurant. The remaining stockholders live in several States, although most of them reside in St. Louis, Mo. A great many of those living in St. Louis are railroad employees and laboring men and women. The Burke Divide Co. has no agreement, secret or otherwise, to dispose of any land that it may obtain a lease for. In the event it secures a lease from the Government it intends to operate the property for the benefit of its stockholders.

These oil lands were located by the original locators, through whom my people claim, on land lying south of the medial line of the main channel of Red River. The State of Texas has made some specious claim to the south half of the bed of Red River, but the Supreme Court of the United States long ago in a decision held that the Texas boundary line was at the south bank of Red River. Oklahoma had made some claim to the territory, but it was equally clear that Oklahoma had no proprietary interest in the south half of the bed of Red River.

The original locators, having obtained the advice of eminent counsel, located the placer mining claims in this territory and sold, after discovering oil, to the Burke Divide Oil Co., the stockholders of which have paid out some six or seven hundred thousand dollars in the belief that the placer claims were properly located and that the Burke Divide Oil Co. had title to the land.

Just at the time oil was discovered, persons claiming under a pretended permit or lease from the State of Texas, and who knew that the territory in question was not within the limits

of the State of Texas, drove away the representatives of the Burke Divide Oil Co., who were in peaceful possession of the territory. They used the Texas Rangers, and not only took complete possession of the oil wells and the territory, but also defied an injunction obtained in a Federal court and maltreated the marshal sent to serve the process.

The case later reached the Supreme Court of the United States, where it was held that although the land in question did belong to the United States, as contended by the Burke Divide Oil Co., yet the lands were not subject to placer locations, and since the Government had title to the land the Burke Divide Co. had none.

The purpose of this measure is to grant relief by placing the parties in the same situation as they would have been if the land had actually been subject to placer locations.

A detailed statement of the occurrences follows:

As soon as the Burke Divide Co. had discovered oil a man named Sam Sparks, a citizen of Texas, set up a claim to the land, claiming under an alleged lease or permit from the State of Texas. Within a few days thereafter, and within a few days after the Burke Divide Co. discovered the oil, a large force of Texas Rangers, by order and direction of the Governor of the State of Texas, came upon the property armed with rifles and revolvers, and by force of arms drove from the premises all the employees of the Burke Divide Co. and turned over possession of the property to the said Sam Sparks and his assignees.

In February, 1920, the Burke Divide Co. caused suits to be commenced in the District Court of the United States for the Western District of Oklahoma to regain possession of the property and to enjoin the Texas persons from interfering with the Burke Divide Co.'s possession of the land. Three such suits were commenced, one for each of the three claims. One of the cases, that of the Judsonia placer claim, was heard and tried. Attorneys for the defendants appeared and asked the court for permission to participate in the trial, to introduce evidence, and to argue the case without making any formal appearance for their clients, claiming that the court was without jurisdiction of the persons of the defendants. The district court decided in favor of the plaintiffs and issued an injunctive order mandatory and prohibitive directing the return of all drilling machinery and other property and the surrender of possession of the land, and prohibiting further interference by the Texas defendants. This order was placed in the hands of the United States marshal, who with his deputies attempted to serve the same. The Texas Rangers, armed with rifles, prevented the United States marshal from entering upon the land and prevented him from executing the court's decree, while the Governor of the State of Texas issued and published at the same time a proclamation directing that a sufficient number of Texas Rangers be assembled by the adjutant general of Texas to prevent the said United States marshal from enforcing the order of the United States District Court for the Western District of Oklahoma.

The controversy eventually found its way into the Supreme Court of the United States. A suit in equity was brought by the State of Oklahoma against the State of Texas to prevent the Texans from in any way interfering and to definitely fix the boundary between the two States. The Burke Divide Co. and a large number of other placer claimants in like situation were permitted to intervene in the case in the Supreme Court of the United States, after the latter court had appointed a receiver for the territory then in dispute. On April 11, 1922, the Supreme Court of the United States reaffirmed the former decision made by that court in 1896, in which it was held that the north boundary of the State of Texas was along the south bank of Red River, and held that the case decided in 1896 was res adjudicata; and on May 2, 1922, the Supreme Court gave another decision to the effect that the land between the south bank of Red River and the medial line of the main channel of the same river belongs to the United States, but that it had never been subject to location and appropriation under the mining laws of the United States, nor indeed any of the land laws of the United States. This last decision of the Supreme Court makes remedial legislation necessary in order that justice may be done.

#### REMEDIAL LEGISLATION.

There are numerous precedents for such remedial legislation.

In the case of Conlin *v.* Kelly, decided by the Secretary of the Interior, January 2, 1891 (12 L. D. 1), it was held that stone that is useful only for general building purposes does not render land containing same subject to appropriation under the mining laws, nor except it from preemption entry. Prior to that decision a very large number of placer claims had been located in the Western States on land chiefly valuable for building stone. On many of these claims large sums of money had been spent making quarries. To protect bona fide placer



claimants holding such quarries, Congress passed a bill—Senate bill 1273, in the Fifty-second Congress—granting relief to persons who had located placer claims for the purpose of making quarries of building stone. The chairman of the Senate Committee on Public Lands, in reporting the bill last mentioned, said, referring to the above case of Conlin against Kelly:

This decision has brought dismay and threatened ruin and disaster to many citizens who in good faith, relying on the settled and long-continued procedure of the General Land Office, had invested large sums of money in the development of stone quarries upon the public lands, expecting to obtain patents under the mining laws. It changes what had become a recognized rule of property, and the committee think this is a matter which justly demands the action of Congress to fix the status of such lands without the possibility of doubt. \* \* \* No one can be injured by its passage, while great relief will be given to bona fide investors and claimants.

The bill above referred to was subsequently passed and became the act of August 4, 1892. This act reads in part as follows:

*Be it enacted, etc.*, That any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building stone under the provisions of the law in relation to placer-mineral claims; \* \* \*

On August 27, 1896, the Secretary of the Interior, in the case of the Union Oil Co. (23 L. D. 222), held that lands containing petroleum, and no other mineral, were not subject to entry and patent under the placer mining laws. Prior to this last decision a large number of placer claims had been located in California, and perhaps in other States, on lands containing petroleum but no other kind of mineral. To meet the decision of the Secretary in the Union Oil Co. case and to protect the equitable rights of persons who had located placer claims on oil lands, and who had spent large sums of money thereon, Congress passed the act of February 11, 1897, which act validated all such placer claims theretofore made on land that contained no mineral other than petroleum.

In reporting the bill of January 27, 1897, the House Committee on Public Lands said in its report, among other things, referring to the decision in the Union Oil Co. case, as follows:

The effect of the above-cited decision of August 27, 1896, is to preclude the possibility of obtaining title to lands containing oils, and as there are large areas of such lands in various of the public-land States, and as upon these lands in many instances large expenditures have already been made, and as it is manifestly for the public good that there should be some provision whereby these lands may be held and patented, the committee believe this bill should pass.

The honorable Commissioner of the General Land Office, to whom the bill was referred, states that there is urgent necessity for some legislation on this subject, and in this view the Secretary of the Interior concurs. The bill simply provides by legislation for procedure in the entry and patenting of these lands along the lines that have been pursued in the past under the decisions of the General Land Office, so that there is no departure whatever from the procedure in the past for the development and acquirement of such properties.

In order to encourage and protect the holders of oil placer claims that were located on lands chiefly valuable for petroleum, Congress passed, on February 12, 1903, an act reading as follows:

*Be it enacted, etc.*, That where oil lands are located under the provisions of Title 32, chapter 6, Revised Statutes of the United States, as placer mining claims, the annual assessment labor upon such claims may be done upon any one of a group of claims lying contiguous and owned by the same person or corporation, not exceeding five claims in all: *Provided*, That said labor will tend to the development or to determine the oil-bearing character of such contiguous claims.

In commenting upon the act of February 12, 1903, above quoted, the Supreme Court of the United States, in the case of the Union Oil Co. v. Smith (249 U. S. 7), uses the following language:

Hence the declaration in the act of 1903 that where oil lands are located as placer mining claims "the annual assessment labor upon such claims lying contiguous and owned by the same person," indicates simply the legislative purpose that the necessary assessment work, if done upon one of the group, should have the same effect as if properly distributed among the several claims; that is to say, the effect of preserving the exclusive right of possession and enjoyment conferred by section 2322 with respect to unpatented claims based upon a previous discovery of oil.

The act of June 25, 1910, commonly known as the Pickett Act, shows the continuing policy of Congress to protect persons who had located oil-placer claims. Section 2 of the Pickett Act contains the following language:

That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands, and who, at such date, is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order, so long as such occupant or claimant shall continue in diligent prosecution of said work: *And provided further*, That this act shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to the passage of this act.

The same policy is pursued in the act of March 2, 1911, which reads, in part, as follows:

**SECTION 1.** That in no case shall patent be denied to or for any lands heretofore located or claimed under the mining laws of the United States containing petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified persons or person or corporation prior to discovery of oil or gas therein. \* \* \*

The policy of Congress in respect to the development of the mineral resources of the United States is further shown in the act for the relief of the holders of placer claims on phosphate lands. In the act of January 11, 1915, are the following provisions:

*Be it enacted, etc.*, That where public lands containing deposits of phosphate rock have heretofore been located in good faith under the placer-mining laws of the United States and upon which assessment work has been annually performed, such locations shall be valid and may be perfected under the provisions of said placer-mining laws, and patents, whether heretofore or hereafter issued thereon, shall give title to and possession of such deposits: *Provided*, That this act shall not apply to any locations made subsequent to the withdrawal of such lands from location, nor shall it apply to lands included in an adverse or conflicting lode location unless such adverse or conflicting location is abandoned.

It will be seen by reference to the acts of Congress herein referred to that it has long been the policy of the Government to grant relief to persons who in good faith but under a mistaken belief as to the meaning of the law have entered upon any part of the public domain to develop the mining industry of the United States. Indeed, it has been many times declared by the Supreme Court of the United States as well as other courts of high standing that it has been the policy of the Government since the discovery of gold in California in 1849 to encourage the citizens to develop the mining resources of the country. The mining law itself has many times been declared to be an invitation to citizens to develop the undeveloped public domain and thus add to the wealth of the country.

#### EARLY ACTION BY CONGRESS IS URGED.

It is well known that the life of an oil field is usually not more than four or five years. Oil is fugitive in character and can be drawn a long distance by means of suction pumps. There are more than 200 wells immediately south of the south bank of Red River. For nearly two and a half years these wells have been pumping day and night, and they are drawing oil from the adjacent ground immediately north of the south bank of Red River. Unless relief is granted to the placer locators and their successors very soon, it can not be granted at all, because it will not be long until very little oil will remain in property. I am reliably informed that suction pumps have been used for many months in the 200 wells in Texas near the boundary line. Many of these wells are within 20 feet of the boundary line and are what are commonly called offset wells. It is earnestly urged, therefore, that this is a case in which there should be no delay in granting relief, because, as before stated, unless relief is granted now, it can not be given.

Mr. Speaker, many of my constituents have invested the savings of a lifetime in the stock of this company. It was controlled by men of the highest character and finest business integrity. Eminent lawyers who gave careful study to the legal phase of the question said there was no question about the validity of the title in the Burke Divide Oil Co. It was the industry and perseverance of these locators which led to the discovery of these oil wells. The United States Government should do justice and equity and grant the relief prayed for in this measure.

#### THE LEGISLATIVE PROGRAM.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House on the legislative program.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, I can not say at this time that the House will be called upon to take up any important legislation to-morrow, but I trust that we may have a quorum present, as there are matters of moment that may come up. It is my present expectation to ask unanimous consent that when we adjourn to-morrow we adjourn to meet on Monday following. I desire to say to the Members of the House that we shall undoubtedly have important legislation the early part of next week, and I think it highly important that all Members be here.

#### ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned until Thursday, August 24, 1922, at 12 o'clock noon.



## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WINSLOW: Committee on Interstate and Foreign Commerce, H. R. 12377. A bill to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes, with an amendment (Rept. No. 1181). 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 the Post Office and Post Roads was discharged from the consideration of the bill (H. R. 12406) for the relief of Emil L. Flaten, and the same was referred to the Committee on Claims.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SPROUL: A bill (H. R. 12409) to promote the public health; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN: A bill (H. R. 12410) to authorize the Secretary of War to reinstate warrant officers of the Army Mine Planter Service; to the Committee on Military Affairs.

By Mr. HAYS: A bill (H. R. 12411) to provide for the purchase of a site and for the erection of a public building thereon at Charleston, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. MACGREGOR: A bill (H. R. 12412) to prevent commercialism in the military and naval institutions of the United States; to the Committee on Military Affairs.

By Mr. BRIGGS: A bill (H. R. 12413) providing for a survey of the Trinity River, Tex., with a view to the control of its floods; to the Committee on Flood Control.

By Mr. DYER: A bill (H. R. 12414) to amend the Revised Statutes of the United States relating to branch banks under the national bank act; to the Committee on Banking and Currency.

By Mr. McFADDEN: A bill (H. R. 12415) to amend section 5190 of the Revised Statutes of the United States, relating to branches of national banking associations, and for other purposes; to the Committee on Banking and Currency.

By Mr. GERBERD: A bill (H. R. 12416) declaring the burial ground of the Revolutionary soldiers at Bethlehem, Pa., a national military park upon the acquisition of the site at a cost not exceeding \$10,000; to the Committee on Military Affairs.

By Mr. MACGREGOR: Joint resolution (H. J. Res. 373) providing for the suspension of the requirements of annual assessment work for the year 1922 on the mining claims of the Little Nell Mining Co.; to the Committee on Mines and Mining.

By Mr. FROTHINGHAM: Joint resolution (H. J. Res. 374) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. VOLSTEAD: Resolution (H. Res. 411) for the immediate consideration of H. R. 12356, a bill amending section 51, chapter 4, of the Judicial Code; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 12417) for the relief of the estate of Thomas N. Avery, deceased; to the Committee on Claims.

By Mr. CAMPBELL of Kansas: A bill (H. R. 12418) granting a pension to Louisa H. Rush; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 12419) granting a pension to Amanda L. Hill; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 12420) granting an increase of pension to Mary L. Hagan; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 12421) for the relief of Liberty loan subscribers of the City Bank of Jefferson, Iowa; to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 12422) granting a pension to John C. Harr; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 12423) granting a pension to Esther A. Deyo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12424) granting a pension to Mary E. Conley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12425) granting a pension to Perry Williams, alias David Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12426) granting a pension to Harriet A. Fitzwater; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 12427) granting an increase of pension to Christopher S. Alvord; to the Committee on Pensions.

By Mr. HIMES: A bill (H. R. 12428) granting a pension to Jessie Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12429) granting a pension to Emma A. Kline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12430) granting a pension to Theodore Silas Steffy; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 12431) granting a pension to Charles H. Brown; to the Committee on Pensions.

By Mr. KETCHAM: A bill (H. R. 12432) granting a pension to James Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12433) granting a pension to Elizabeth Tice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12434) granting a pension to Addie Peck; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 12435) granting a pension to Spica A. Barber; to the Committee on Invalid Pensions.

By Mr. KUNZ: A bill (H. R. 12436) granting a pension to James McDonough; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 12437) granting a pension to George H. Nicholson; to the Committee on Pensions.

Also, a bill (H. R. 12438) granting an increase of pension to Georgianna M. Burroughs; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 12439) granting a pension to Melissa S. Omans; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 12440) granting an increase of pension to Sarah E. Newlon; to the Committee on Invalid Pensions.

By Mr. PERLMAN: A bill (H. R. 12441) for the relief of Carl Wordelman; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 12442) granting a pension to Isabella L. Williamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12443) granting an increase of pension to Orville Harvey; to the Committee on Pensions.

By Mr. ROBSION: A bill (H. R. 12444) granting a pension to Howard Hines; to the Committee on Pensions.

By Mr. MANN: Resolution (H. Res. 412) for the relief of the widow of Dr. Henry N. Couden, late Chaplain Emeritus of the House of Representatives; to the Committee on Accounts.

## SENATE.

THURSDAY, August 24, 1922.

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

Our Father, we believe in the reality of things. We believe in our need of Thee. Without Thee we can accomplish nothing that will be lasting for human good. We therefore ask this morning that the consciousness of Thy presence may be very evident, that we may see things in the larger light, and understand what Thou wouldst have us do in every crisis of life in our Nation as well as in our individual affairs. We ask in Jesus' name. 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. 12377) to establish a commission, to be known as the United States Coal Commission, for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes, in which it requested the concurrence of the Senate.

Mr. BORAH. I ask that the bill may lie on the table for the present.

The PRESIDENT pro tempore. Without objection it will lie on the table.