

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

The PRESIDENT pro tempore. The consideration of the calendar under Rule VIII is now completed.

MRS. E. H. JACKSON.

Mr. CURTIS. I ask unanimous consent to return to Order of Business 681, being the bill (H. R. 8173) for the relief of Mrs. E. H. Jackson. By a mistake, the committee neglected to report an amendment to the bill which is necessary. I ask unanimous consent to reconsider the votes by which the bill was ordered to a third reading and passed.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent to reconsider the votes by which the bill named by him was ordered to a third reading and passed. Without objection, the votes are reconsidered.

Mr. CURTIS. I now move to amend the bill by inserting on page 1, line 4, after the word "pay," the words "to Mrs. E. H. Jackson."

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

The READING CLERK. On page 1, line 4, after the word "pay," it is proposed to insert "to Mrs. E. H. Jackson," so as to read:

That the Secretary of the Treasury be, and he is hereby, directed to pay to Mrs. E. H. Jackson—

And so forth.

The amendment was agreed to.

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

The bill was read the third time and passed.

KINEO TRUST CO.

Mr. CAPPER. I ask unanimous consent to return to Order of Business 810, being the bill (H. R. 8073) for the relief of the Kineo Trust Co. Since the passage of the bill my attention has been called to a clerical error in it. I ask that the vote whereby the bill was ordered to a third reading and passed may be reconsidered in order that I may move an amendment to it.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that the vote by which the bill to which he refers was ordered to be read the third time and passed may be reconsidered. The Chair hears no objection, and the vote is reconsidered.

Mr. CAPPER. On page 1, line 13, after the word "maturing," I move to strike out the word "March" and to insert the word "September."

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

The READING CLERK. On page 1, line 13, after the word "maturing," it is proposed to strike out the word "March" and to insert the word "September," so as to read:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to the Kineo Trust Co., of Dover, Me., a banking corporation existing by law, or its assigns, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 with interest at the rate of 4½ per cent per annum from September 15, 1919, to September 15, 1920, the amount of the principal and interest due it as owner of a United States Treasury certificate of indebtedness of series T-10, No. 6768, dated September 15, 1919, and maturing September 15, 1920, of which the Kineo Trust Co. has established loss from its possession.

The amendment was agreed to.

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

The bill was read the third time and passed.

DEFINITION OF BUTTER.

Mr. McNARY. I ask unanimous consent to revert to Order of Business 847, being the bill (S. 3858) to define butter and to provide a standard therefor. The Department of Agriculture, I may say, Mr. President, is very anxious for the early enactment of this bill into law. The bill merely proposes to standardize the butter-fat content at 80 per cent.

Mr. CURTIS. That bill went over on the objection of the senior Senator from South Dakota [Mr. STERLING].

The PRESIDENT pro tempore. There is no necessity for a reconsideration of the vote in reference to this bill, as it was simply passed over on objection.

Mr. FLETCHER. It was passed over and the Senator who objected is now absent from the Chamber.

Mr. CURTIS. The senior Senator from South Dakota [Mr. STERLING] objected. We shall have a calendar day on Monday next. I therefore hope that the Senator from Oregon will let the bill go over.

Mr. McNARY. I did not know that the senior Senator from South Dakota [Mr. STERLING] had objected to the bill. His colleague, the junior Senator from South Dakota [Mr. Nor-

BECK] reported the bill favorably, I, as acting chairman of the committee, directing a favorable report.

There can be no objection to the bill, but, as a matter of courtesy, I shall let the matter go over, provided the calendar may be considered on Monday next.

Mr. CURTIS. We shall have the calendar under consideration on next Monday.

ADJOURNMENT.

Mr. CURTIS. Under the unanimous-consent agreement, I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 22 minutes p. m.) the Senate adjourned until Monday, September 11, 1922, at 12 o'clock meridian.

## SENATE.

MONDAY, September 11, 1922.

Rev. Wallace Radcliffe, D. D., of the city of Washington, offered the following prayer:

Almighty God, we thank Thee for the rest and gladness of the past Lord's Day. May its influences beautify and sanctify the duties and experiences of the coming week, that we may walk before the Lord in the land of the living.

We remember again the darkness and fear in the Executive Mansion. We thank Thee for every measure of comfort and promise, and we pray for Thy special benediction upon her whom Thou hast appointed to this sickness and fear. Hear the prayers that arise from so many all over the land. Rebuke her sickness. Give knowledge, and skill, and success to those that care for her; and sustain her by the grace Thou hast promised, that in peace and quietness her soul may rest. Bless the President of the United States in these special hours of burden and fear. Let Thy rod and staff comfort him, that he may fear no evil.

And unto all of us help us so to use the world as not abusing it, knowing that the fashion of this world passeth away. Baptize Thy servants in the United States Senate with Thy spirit for all that Thou hast appointed to them this day to be or to do, that through them Thy will may be declared as a blessing to the land, and to the glory of Thy name. In Jesus Christ. Amen.

The Assistant Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### COMPULSORY SUNDAY OBSERVANCE.

Mr. WILLIS presented a memorial numerously signed by sundry citizens of Dayton, Ohio, 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.

### PUEBLO INDIAN LANDS IN NEW MEXICO.

Mr. BURSUM. Mr. President, I desire to submit a report on behalf of the Committee on Public Lands and Surveys.

Mr. HEFLIN. Mr. President, I think we had better have a quorum this morning. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll and the following Senators answered to their names:

Ashurst	Ernst	McLean	Shields
Ball	Fletcher	McNary	Shortridge
Borah	France	Moses	Simmons
Brandegee	Glass	Myers	Smith
Broussard	Gooding	Nelson	Smoot
Bursum	Hale	New	Stanfield
Cameron	Harrell	Nicholson	Stanley
Capper	Harrison	Oddie	Sterling
Culberson	Heflin	Phipps	Swanson
Cummins	Jones, Wash.	Ransdell	Trammell
Curtis	Kellogg	Rawson	Warren
Dillingham	McCormick	Robinson	Watson, Ga.
du Pont	McCumber	Sheppard	Willis

Mr. CURTIS. I was requested to announce that the Senator from Wisconsin [Mr. LENROOT] has been called from the city by reason of illness in his family.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. There is a quorum present.

Mr. BURSUM. From the Committee on Public Lands and Surveys, I report back favorably without amendment the bill (S. 3855) to ascertain and settle land claims of persons not Indians within Pueblo Indian land, land grants, and reservations in the State of New Mexico, and I submit a report (No.



900) thereon. I ask unanimous consent for the immediate consideration of the bill.

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

Mr. ROBINSON. I inquire of the Senator from New Mexico if the bill is now on the calendar?

Mr. BURSUM. It is not on the calendar.

Mr. ROBINSON. The bill has just been reported from the committee?

Mr. BURSUM. Yes.

Mr. ROBINSON. Will the Senator from New Mexico make a brief statement as to its purpose? It is impossible to understand the bill by hearing the title read.

Mr. BURSUM. I will make a statement covering the object and purpose of the bill.

I will first say that the reason for urgency in the consideration of the bill is that titles to about 5,000 homes in New Mexico, which are situated upon land grants which were made by Spain in the seventeenth century are in question. The controversy is one which has gone on in New Mexico for a great number of years. The controversy arose on account of lands which were located on grants originally made by Spain in 1745. Those grants were what were called pueblo or town grants. Upon those pueblos or town grants were residing Indians and non-Indians. Those people have lived upon those grants for all these years. A few years ago the Government brought a suit against a party by the name of Sandoval. In that case there indirectly came up the question of the relationship between the Government and the Indians, and the legality of the title to those lands was threatened. An investigation was made by an agent of the Interior Department and of the Department of Justice. They investigated the whole question from the standpoint of the Government, from the standpoint of the Indians, and from the standpoint of the settlers. Finally the attorneys for the settlers and the attorneys for the Government met and conferred, and hearings were held before the Commissioner of Indian Affairs and also before the Secretary of the Interior. A bill was agreed upon vesting jurisdiction in the Federal court of the State of New Mexico to hear and determine the questions in controversy, and providing a remedy whereby title might be quieted to settlers occupying lands on the various grants.

Mr. ROBINSON. Is the bill to which the Senator from New Mexico now refers the one which he has just reported to the Senate and for which he asks immediate consideration?

Mr. BURSUM. The bill which I have reported is exactly the one to which I have referred as having been agreed to by the parties in interest.

Mr. ROBINSON. Are suits now pending affecting the title to the lands in question?

Mr. BURSUM. There were such suits started, but by mutual consent it has been agreed to defer them until the passage of this proposed legislation.

Mr. ROBINSON. Is the report of the committee unanimous?

Mr. BURSUM. The report is unanimous.

Mr. ROBINSON. And it is recommended by the Interior Department?

Mr. BURSUM. It is recommended by the Interior Department and by the Commissioner of Indian Affairs, and also is agreed to by the parties to the controversy.

Mr. BORAH. How much land is involved in this controversy?

Mr. BURSUM. There are about 5,000 settlers on the land the title of which is involved, and the various tracts range from 2 acres all the way up to 100 acres or more in some instances. The specific basis upon which it is now proposed that title may be quieted is that recognition is to be given to titles which were granted by authorities under the Spanish Government, also by authorities under the Mexican Government, and also as the result of peaceable possession for 20 years prior to 1912; but in certain instances, where the court may find peaceable possession and the use of the land and improvements, the court may provide that such lands shall be appraised, their value ascertained, and in such cases payment shall be made to the Indians.

Mr. BORAH. Does this bill contemplate a suit to quiet title after the measure shall have been passed?

Mr. BURSUM. After the bill shall have been passed, suit must be brought by the settlers to quiet title.

Mr. BORAH. Then, no title will be quieted by virtue of the passage of the bill?

Mr. BURSUM. No; no title will be quieted by virtue of the passage of the bill. It will merely afford the machinery through which these titles may be quieted.

Mr. BORAH. It is merely, then, an act to enable the parties interested to bring suit?

Mr. BURSUM. Exactly so.

Mr. BORAH. And it establishes the rules by which suits may be maintained?

Mr. BURSUM. It proposes to establish the rules, and the rules will be as stated with reference to the rights of settlers.

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; which is as follows:

*Be it enacted, etc., That the District Court of the United States for the District of New Mexico shall have original jurisdiction of all crimes and offenses cognizable under the authority of the United States, in addition to the jurisdiction heretofore granted to said court, in the following cases:*

(a) Crimes and offenses committed by any person whomsoever upon any lands included within the exterior boundary lines of any grant of land confirmed, or for which patent has been or shall be issued by the United States of America to the following-named Indian pueblos, to wit: The Pueblo of Taos, Pueblo of Picuris, Pueblo of San Juan, Pueblo of Pojoaque, Pueblo of Nambé, Pueblo of Tesuque, Pueblo of Santa Clara, Pueblo of San Yldefonso, Pueblo of Cochiti, Pueblo of Santo Domingo, Pueblo of San Felipe, Pueblo of Santa Ana, Pueblo of Cia, Pueblo of Jemez, Pueblo of Pecos, Pueblo of Sandia, Pueblo of Isleta, Pueblo of Laguna, Pueblo of Acoma, and the Pueblo of Zuni, so long as the legal title thereto shall remain in the said pueblos, respectively, or in any inhabitant thereof who shall be commonly known and accepted by the pueblo as a Pueblo Indian.

(b) Crimes and offenses committed by any person whomsoever upon lands included within the exterior boundaries of any reservation of lands set apart by the United States of America for the use or benefit of any of the pueblos above named, or for the use and benefit of any of the inhabitants thereof, commonly known and accepted by the pueblo as Pueblo Indians, so long as the said reservation so set apart shall continue as such reservation and be used by said Pueblo Indians for their purposes.

(c) Crimes and offenses committed by any person whomsoever upon any lands belonging to or claimed by any of the foregoing-named pueblos, acquired by said pueblo or any Indian or Indians thereof, by purchase, gift, or conveyance in writing, or in any other manner whatsoever, so long as said lands shall be in the possession of and the legal title thereto shall remain in the said pueblos or in any Indian or Indians thereof.

SEC. 2. That the District Court of the United States for the District of New Mexico shall have exclusive original jurisdiction in all suits or controversies of a civil nature, at common law or in equity, in addition to the jurisdiction heretofore granted to said court in the following cases:

(a) All suits of a civil nature, at common law or in equity, involving any right, title, or interest, benefit, use, possession, or right of possession of any person or corporation whomsoever, or of the United States of America, to any lands, included within the exterior boundary lines of any grant of land confirmed, or for which patent has been or shall be issued by the United States of America to the following-named Indian pueblos, to wit: The Pueblo of Taos, Pueblo of Picuris, Pueblo of San Juan, Pueblo of Pojoaque, Pueblo of Nambé, Pueblo of Tesuque, Pueblo of Santa Clara, Pueblo of San Yldefonso, Pueblo of Cochiti, Pueblo of Santo Domingo, Pueblo of San Felipe, Pueblo of Santa Ana, Pueblo of Cia, Pueblo of Jemez, Pueblo of Pecos, Pueblo of Sandia, Pueblo of Isleta, Pueblo of Laguna, Pueblo of Acoma, and the Pueblo of Zuni, so long as the lands involved shall not have been segregated from said grant by final decree of the District Court of the United States for the District of New Mexico.

(b) All suits of a civil nature, at common law or in equity, involving any right, title, or interest, benefit, use, possession, or right of possession, of any person or corporation whomsoever, or of the United States of America, to any lands included within the exterior boundaries of any reservation of lands set apart by the United States of America for the use or benefit of any of the pueblos hereinbefore named, or for the use and benefit of any of the inhabitants thereof, commonly known and accepted by the pueblo as Pueblo Indians, so long as the said reservation so made or set apart shall continue as such reservation and be used by said Pueblo Indians for their purposes.

(c) All suits of a civil nature, at common law or in equity, involving any right, title, or interest, benefit, use, possession, or right of possession, of any person or corporation whomsoever, or of the United States of America, to any lands belonging to, or claimed or over or upon which any easement shall exist, by any of the foregoing-named pueblos, acquired by said pueblo, or any Indian or Indians thereof, by purchase, gift, or conveyance in writing, or in any other manner whatsoever, so long as said lands and any right or easement therein and the legal title thereto shall be and remain in the said pueblos, or in any Indian or Indians thereof.

(d) All suits of a civil nature, at common law or in equity, involving any right, title, or interest, benefit, use, possession, or right of possession, of any personal property owned, or claimed to be owned, by any of the hereinbefore-named pueblos, or any of the Indian inhabitants thereof, commonly known and accepted by the pueblo as Pueblo Indians, as well as all actions ex contractu and ex delicto wherein any one of said pueblos or any one of the Indian inhabitants thereof, commonly known and accepted by the pueblo as Pueblo Indians, shall be a party.

(e) All suits of a civil nature, at common law or in equity, involving any question of internal affairs or the government of any of said pueblos, including the right to hold office in said pueblo in accordance with the customs and regulations of said pueblo.

SEC. 3. That the State of New Mexico and the courts thereof shall have jurisdiction over all lands and in all questions arising in relation thereto, which shall have been segregated from any of the pueblo grants hereinbefore enumerated by final decree, as well as also over all lands and as to all questions or controversies arising in relation thereto which have ceased to be reservations as hereinbefore provided, or which shall have been legally sold or disposed of by any of said pueblos or any Indian or Indians thereof, as now or hereafter provided by law.

SEC. 4. That all suits brought under the provisions of this act shall be brought by or against the pueblo or the individual Pueblo Indian, and in all actions brought under the provisions hereof involving any pueblo or the rights thereof, said pueblo shall be designated and styled as "The pueblo of \_\_\_\_\_," inserting the name of said pueblo,



and any individual Pueblo Indian shall be designated and styled "\_\_\_\_\_, a Pueblo Indian of the pueblo of \_\_\_\_\_," inserting the name of said Pueblo Indian, if known, and the name of said pueblo.

SEC. 5. That in all civil cases brought under the provisions of this act service of process shall be had and made upon the pueblo or upon any Indian inhabitant of such pueblo, commonly known and accepted by said pueblo as a Pueblo Indian, by serving the same upon the governor of said pueblo, or in his absence, or in case of any vacancy in said governorship, by serving the same upon any officer of said pueblo then acting in his place and stead, and, in the case of any individual Indian inhabitant of any pueblo, upon both the governor or other officer acting in his place and stead and the individual Indian.

SEC. 6. That pleading, practice, procedure, and rules of evidence shall be the same in all causes arising under this act as in other civil and criminal causes in the Federal courts, unless hereinafter otherwise set forth and declared.

SEC. 7. That all persons or corporations who, prior to and since the date of the ratification and proclamation of the treaty of Guadalupe Hidalgo, July 4, 1848, either in person or through their predecessors, in claim of interest, grantors, privies, or agents, have had actual, open, notorious, exclusive, and continuous possession, under color of title, of, in, or to any lands included within the exterior boundaries of any grant of land confirmed or patented to any of the pueblos hereinbefore named by the United States of America, shall be entitled to a decree in their respective favor for all of the lands so possessed, and the district court shall, by its decree, segregate the said land from the said pueblo grant, and shall ascertain and adjudicate the true boundaries and extent thereof, in the proof of which character of possession and of the boundaries and extent thereof secondary evidence shall be admissible and competent. Upon the entry of any decree segregating any of the lands of any pueblo grant pursuant to the provisions and requirements of this paragraph, the clerk of the said court shall forthwith send to the Secretary of the Interior of the United States a certified copy of said decree, and the said tract of land so segregated having been surveyed by or under his direction, according to the boundaries and extent as set forth in said decree, said Secretary of the Interior shall cause patent therefor to be issued to said person, his heirs or assigns, or to such corporation or its successors in interest. In all cases arising under the provisions of this act wherein the original title and the adverse possession thereunder antedates the dates of ratification and proclamation of the treaty of Guadalupe Hidalgo, the remedy, relief, and procedure in this paragraph provided shall be exclusive and either party to any suit brought pursuant to the provisions of this act may make proof of date and source of title and the possession thereunder.

SEC. 8. That all persons who, or corporations which, for more than 10 years prior to June 20, 1910, either in person or through their respective predecessors in claim of interest, grantors, privies, or agents, have had actual, open, notorious, exclusive and continuous possession, with or without color of title, of any lands falling or included within the exterior boundaries of any grant confirmed or patented to any of the pueblos in this act specified, and all persons who or corporations which in person or through their respective predecessors in claim of interest or grantors claim any such lands lying within the exterior boundaries of any of said pueblo grants, under valid grant from the Governments of Spain or Mexico, or under any grant, act of confirmation or patent of the United States of America, shall be entitled to a decree in their favor respectively for the whole of the lands so claimed, and the district court shall in its decree segregate the said land from the said pueblo grant and shall ascertain and adjudicate the area and extent thereof and the value of the said lands without improvement, if any there shall be thereon, as of the date of the decree, and upon the entry of any decree provided for in this paragraph segregating any of the lands of any pueblo grant therefrom, the clerk of the district court shall forthwith send to the Secretary of the Interior of the United States of America a certified copy of the final decree, and, thereupon, the Secretary of the Interior shall cause to be surveyed from the public lands of the United States of America a tract or tracts of land as nearly adjacent to the said pueblo as possible, equal in area and value or equal in value to the lands so segregated in said final decree and shall cause patent therefor to be issued to the pueblo entitled thereto; but if it be found that such lands are not available then the Secretary of the Interior shall place to the credit of the said pueblo the value of the said land so segregated in cash as provided in said adjudication, and shall disburse the same to the best advantage and interest of the said pueblo.

SEC. 9. That the Secretary of the Interior shall promulgate all necessary rules and regulations relative to the selection of such lieu lands to be patented to any pueblo as in this act provided, and all necessary surveys, field notes, and plats made or necessary in ascertaining the extent and area of any land to be segregated from any pueblo shall be made under the direction of the surveyor general of the United States for New Mexico upon instructions to that effect from the Secretary of the Interior, without cost to litigants.

SEC. 10. That whenever upon, through, or over, in whole or in part, any lands of any pueblo grant sought to be segregated, or segregated, from any Indian pueblo under the provisions of this act, there shall be located any river, creek, lake, pond, spring, reservoir, dam, irrigating ditch, canal, or other watercourse or source of water supply used for the irrigation and cultivation of any lands of any Indian pueblo not included within the areas so segregated, or sought to be segregated, the right of the pueblo to the use and benefit of any waters existing or found in any such river, creek, lake, pond, spring, reservoir, dam, irrigating ditch, canal, or other watercourse shall, in case of suit brought therefor, be decreed to the said pueblo according to its appropriation thereof for the irrigation of the lands of the pueblo as irrigated and cultivated at the time of the passage and approval hereof, and any further and additional use of such waters and the appropriation thereof shall be acquired, determined, and adjudicated according to the laws of the State of New Mexico governing the appropriation and use of waters for irrigation purposes.

SEC. 11. That all proceedings under this act in the said district court shall be without costs to parties.

SEC. 12. That any party aggrieved by any final judgment or decree of the district court in any of the foregoing cases, either civil or criminal, shall have the right to an appeal or writ of error as in other civil and criminal cases.

SEC. 13. That in any action brought under the provisions of this act in which the segregation of any lands of any pueblo is sought the United States of America, in its capacity of guardian of the said Pueblo Indians, shall appear and shall be represented by some person learned in the law, who shall be named and designated by the Attorney General of the United States for that purpose, with such assistants,

legal and clerical, and with such compensation as to the Attorney General shall seem meet and proper.

SEC. 14. That all suits which may be brought by persons or corporations other than the pueblos hereinbefore named and the inhabitants thereof, commonly known and accepted by the pueblo as Pueblo Indians, involving any right, title, interest, benefit, use, possession, or right of possession, of any such person or corporation, to any lands falling or included within the exterior boundary lines of any of the pueblo grants in this act enumerated and specified shall be commenced within five years from the date of the passage and approval of this act; otherwise the same shall be forever barred, and said persons or corporations shall lose all rights and benefits by this act provided.

SEC. 15. That surveys of lands within pueblo grants and reservations held and occupied by persons not Indian, or corporations, as heretofore made under the supervision of the surveyor general for New Mexico, and plats and field notes of which have been filed in his office, shall be accepted as prima facie evidence of the boundaries of lands therein described.

SEC. 16. That in cases where lands within such grants, or any part or parcel thereof, shall at the trial be shown not to have been held and occupied by the claimants, non-Indian, for the period fixed by section 8 of this act for the acquiring of title under the provisions hereof, but have been purchased, or acquired by inheritance, used and cultivated, or purchased, or acquired by inheritance, held, occupied, or otherwise used for pastoral purposes under fence, in good faith by the claimant, the court shall make a special finding determining the boundaries of the tract so purchased, acquired, held, and occupied, used and cultivated, in good faith, as well as also the value of the land without improvement, and shall report such finding to the Secretary of the Interior, and the claimant, if the Secretary of the Interior shall approve an application made by the claimant for said land, may purchase the same at the value found by the court, and the purchase price shall be held in trust and expended for the pueblo under such rules and regulations as shall be from time to time prescribed for the benefit of the pueblo within whose grant any such tract of land shall be situated.

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

#### REVISION OF MINING LAWS.

Mr. KING presented the report of a subcommittee of the mining committee to the Salt Lake Commercial Club, of Salt Lake City, Utah, relative to the provisions of the so-called Arentz bill, being the bill (H. R. 7736) to revise, amend, and codify the laws of the United States relating to the location of mining claims on the public domain, and for other purposes, which was referred to the Committee on Public Lands and Surveys.

#### REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (S. 3962) to prohibit the sending of threatening letters through the mails, and for other purposes, reported it with amendments.

Mr. BURSUM, from the Committee on Pensions, to which was referred the bill (S. 1883) granting a pension to Anna Claude Howard, reported it without amendment and submitted a report (No. 910) thereon.

#### BILLS INTRODUCED.

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

By Mr. KING:

A bill (S. 3992) to provide for the publication of an annual directory of income-tax payers;

A bill (S. 3993) to raise revenue to meet the expenses of the Government, and to prevent the monopolization of the industries of the United States, and amending sections 230 and 234 of the revenue act of 1921; and

A bill (S. 3994) to simplify and equalize the income tax, and amending sections 210 and 216 and repealing section 211 of the revenue act of 1921; to the Committee on Finance.

By Mr. BURSUM:

A bill (S. 3995) to authorize the Secretary of Agriculture to exterminate bean beetles in the State of New Mexico, and authorizing expenditures therefor; to the Committee on Agriculture and Forestry.

#### LIBERIAN LOAN.

The PRESIDENT pro tempore. Morning business is closed.

Mr. McCUMBER. Mr. President, I am going to ask unanimous consent that the Senate proceed to the consideration of Order of Business No. 725, being the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia. I should like briefly to state my reason for making the request at this time. The joint resolution will come up, of course, at 2 o'clock in regular order. However, the conference committee of which I am a member will meet at 2 o'clock, and I assumed that there probably would be no objection to taking the joint resolution up a little earlier for that reason.

Mr. BORAH. Mr. President, if the Senator wishes to take up the joint resolution merely for the purpose of speaking on it and then having it laid aside until after 2 o'clock, I have no objection, but I do object to its being taken up for the purpose of consuming the time this morning.



Mr. McCUMBER. Very well; if there is objection, of course I can not move to take the joint resolution up until after 1 o'clock.

Mr. BORAH. If the Senator desires to speak upon the joint resolution I have no objection, but—

Mr. McCUMBER. I should not care to speak upon the joint resolution unless it were regularly under consideration.

The PRESIDENT pro tempore. Does the Senator from North Dakota modify his request?

Mr. McCUMBER. No; I withdraw the request.

#### PUBLIC MINERAL LANDS.

Mr. KING. Mr. President, there is a bill pending in the House of Representatives, known as the Arentz bill, which has attracted a great deal of attention in the public-land States, particularly those States having public mineral lands. The bill seeks to change existing law and to eliminate what we call in the West "extra lateral rights in lode claims." The bill, as I have said, has attracted a great deal of attention, and it has many supporters. The Commercial Club of Salt Lake City, which has a mining section which gives attention to mineral matters, appointed a committee to examine the bill and to make a report to the Commercial Club with reference to its provisions. The committee has made a very exhaustive examination of the bill and has condemned some of its features. The analysis, it seems to me, is very important, and I ask that it may be referred to the Committee on Public Lands, with the hope that they will find it sufficiently meritorious to have it printed as a public document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the report to which the Senator from Utah has referred will be referred to the Committee on Public Lands and Surveys.

#### INTERVIEW WITH FORMER GOVERNOR COX.

Mr. KING. Mr. President, recently a distinguished Democrat, former Governor Cox, of Ohio, the Democratic nominee for the Presidency two years ago, gave an interview dealing with international questions which attracted a great deal of attention. Reference has been made to it in the Senate and frequently in the public press. I ask that the interview may be published in the Record, together with two brief editorials, one from the New York World and one from the Washington News, in relation thereto.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The interview and editorials are as follows:

COX TELLS OF EUROPE'S NEED OF UNITED STATES HELP—FORMER GOVERNOR, BEFORE VISITING LLOYD-GEORGE, DISCUSSES OUTLOOK—SEES WORLD'S FATE IN HANDS OF UNITED STATES—LONDON PRESS ATTACHES IMPORTANCE TO HIS "UNUSUAL PILGRIMAGE."

[By the Associated Press.]

LONDON, August 26.—James M. Cox, former Democratic candidate for President, was the guest of Prime Minister Lloyd-George at breakfast to-day. Last night Mr. Cox dined with Col. E. M. House, who is visiting here.

Before going to the premier's residence in Downing Street this morning Mr. Cox gave out a statement to the American and British press dealing with the economic plight of Europe and quoting the German chancellor, Doctor Wirth, as saying to him a few days ago in Berlin:

"Unless the United States interests herself in European affairs within a very short time, all in Germany is lost, and all in Central Europe as well."

Mr. Cox's complete statement follows:

"The storm center of the economic condition lies in Europe.

"Those who have visited Austria and Germany are of one opinion as to the state of things now and the tragic point to which both countries are drifting. Austria has reached a stage of almost complete dissolution.

"The approach of Germany to the same condition is steadily marked by every passing hour.

"The nations of Europe are deadlocked on the reparations question. There seems to be no relief on this side of the Atlantic. The master key is held by the United States. No decision by England seems likely to be accepted by the French.

"The French Government will not sanction a proposal from Germany which might approximate a readjustment of the figures now in the minds of French statesmen, for that circumstance might be regarded by the public opinion of France as a surrender to Germany.

"There is no respite, and every hour is fraught with danger. It is well to summarize the contentions of both France and Germany.

"Since the end of the war France has sold approximately \$10,000,000,000 worth of bonds to her own people upon the reparations by which she would have been reimbursed by Germany in compliance with the terms of the peace treaty. Germany says she lost a fourth of her grain lands and altogether one-tenth of her territory. She issued about \$25,000,000,000 worth of bonds during the war, and a deficit of \$10,000,000,000 remains as a floating debt.

"The fiscal state of both countries without economic stabilization portends but one result.

"In the midst of this situation two false impressions obtain in Europe: First, that France is aggressively militaristic, and second, that Germany is making munitions and preparing for war. The military policy of France is based upon the desire to protect herself against invasion. With assurances on this point she will reduce her army.

"The Government of Germany desires peace. The leaders are progressively democratic, and the story of hidden arms, with the exception

of unimportant sporadic community instances, is pure fiction. Germany has 20,000,000 more people than she can sustain except under high industrial stress. When the mark was 100 to 200 to the dollar there were certain trade advantages accruing to Germany, but in the present circumstances the banks of Germany can not finance the industries of that country in the purchase of raw products and food-stuffs.

"Unless relief is granted shops will soon be closing, millions will be out of employment, and the winter will bring the threat, if not the certainty, of starvation.

"With economic collapse the Government will go down, too. If Germany fails, France is without reimbursement, and can not sustain the loss involved without serious consequences.

"Within the last week I had a long interview with Chancellor Wirth in Berlin. He summarized the situation by saying with deepest emotion:

"Unless the United States interests herself in European affairs within a very short time, all in Germany is lost, and all in Central Europe as well."

"Recognizing that this statement broke the fetters of diplomatic usage in France, authority to repeat it in Chancellor Wirth's name to the people of the United States is given without reservation."

Mr. Cox said it was not too late to prevent disaster, that the American Government acting on behalf of the United States could do it without inconsistency with the existing policy.

Mr. Cox also advocates the designation of Herbert Hoover as an American representative on the reparations commission.

"Mr. Hoover holds the confidence of Europe," continued Mr. Cox's statement. "Peoples and governments trust him. He can analyze the economic situation in Germany. His decision as to what Germany can pay beyond much question of doubt would be accepted by France—and that means by all parties. I believe every chancellor in Europe would welcome his coming. The mere announcement of his selection would stabilize things.

"With reparations adjusted, Germany and France—both are in need of large loans—would be given credits, and Austria, too. Then would come the dawn of a new day.

"Mr. Hoover is not of my political party, but anyone that is in close touch with continental conditions, as I have been, is thoroughly stripped of every partisan thought.

"The question of the interallied debt need not be considered; it is not necessary. Europe recognizes that discussion in America is unlimited now."

Three considerations, said the statement, would cover every shade of American public opinion:

"First. If from a moral awakening, we desire to relieve distress, the opportunity is presented.

"Second. If our desires are purely practical and a market for our products is to be gained, the necessary rehabilitation of Europe is guaranteed.

"Third. If our policy is to insist upon the ultimate payment of the interallied debt, we must remember who the world's debtors are and realize that if some of them are permitted to go to ruin now there is not even a chance of collection later.

"The fate of the world is in the hands of America. Days wasted in procrastination now will bring years of self-reproach later. From Europe, the base of our ancestry, prayers go up that America will understand and, understanding, will not falter."

[From New York World, August 29, 1922.]

#### HOOVER ON THE REPARATION COMMISSION.

A proposal of the utmost weight and value is that of James M. Cox, who, after personal study of the crisis in middle Europe, says that the United States should "designate Herbert Hoover, now a member of the Cabinet, to serve in the reparation task." Mr. Hoover "holds the confidence of Europe." He can "analyze the economic situation of Germany," and his decision as to what Germany can pay "would be accepted by France—and that means by all the parties interested."

Mr. Cox does not exaggerate when he adds that the mere announcement of Mr. Hoover's selection "would stabilize things." All Europe has great confidence in Mr. Hoover, in his vast experience and his common sense. What is quite as important, our own people have confidence in him; and not the most punctilious Senator can scent the trail of partisan politics in a suggestion by Mr. Harding's late opponent that a member of the Harding Cabinet be sent to represent the United States in Europe.

No technical difficulty attends this sane proposal. Under the separate treaty with Germany the United States reserves every right defined in the treaty of Versailles to be represented in the Reparation Commission. No difficulty of practical politics ought to stand in the way; work on the Reparation Commission need touch directly no controversy about the handling of our foreign debts—though it might and should lead to a more general consideration of that problem.

Mr. Hoover, with his personal prestige and the power of his Nation behind him, would morally dominate the Reparation Commission. James M. Cox has given to Mr. Harding the wisest counsel that the President has received from any source in many a day.

[From the Washington News, August 30, 1922.]

Ex-Governor Cox, who is touring Europe, says America must act to save the central European nations from dissolution. He is right. If central Europe is allowed to degenerate, the United States will have to take a large part of the permanent loss in diminished world trade and in Europe's inability to pay her debts. Self-interest, therefore, demands that America help Europe, for in doing so we shall do no more than help ourselves.

The spectacle of the American people idly twiddling their thumbs while Europe continues to breed another war would be tragic even if America were not personally affected by the outcome. But, with American unemployment spreading because foreigners must curtail their purchases of American foodstuffs, raw materials, and manufactured goods it is suicidal for this country to let the process of European decay continue.

It would be unfortunate if any attempt were made to interpret Mr. Cox's appeal in partisan spirit. Mr. Cox, obviously, is not trying to embarrass the Republican Party, nor to help his own party. He specifically urges that Herbert Hoover represent America on the Reparation Commission, which holds the key to the European settlement.

If American intervention in Europe, under the management of Mr. Hoover, were successful, credit would go to the Harding adminis-



tration. If Mr. Hoover got into trouble, the Democrats could not point to Republican inefficiency, since the original idea had been suggested by a presidential candidate of their own party. Democrats and Republicans would both have to get behind Mr. Hoover and make his mission succeed.

Any attempt by America to carry through a policy of assisting Europe can succeed only if its nonpartisan character is maintained throughout and is recognized by the world. It is probable that hard blows, in debate with the Europeans, might have to be exchanged. Only a united America could impress Europe with the determination of this country to go through with the job of stabilizing international relations, once the work were undertaken.

President Harding can do America and the world a very great service by consulting with ex-Governor Cox about European affairs, with Mr. Hoover to act as their agent in carrying out an American—not a party—policy of reconstruction. The fact of Democratic and Republican leaders acting in concert for world betterment would be in itself an inspiration.

The American people are tired of partisan politics being carried beyond the water's edge. America is the common country of Democrats and Republicans alike. The fact should be made clear to the world by international cooperation between the two parties.

A Harding-Cox alliance to help put Europe on its feet not only would go far toward restoring general prosperity, it would also speed the return of that era of good feeling in American affairs which has become lost during the domestic confusion of the past months.

#### SUITS AGAINST THE GOVERNMENT IN DISTRICT COURTS.

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

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

Mr. KING. I ask that the bill may be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Assistant Secretary read the bill.

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

Mr. NELSON. Mr. President, I should like to make a brief statement in regard to that bill. The only change in existing law is that under existing law all suits to enforce claims against the Government must be brought in the Court of Claims, except by an amendatory statute passed some years ago it was provided that claims involving \$10,000 or less may be brought in the district courts. This bill simply amends the statute by increasing the limitation to \$50,000, so that a person who has a claim against the Government for \$50,000 or less may bring suit in a United States district court instead of the Court of Claims. That is the only change in existing law.

Mr. ROBINSON. The effect of the bill, then, is to expand the jurisdiction of the district courts?

Mr. NELSON. Yes; from \$10,000 to \$50,000.

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

Mr. NELSON. Certainly.

Mr. KING. The practical effect of the bill will be this, will it not—and I ask for information—that suits may be brought anywhere by any person up to \$50,000 in any court—

Mr. NELSON. In any district court of the United States; but, of course, the rule as to the place in which such suits shall be brought generally applies to the cases covered by the bill. The suit must be brought in the district court where the cause of action arose or where the parties may be found.

Mr. KING. It places the Government at a disadvantage, because most of these cases either originate in Washington or the proof will be found in the archives of the Government here, and it will compel the Government to go to remote parts of the United States in order to defend suits against it, instead of defending them, as now, in the Court of Claims.

Mr. NELSON. That may be true to some extent, but it is a great hardship on a claimant who lives in a remote part of the Union to compel him to come here to Washington to file and prosecute a claim of \$50,000 or less. This bill authorizes such claimants to bring suits in the district courts where they live. It is a great burden for them to be obliged in all these cases of small claims to come here to Washington and bear the expense incident to attendance on the court here. Besides, the proceedings here in the Court of Claims are rather slow and dilatory. There is no jury in the Court of Claims.

The cases are all decided by the judges on written briefs and documents, whereas if the suit is brought in the district court of the United States a jury can be invoked and a regular trial had, as in other common-law cases.

Mr. KING. Of course, the Senator knows that it is rather uncommon to authorize the suit of the sovereign anyway; and where the sovereign permits itself to be used it seems to me that there is no impropriety in its surrounding itself with such just measures of protection as will insure that no wrong shall be done to the Government itself.

Mr. NELSON. The law which is amended, giving jurisdiction in cases of claims not exceeding \$10,000, has worked satis-

factorily and well; and it seems to me that in these small claims of less than \$50,000 it will lead to the convenience of litigants if they can have the cases tried in the districts in which they live.

Mr. KING. There is no intention by this bill to extend the class of cases in which liability attaches to the Government?

Mr. NELSON. No; the bill makes no change in that respect. Its operation is confined to claims arising ex contractu. Actions for tort, claims for damages for all kinds of torts, none of them can be brought in the Court of Claims under the existing law. This does not change the law in any particular except as to the amount.

Mr. KING. Does the Government recommend the passage of this bill?

Mr. NELSON. There is no recommendation from the Government. My recollection is that the Senator from North Carolina [Mr. OVERMAN] introduced this bill, and it was considered by the committee, and there seemed to be no objection to it.

Mr. KING. There has been no recommendation one way or the other by the Attorney General or the Department of Justice?

Mr. NELSON. No; no recommendation.

Mr. KING. Does not the Senator think that a bill of this importance, affecting the interests of the Government as it does, ought to be referred, as is the rule, to a department?

Mr. NELSON. We refer a great many of the bills to the departments.

Mr. KING. I have discovered, in the case of many bills that I have introduced, that I can not get them reported until they go to the departments. I think this bill ought to go to the Department of Justice for review. There may be some reasons, not yet brought to the attention of the Senate, why it should not pass.

Mr. NELSON. I hope no objection will be made. The bill has been on the calendar a long time, and the officials in the Department of Justice no doubt have been aware of its existence, and no protest has been filed by the Department of Justice.

Mr. KING. I will ask the Senator to let the bill go over until to-morrow, and in the meantime I will take up the matter with Attorney General Daugherty and see what objection, if any, the Government has.

Mr. NELSON. Very well.

The PRESIDENT pro tempore. Objection is made.

#### ELIZABETH WHITE, ADMINISTRATRIX.

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

Mr. SMOOT. Let that go over.

Mr. RANDELL. Mr. President, I hope the Senator will withdraw his opposition until I can make a very brief explanation about that claim. I may say that it has been on the calendar for quite a while. Mrs. White is a very old lady. She is the widow of Captain White, of my State, from whom the Federal Government took a boat during the Civil War. I shall not attempt to go into all the details about it, but I wish to state just one or two points mentioned in the report of the committee.

The bill has been before Congress several times. It has passed both the Senate and the House. On one occasion it passed both the Senate and the House during the same Congress, and by a clerical error the claim was omitted from the enrolled bill which was sent to the House, and was omitted for the same reason from the bill finally approved, the error not being discovered until after March 4, 1915, which date marked the end of the Sixty-third Congress.

This old lady has been trying to get the claim paid for a great while. There is no question about the merit of the claim. The Court of Claims has passed upon it, and this is a bill to provide for its payment. It is as just a claim as ever was presented to the Congress of the United States. As I say, it has passed both Houses during different Congresses, and on one occasion it passed both Houses during the same Congress.

I think, Mr. President and Senators, that it would be very unjust to hold this claim in abeyance any longer. I sincerely hope the Senator will withdraw his opposition and let the bill be passed.

Mr. SMOOT. Mr. President, I do not want to take the time of the Senate to read the report, or to go over the statement that I made before. I can not withdraw my objection at this time, nor do I care about taking the time of the Senate now



to refer to certain questions that I referred to when the bill was under consideration before. The report, however, says:

The words "in full of the above account," upon which the solicitor relies to maintain his position, should be restricted to the subject matter on which they were to operate, and that was "the above account."

They are not like words of release standing alone without reference to any specific matter to be taken most strongly against the releasor and not liable to explanation by extrinsic evidence, but they constitute merely a receipt of the particular account to which they are subscribed, and a receipt of that character is always open to explanation.

I can not see why claims of this character should be paid under the conditions that exist. I will ask that the bill go over to-day. I have some letters on the subject over in the office that I thought I had here to-day but I have not. They were left with the bill at the last session.

Mr. RANDELL. I am going to request the Senator to bring those letters and let us thrash this thing out. If the old lady is entitled to the money, let us give it to her. If not, let the agony be settled one way or the other.

Mr. SMOOT. That is right.

Mr. RANDELL. I think this is a just claim, and the Court of Claims says it is a just claim. Congress has passed the bill several times, and we ought to settle the matter.

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

#### STABILIZATION OF THE COAL INDUSTRY.

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

Mr. SMOOT. I ask that that bill be put over under Rule IX.

The PRESIDENT pro tempore. The Senator from Utah moves that Order of Business 54, Senate bill 1807, be transferred to the calendar under Rule IX.

The motion was agreed to.

RICHARD MURPHY.

Mr. HARRELD. Mr. President, I ask that the same order be made in the case of Order of Business 643, Senate bill 3248.

The PRESIDENT pro tempore. The Senator from Oklahoma asks unanimous consent that Senate bill 3248, to provide for the issuing of a patent to Richard Murphy, and so forth, be transferred to the calendar under Rule IX. Is there objection? The Chair hears none, and the bill is so transferred.

#### BILL PASSED OVER.

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

Mr. SMOOT. I ask that that go over.

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

#### PUNISHMENT OF SEDITION ACTS.

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

Mr. SMOOT. Let that go over.

Mr. STERLING. I ask that that bill be transferred to the calendar under Rule IX.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

#### BILLS, ETC., PASSED OVER.

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

Mr. JONES of Washington. Let that go over.

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

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

Mr. McNARY. Let that go over.

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

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

Mr. CURTIS. Let that go over.

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

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

Mr. BALL. Let that go over.

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

The bill (S. 2391) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

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

The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims was announced as next in order.

Mr. NELSON. Let that go over.

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

The joint resolution (H. J. Res. 183) imposing a duty of 90 per cent on all goods exported from the United States for the use of the American Expeditionary Forces and its allied forces and which have been sold to any foreign Government or person, when reimported into the United States, was announced as next in order.

Mr. SMOOT. I ask that the joint resolution be transferred to the calendar under Rule IX.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

#### SPECIAL OFFICER FOR OFFICE OF SECRETARY OF SENATE.

The resolution (S. Res. 150) directing the Secretary of the Senate to employ a special officer for the office of the Secretary of the Senate was announced as next in order, and was read, as follows:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to employ a special officer for the office of the Secretary of the Senate at a salary of \$1,800 per annum, to be paid out of the miscellaneous items of the contingent fund of the Senate until provided otherwise by law.

Mr. NEW. Let that go over.

Mr. ROBINSON. Mr. President, I express the hope that Senators may permit that resolution to be considered at this time. The Secretary of the Senate has felt the urgent necessity of having the officer whose selection is authorized by this resolution for the protection of the funds of the Senate, and under the existing conditions he believes that the manner of keeping the funds of the Senate is unsafe.

Under the practice which prevails it is necessary to keep in the room immediately adjoining the Senate Chamber a large amount of cash, and under the existing conditions the arrangements for the protection of those funds are inadequate. I make this statement from a full knowledge of the feelings of the officers who are charged with the responsibility for the preservation of the funds. I have no other purpose than to do what seems to be manifestly just and fair to the Secretary, who is charged with a very grave responsibility in this connection.

Mr. CURTIS. I join in what has been said by the Senator from Arkansas, and I hope the Senator from Indiana will withdraw his objection and let the resolution go through.

Mr. NEW. My objection is withdrawn.

The resolution was considered by the Senate and agreed to.

#### AMENDMENT OF TRANSPORTATION ACT.

The bill (H. R. 8331) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

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

#### PROTECTION OF MIGRATORY BIRDS.

The bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them, was announced as next in order.

Mr. ROBINSON. Let the bill go over.

Mr. NEW. I understand the Senator from Arkansas has interposed an objection to the consideration of the bill because of the absence of his colleague, who desires to offer an amendment to it.

Mr. ROBINSON. The Senator is correct in that statement. I also made the request because of the absence of other Senators who desire to be present when the bill is considered. The bill is quite an important one, and its consideration and disposition by the Senate will require some time. I myself have an amendment which I intend to propose to the bill, which has been approved by one of the committees of the Senate, and other Senators who are not present have stated that they desired an opportunity to discuss the bill, and they are unable to be here at the present time. So for that reason I am compelled to ask that the bill may go over.

Mr. NEW. It was not my purpose to ask the Senator from Arkansas to withdraw his objection. I realize that it is a bill of some importance, and that there are Senators who desire to make amendments to it. However, I would like to be permitted an opportunity to say at this time that, as the author of the bill, I have sought to obtain from Senators an expression



of their views concerning its provisions, and I myself have a number of amendments to offer in connection with it. If it be in order and permissible, I would like to send those amendments to the desk and to have the bill printed as it will be with those amendments in it. I ask unanimous consent that that be done.

Mr. ROBINSON. I, of course, have no objection to the Senator presenting his amendments and having them printed. I think that is all he can do, unless he chooses to revise his bill and reintroduce it.

Mr. NEW. I do not want to reintroduce it. That is what I am seeking to obviate.

Mr. ROBINSON. I suggest to the Senator that he simply offer his amendments and have them printed.

Mr. NEW. I want unanimous consent to perfect my bill.

Mr. FLETCHER. In other words, I understand the Senator proposes now to offer amendments as committee amendments to the bill?

Mr. NEW. That is correct.

Mr. ROBINSON. They can not be incorporated in the bill until the bill is under consideration. The only course open to the Senator now is either to modify his bill and reintroduce it, which he can easily do, or have his amendments printed and let them lie on the table, announcing his purpose to offer them as committee amendments when the bill is considered.

Mr. NEW. I send to the desk a number of amendments which I have prepared and ask that they be printed and lie on the table.

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

#### TRANSPORTATION OF MILITARY SUPPLIES, ETC.

The joint resolution (S. J. Res. 138) authorizing the payment of the cost of transportation for certain supplies purchased by the Military Establishment was announced as next in order.

Mr. SMOOT. Let that go over.

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

The joint resolution (S. J. Res. 41) authorizing transportation for dependents of Army field clerks and field clerks, Quartermaster Corps, was announced as next in order.

Mr. SMOOT. Let that be passed over.

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

#### FORE RIVER SHIPBUILDING CO.

The bill (S. 1298) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co., was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$106,521.12 to the Fore River Shipbuilding Co., successor of the Fore River Engine Co. and the Fore River Ship & Engine Co., being the difference between the actual cost of the construction of two torpedo-boat destroyers and the amount paid under the contract entered into for the building of the said boats, as found by the Court of Claims and reported in Senate Document No. 170, Sixty-sixth Congress, second session.

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

#### FLOATING DRY DOCK AT NEW ORLEANS, LA.

The bill (S. 2718) to provide for leasing of the floating dry dock at the naval station, New Orleans, La., was announced as next in order.

Mr. JONES of Washington. The Senator from New York [Mr. CALDER] requested me to ask that this bill go over if reached in his absence.

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

#### BILLS PASSED OVER.

The bill (S. 2589) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. SMOOT. I was requested to ask that this bill should go over.

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

The bill (S. 67) for the relief of heirs of Adam and Noah Brown was announced as next in order.

Mr. SMOOT. Let that go over.

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

The bill (S. 1539) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. SMOOT. Let that go over.

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

#### CAPT. DAVID M'D. SHEARER.

The bill (S. 1861) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. RANSDALL. I wish the Senator would not press his opposition to that bill. I know something about it. Captain Shearer is an eminent young engineer, and he made some discoveries which were used, to my certain knowledge, by the Mississippi River Commission on work upon the river. He thinks he has a claim against the Government. I do not know that he has, but all the bill proposes is to refer it to the court. It ought to be left to the court to say whether or not this citizen of the Union has a claim against the Government. That is all the bill proposes to do.

Mr. SMOOT. I will say to the Senator that I have spent a good deal of time with Capt. David McD. Shearer upon this claim. I wanted him to show me why he had a claim against the United States for using what he claims was an invention of his while he was an employee of the Government, and going into the case in detail I could not see one particle of excuse for the claim being allowed to the captain.

Mr. RANSDALL. With all due respect to the Senator, he may be a perfect judge of such matters, but I am pretty familiar with that claim, too. The incident occurred in my section of the State. Captain Shearer is not a Louisianian; he is a Mississippian; but I happen to know a good deal about the facts in the case, and I am not satisfied in my own mind but that he is justly entitled to be paid. If he is not entitled to be paid, the court will not award a judgment in his favor. We have courts to determine such controversies between citizens and the Government, and I think this ought to be left to the court rather than to the judgment of a Member of the Senate. I certainly would not put myself up as lawyer enough to say whether or not he is entitled to it or not entitled to it, although I practiced law for many years. I think he is entitled to payment. One Senator says he is not entitled to it and another says he is. Let us leave it to the court, and we can pay it or not if the court finds he is entitled to it.

Mr. SMOOT. Of course, I do not know what State he comes from, and it would not make any difference to me if he came from the State of Utah; if the claim was not just, I would not support it.

Mr. RANSDALL. The Senator surely would not expect the court to decide in his favor if the claim were not a just one.

Mr. SMOOT. Why put the Government to all the expense involved in defending the case, and why put the captain to a great deal of expense? Perhaps he would take his chance of getting some kind of a judgment from the court, because—

Mr. RANSDALL. He is a very sincere man and a very able man, and he thinks he has a claim. Let us permit him to file his claim before the court. That is what courts are established for.

Mr. SMOOT. We have so many cases before the courts now that they can hardly take care of what they have. When the bill came up before I asked that it might go over, and I had the captain come to my office after I objected. That was in the last Congress, not at this session. It was a direct claim against the Government in the last Congress. Since that conversation he has asked that the case go to the Court of Claims.

I say to the Senator that I have a good deal of sympathy with the captain, because I know what he did on the Mississippi River, but for the life of me I can not think that the Congress is going to establish the policy of compensating men under circumstances like those of this case. While working for the Government of the United States this claimant devised some plan for performing his work and in later years comes to the Congress and asks Congress to pay him for the thought he gave in perfecting, not a piece of machinery but some scheme, I will say, for better handling and keeping the Mississippi River from washing its banks away.

Mr. HARRISON. May I say to the Senator that I feel quite sure that one of the reasons why the bill has been changed in form was that an appropriation may not be made directly out of the Treasury of the Government, but that the case may go to the court so that it can make an award, if it finds the facts justify it. From the conversation the gentleman had with the Senator from Utah he saw that it was impossible to get the claim through in its original form because of the views entertained by the Senator, and perhaps others; but if the bill should go through in its present form and the court should hold that the facts would not justify the payment of the claim, it certainly would do no harm for us to pass the bill.



Mr. ROBINSON. I am not familiar with the merits of the case in question, but there are precedents under which the Government of the United States has paid large sums to soldiers, for instance, for inventions devised while the soldiers were in the service of the Government, which inventions were subsequently used by the Government for the benefit of the Army.

Mr. SMOOT. I think there is a law against that. Was there not an amendment to the patent laws prohibiting the payment of compensation even for the use of a patent under such circumstances?

Mr. ROBINSON. That provision is all right. The time of one who is in the employ of the Government belongs to the Government, and his service belongs to the Government. On the other hand, where one performs an extraordinary service and perfects an invention of great value to the Government, there is no reason why he should not be granted some compensation by a special act, when under the particular circumstances of the case the claim may be found to be meritorious.

Take the case of the soldier who, prior to the Civil War, invented a tent which the United States Army used throughout the Civil War. Comparatively recently Congress passed a private claim bill for the benefit of one of the soldiers who made that invention. One of the soldiers received his compensation some years ago. The other was denied his compensation on account of some question affecting his loyalty, as I remember, but that question was subsequently satisfactorily met and, if my recollection serves me correctly, an appropriation was made by Congress. I merely refer to this case in reply to the suggestion of the Senator from Utah.

Mr. NEW. Mr. President—

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. I yield.

Mr. NEW. I wish to follow up what the Senator from Arkansas has just said about the allowance that was made to the inventor of the tent. I suppose he was referring to the Sibley case?

Mr. ROBINSON. Sibley was one of the claimants.

Mr. NEW. It has been but a few days since the Committee on Claims has had under consideration a very similar case involving a device upon a tent invented by an officer many years subsequent to the Civil War. As a subcommittee of the Committee on Claims I have reported adversely on that case upon the theory strictly that while the officer was in the service of the United States Government the Government was as much entitled to the product of his brain as it was to the service of his hand, and that I fully believe. I believe, however, that the officer was clearly entitled to anything he might have received from the use of that patent by any other government or by any private party. I think that this claim comes under the same general head, that what this officer or any other officer of the Government devised and employed in Government work the Government is entitled to without cost. That is exactly what the Government educated the officer for, exactly what it employed him for, and if he is to say "I will serve the Government manually, but I will not give it the benefit of my intellect," then I think there is something wrong. I do not think the Government should be required to pay for his invention any more than for his service.

Mr. ROBINSON. Will the Senator from Utah permit me to make a brief statement?

Mr. SMOOT. Certainly.

Mr. ROBINSON. I do not wish it to be understood, if the language I had heretofore used may have misled Senators into that belief, that I take the position that every officer of the Government serving the Government who makes an invention should have compensation therefor from the Government. On the contrary, I recognize the legal principle that one in the employ of another is duty bound to give the best services of which he is capable. There are, however, cases in which the Government has recognized the right of officers in the Army or employees of the Government to receive satisfactory compensation for inventions they have made, on the theory that it is wise and sound policy for the Government to encourage men who happen to possess inventive genius to exercise it while in the employ of the Government.

Mr. RANDELL. May I read just a paragraph from the report of the committee?

Mr. SMOOT. If the Senator will permit me, perhaps my statement will clear the situation satisfactorily to the Senator. I have absolute confidence that if the matter is ever referred to the Court of Claims, that court will not give judgment against the Government. But there is another objection to the bill. It provides that the Court of Claims shall render

judgment. If the Senator will change the bill so as to allow the court to report the findings of fact and then let Congress decide as to whether an appropriation should be made, I shall have no objection to it.

Mr. RANDELL. I am entirely willing to make that change.

Mr. SMOOT. Then let the bill go over to-day, and I will confer with the Senator and we will modify that provision when it comes up again.

Mr. RANDELL. I ask the Senator, before the bill goes over, to allow me to read very briefly from the report, because I do not think Senators are familiar with it. Speaking of Captain Shearer, the report states that—

In 1914, outside of office hours and not interfering with his duties and service as employee of the Mississippi River Commission, he invented a reinforced-concrete revetment; also molds for manufacture of said reinforced-concrete revetment; also apparatus for laying said reinforced-concrete revetment. He applied for and obtained patents on each.

The United States Government, through the Mississippi River Commission, adopted and used all three of said inventions, covered by said letters patent, is still using them, and is planning for their extensive use in the future.

The Supreme Court has in several decisions declared that an employee of the Government making an invention while in Government employ is entitled to compensation therefor if adopted and used by the Government.

The Supreme Court says:

"If an officer or employee of the Government, not specifically employed to make experiments with a view to suggest improvements, devises a new and valuable improvement, he is entitled to the benefit of it, and to letters patent for the improvement from the United States, equally with any other citizen not engaged in such service, and the Government can not after the patent is issued make use of the improvement any more than a private individual without license of the inventor or making compensation to him. (United States v. Burns, 12 Wall. 252.)

"An employee performing all the duties assigned to him in his department of service may exercise his inventive faculties in any direction he chooses, with the assurance that whatever invention he may thus conceive and perfect is his individual property. There is no difference between the Government and any other employer in this respect. But this general rule is subject to these limitations: If one is employed to devise or perfect an instrument or a means for accomplishing a desired result, he can not, after successfully accomplishing the work for which he was employed, plead title thereto against his employer. That which he was employed and paid to accomplish becomes, when accomplished, the property of his employer." (Solomons v. United States, 137 U. S. 346.)

Mr. SMOOT. We will let the bill go over, but since the Senator has read from the report, I want the Senate to know another feature of the case. Captain Shearer did not furnish the money to build the machine. His idea was presented to the officials of the Government and the Government put up every solitary cent for building the machine that handled the particular invention or improvement for revetment work. I personally think that, the Government having done that and the improvement having been made by a Government employee, he is barred from receiving any kind of compensation from the Government for the invention of the machine. If Captain Shearer had put up his own money, and employed some one to do the work and had taken all the chances, it would be a different thing; but he did not use one cent of his own money. The Government took the chance and the Government put up the money with which to build the machine, and now, after years have passed, to say that the Government ought to pay him for the use of it I think is not right.

Mr. WATSON of Georgia. Mr. President—

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state the inquiry.

Mr. McNARY. Has objection been made to the consideration of the bill?

Mr. SMOOT. It goes over for to-day.

The PRESIDING OFFICER. The Senate is proceeding with the discussion by unanimous consent. The Senator from Utah has objected to the consideration of the bill and it will go over.

VESSEL "MARIA ARTAU."

The bill (H. R. 5965) for the relief of the owner of the vessel *Maria Artau* was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,901.55 to the owner of the vessel *Maria Artau* as compensation for and in full satisfaction of all claims of such owner for any damages to said vessel sustained as a result of a collision between said vessel and the United States ship *Kittery* on August 7, 1917, in Santo Domingo waters, the responsibility for such collision having been placed on the United States ship *Kittery* by a naval board after investigation.

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



## NAVAL SUPPLY CORPS OFFICERS.

The bill (S. 2390) to redistribute the number of officers in the several grades of the Supply Corps of the Navy was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

## ALMOND S. ROOT.

The bill (S. 2654) for the relief of Almond S. Root was announced as next in order.

Mr. SMOOT. I ask that the bill be transferred to the calendar under Rule IX.

The PRESIDING OFFICER. The Senator from Utah asks that the bill be transferred to the calendar under Rule IX. Without objection, it is so ordered.

## DAMAGES FOR COLLISIONS WITH NAVAL VESSELS.

The bill (S. 2674) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels was considered as in Committee of the Whole.

Mr. SMOOT. I forget just what is to-day the amount of claims which may be settled in this way, but I think it is \$500.

The PRESIDING OFFICER. It is \$500; but the department very strongly urges the passage of the bill. The committee have reported it unanimously.

Mr. FLETCHER. I think it would save a lot of trouble in coming to Congress with small claims to be adjusted if we would raise the limit to \$5,000, as proposed. We passed a bill Saturday allowing the heads of departments to settle claims up to the amount of \$1,000. That gives the heads of the departments general power to settle claims, and such an arrangement should include, of course, this department. The only question is whether the limit of \$5,000 is a little high.

Mr. SMOOT. I think it is a little too high. I think the \$500 limit ought to be increased, but \$5,000 is quite a claim.

The PRESIDING OFFICER. The Chair suggests that the Senator propose an amendment.

Mr. SMOOT. On page 2, in line 11, I move to strike out "\$5,000" and to insert in lieu thereof "\$3,000."

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 2, line 11, strike out "\$5,000" and insert "\$3,000," so as to make the bill read:

*Be it enacted, etc.,* That the provision contained in the act entitled "An act making appropriation for the naval service for the fiscal year ending June 30, 1911, and for other purposes," approved June 24, 1910 (Public, No. 261, 61st Cong., 2d sess.), authorizing the Secretary of the Navy "to consider, ascertain, adjust, and determine the amounts due on all claims for damages, where the amount of the claim does not exceed the sum of \$500, hereafter occasioned by collision, for which collisions vessels of the Navy shall be found to be responsible, and report the amounts so determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor," be, and the same is hereby, amended to read as follows, namely:

"The Secretary of the Navy is hereby authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages, where the amount of the claim does not exceed the sum of \$3,000, occasioned since April 6, 1917, and hereafter, by collisions or accidents incident to the operation of vessels for which collisions or accidents vessels of the Navy or vessels in the naval service shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to the Congress through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor."

The amendment was agreed to.

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

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

## BENJAMIN F. SPATES.

The bill (S. 1352) for the relief of Benjamin F. Spates was announced as next in order.

Mr. ODDIE. Mr. President, that bill has been before the Senate for some time. Objections to its consideration were made the other day, which I understand have been withdrawn. It is a very meritorious bill.

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 had been reported from the Committee on Claims with an amendment on page 1, line 6, after the words "sum of," to strike out "\$2,000" and to insert "\$1,000"; so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Benjamin F. Spates, out of any money in the Treasury not otherwise appropriated, the sum of

\$1,000 for a personal injury received by him on September 17, 1885, without fault or negligence on his part, while in the service of the United States Government, performing labor at the Capitol.

The amendment was agreed to.

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

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

## LOUISE SAINT GEZ.

The bill (S. 403) for the relief of Louise Saint Gez, executrix of Auguste Ferré, deceased, surviving partner of Lapene & Ferré, was announced as next in order.

Mr. RANSDELL. Mr. President, this bill was before the Senate several days ago, but it was objected to because as drawn it provided for the payment of whatever judgment the court might find.

The PRESIDING OFFICER. The Chair desires to state to the Senator from Louisiana that the bill has been reported to the Senate from the Committee of the Whole. Is there objection to the consideration of the bill?

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

Mr. RANSDELL. I move to amend the bill by striking out all after the enacting clause and inserting what I send to the desk. The amendment is in the usual form and provides that the claim shall be referred to the Court of Claims for an adjudication of the law and the facts under the act of Congress of March 12, 1863.

The PRESIDING OFFICER. The amendment proposed by the Senator from Louisiana will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That the claim of Louise Saint Gez, executrix of Auguste Ferré, deceased, surviving partner of the late firm of Lapene & Ferré, for the net proceeds of the cotton purchased or owned by them, taken by United States officers, sold, and the net proceeds thereof placed in the United States Treasury, be, and the same is hereby, referred to the Court of Claims for determination of the law and the facts under the act of Congress approved March 12, 1863 (12 Stat. L. 820), any statute of limitations, or the act of July 2, 1864 (13 Stat. 376), and all other nonintercourse laws to the contrary notwithstanding, and report to Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Louisiana.

The amendment was agreed to.

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

## ESTATE OF ALPHONSE DESMARE, DECEASED.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 404) for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others.

Mr. RANSDELL. That is a bill of very similar character to the one which has just been passed, and I move a similar amendment to it referring the case to the Court of Claims for a finding of facts. I ask that my amendment may be stated.

The PRESIDING OFFICER. The amendment proposed by the Senator from Louisiana will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That the claim of the legal representative of the estate of Alphonse Desmare, deceased, and the claim of the legal representative of the estate of Cyrian Dupré, deceased, surviving partner of the late firm of Desmare & Dupré, for the net proceeds of the cotton purchased or owned by them, taken by the United States officers, sold and the net proceeds thereof placed in the United States Treasury, be, and the same is hereby, referred to the Court of Claims for determination of the law and the facts, under the act of Congress approved March 12, 1863 (12 Stats. L. p. 820), any statute of limitations, or the act of July 2, 1864 (13 Stats. p. 376), and all other nonintercourse laws to the contrary notwithstanding, and report to Congress.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Louisiana.

The amendment was agreed to.

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

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

## JOINT RESOLUTION AND BILLS PASSED OVER.

The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States was announced as next in order.

The PRESIDING OFFICER. Let that joint resolution go over.

The bill (S. 14) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Let that bill go over.



The bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor, was announced as next in order.

The PRESIDING OFFICER. The Chair is advised that on April 3 last this bill was considered as in Committee of the Whole and was amended and passed. On April 5 the senior Senator from Iowa [Mr. CUMMINS] entered a motion to reconsider the bill and the Secretary was directed to ask for the return of the bill from the House of Representatives, and the bill has been returned from that body.

Mr. FLETCHER. The bill does not appear on the calendar.

The PRESIDING OFFICER. As the Senator from Iowa [Mr. CUMMINS] is interested in this measure, the Chair will suggest that it be passed over without prejudice, and, if he desires, it may be taken up when he returns to the Chamber.

Mr. FLETCHER. I suggest that the calendar be corrected. The bill does not appear on the calendar.

The PRESIDING OFFICER. The bill does not appear on the calendar, because it has passed the Senate and gone to the House and been brought back on a motion to reconsider, as the Chair understands.

#### BOARD OF ASSISTANT ASSESSORS OF THE DISTRICT.

The bill (S. 1739) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, was considered as in Committee of the Whole.

Mr. FLETCHER. Mr. President, I should like to ask the chairman of the committee to state just what it is proposed to accomplish by the proposed amendment to sections 5 and 6 of the act referred to in the bill. I should like to know what the purpose of the measure is.

Mr. BALL. Mr. President, the existing law provides for five assistant assessors in the District of Columbia, but the District appropriation bills have for some time been providing for one additional assessor. Under the provisions contained in that bill, however, the sixth assistant assessor can only be employed in connection with the making of the assessments. Under the bill now before the Senate the board of assistant assessors is constituted of six members, and the sixth assistant assessor may act on the board of review and in other respects just as the other five assistant assessors may be employed. For a number of years there have been six assistant assessors.

The bill also provides that the board of personal tax appeals shall meet in January instead of February, the provision reading:

That hereafter the board of personal-tax appeals shall convene on the first Monday in January of each year and continue in session to and including the second Monday in February of each year.

Section 2 fixes the status of those who reside in the District of Columbia so far as taxation of tangible and intangible property is concerned. There have been people living in the District who have refused to pay taxes in the District on the ground that they held citizenship in other States. The attorney for the District claims that many of those people should be taxed, and there has been some dispute concerning the matter, the law not being specific upon that point. This bill proposes to establish who shall be considered residents of the District of Columbia so far as their being subject to taxation in the District is concerned.

Mr. FLETCHER. How will the bill affect Members of Congress?

Mr. BALL. It exempts Members of Congress or those elected for a definite term, the provision being—

That Cabinet officers, Members of Congress, and persons in the service of the United States Government elected for a definite term of office shall not be considered as residents of the District of Columbia for the purposes of this act.

Mr. FLETCHER. Will the passage of the bill add very materially to the expenses of the District government?

Mr. BALL. It will not add to them at all, but it will permit the District government to use the sixth assessor for other duties than now devolve upon him.

Mr. FLETCHER. Very well, I have no objection to the bill.

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

The bill as passed is as follows:

*Be it enacted, etc.,* That section 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, is hereby amended so as to provide that the permanent board of assistant assessors referred to therein shall consist of six members instead of five members, and the assessor of the District of

Columbia shall designate three of the members of said board for the assessment of real estate, and the three other members of said board to assess personal property, in accordance with law; all members of said board, together with the assessor of the District of Columbia, as chairman, shall constitute the board of equalization and review of real estate assessments, and also the board of personal tax appeals. That hereafter the board of personal tax appeals shall convene on the first Monday in January of each year and continue in session to and including the second Monday in February of each year.

SEC. 2. That, for the purposes of this act, any person maintaining a place of abode in the District of Columbia on July 1 of any year and for six months or more prior thereto shall be considered a resident of the District of Columbia, and shall be taxable on his tangible personal property if located in the District of Columbia during the period of his domicile therein or for any fractional part thereof; said person shall also be taxable on his intangible personal property wherever located unless evidence shall be submitted to the assessor of the District of Columbia, satisfactory to him, that such intangible personal property is taxed to said person in some other jurisdiction for the period hereinbefore referred to: *Provided*, That Cabinet officers, Members of Congress, and persons in the service of the United States Government elected for a definite term of office shall not be considered as residents of the District of Columbia for the purposes of this act.

SEC. 3. That section 5 of the act of Congress hereinbefore referred to is hereby amended by providing that in addition to the annual assessment of all real estate made on or prior to July 1 of each year there shall be added a list of all new buildings erected or under roof prior to December 1 of each year in the same manner as provided by law for all annual additions; and the amounts thereof shall be added as assessments for the second half of the then current year. The board of equalization and review, hereinbefore referred to, shall hear such complaints as may be made in respect of said assessments and determine said complaints between the first and third Mondays of December of the same year.

SEC. 4. That paragraph 32 of section 7 of the act of Congress approved July 1, 1902, above referred to, is hereby amended by inserting after the words "fortune tellers" the word "phrenologists," so that said paragraph shall read as follows:

"That mediums, clairvoyants, soothsayers, fortune tellers, phrenologists, or palmists, by whatsoever name called, conducting business for profit or gain, directly or indirectly, when permitted to practice their calling in the District of Columbia, shall pay a license tax of \$25 per annum: *Provided*, That no license shall be issued without the approval of the mayor and superintendent of police."

SEC. 5. That hereafter no deed, except deeds of release, deeds of trust, or other deeds not involving the transfer of title to real estate, shall be recorded among the land records of the District of Columbia unless it is accompanied by a sealed statement, addressed to the assessor of the District of Columbia, giving the information hereinafter referred to; and the recorder of deeds of said District is directed to receive such sealed statement and transmit it to the assessor of said District without breaking the seal.

Said sealed statement shall be made by the grantee, and shall be on a form approved by said assessor, and shall contain the names of the grantor and grantee, together with their addresses, the full nature of the transaction, together with the true amount of all moneys paid or received, and any other consideration in addition to said moneys shall be given and certified to by the grantee or an authorized agent.

The information contained in the sealed statement shall be regarded as confidential by said assessor and shall be used by him or by the said board of assistant assessors for the equalization of assessment of real estate in the District of Columbia in accordance with the requirements of law.

If any such grantee or his authorized agent shall fail to make any statement or shall make any false statement of the nature of the transaction, or as to the amount of money actually involved, he shall be deemed guilty of a misdemeanor and shall be liable to a fine of not less than \$5 and not more than \$500 for each offense. Such offenses shall be prosecuted in the police court of the District of Columbia in the name of said District by the corporation counsel or any of his assistants.

ANNIE M. LEPLY.

The bill (H. R. 4504) for the relief of Annie M. Lepley was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Annie M. Lepley, as postmaster at Plymouth, Amador County, Calif., on her account as postmaster of said place, in the sum of \$2,055.83, the same being the amount of certain moneys, money orders, and postage stamps taken and stolen by burglars from the post office at Plymouth, Amador County, Calif., at nighttime at about 10 minutes past 1 o'clock a. m. on March 13, 1915, by unknown persons, and that the said Annie M. Lepley be, and she is hereby, relieved and released from payment to the Treasury of the United States of the said sum of \$2,055.83, and every part thereof, as such postmaster, and that her account be credited as postmaster with said amount of \$2,055.83 by reason of said loss caused by such burglary.

Mr. SMOOT. Mr. President, I have almost come to the conclusion that the only way we can stop the introduction and consideration of measures of this kind is to pass some law which will require postmasters to carry some kind of insurance. Since we began the payment, by special act of Congress, of claims for reimbursement on account of robberies of post offices the stealing of postal funds has increased, I presume, 100 per cent, or perhaps even more than that, and so long as we continue to pay every dollar that is stolen in any way, whether the postmaster is responsible or whether he is not, we will never stop post-office robberies, for there will be no incentive at all for those in charge to take care of the money intrusted to them. I do not want to object to this bill; but really I should like to say to the chairman of the Committee on Claims that if we continue to reimburse postmasters on account of funds stolen from their offices we will never stop the robbing of Government post offices. It used to be a rare thing that we



ever had a case of this kind; it was very seldom that such a claim was ever paid, and it never was paid unless the Government of the United States was responsible, in that it failed to furnish a safe place in which to keep the money; but now every postmaster who loses a dollar in any way, whether it is stolen by friend or foe, immediately comes to Congress and Congress provides the money to reimburse him. I think the policy is bad.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

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

#### HUNTER-BROWN CO.

The bill (S. 820) for the relief of the Hunter-Brown Co. was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims, with an amendment on line 6, after the words "sum of," to strike out "\$2,423.08" and insert "\$1,198.08," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the Hunter-Brown Co., Chattanooga, Tenn., the sum of \$1,198.08 as settlement in full for loss incurred through failure of the War Department to receive 192 cords of wood delivered by the Hunter-Brown Co. at Camp Forrest, Ga., under the terms of a contract with the War Department entitled "Quartermaster Corps contract," which represents the sum of the amount agreed to be paid for the wood so delivered and expenses incurred by the Hunter-Brown Co. by reason of delayed delivery occasioned by the refusal of the agents of the War Department to receive the shipments of wood and in prosecuting its claim for the payment of the contract price, the War Department having since refused to approve or settle such claim.

The amendment was agreed to.

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

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

#### BILLS, ETC., PASSED OVER.

The bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1343) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3326) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1345) to amend an act entitled "Interstate commerce act," approved February 28, 1920, was announced as next in order.

Mr. McNARY. Mr. President, the Senator from Indiana [Mr. New] was called from the Chamber, and he has asked me, in his absence, to request that this bill and the next one on the calendar might go over.

The PRESIDING OFFICER. Senate bill 1345 will be passed over.

The bill (S. 1346) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, including the safety appliance acts and the act providing for the valuation of the several classes of property of carriers subject to the Interstate Commerce Commission, approved March 1, 1913, was announced as next in order.

The PRESIDING OFFICER. In accordance with the request of the Senator from Oregon, this bill also will be passed over.

The bill (S. 2921) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2371) to further amend an act entitled "An act for making further and more effective provision for the national defense, and for other purposes," approved June 8, 1916, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

#### THE CORNWELL CO.

The bill (H. R. 449) for the relief of the Cornwell Co., Saginaw, Mich., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. FLETCHER. Mr. President, we had that bill up the other day. It was called on Saturday and I think it went over then because we wanted some little explanation about it.

Mr. SMOOT. It ought to go over to-day.

Mr. FLETCHER. I think it had better go over.

The PRESIDING OFFICER. The bill will be passed over at the request of the Senator from Florida.

DAVID B. LANDIS, DECEASED, AND JACOB F. SHEAFFER, DECEASED.

The bill (S. 1599) for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of David B. Landis, deceased, late of Lancaster, Pa., the sum of \$11,112.22, and to the estate of Jacob F. Sheaffer, deceased, late of Lancaster, Pa., the sum of \$34,055, being the amounts found due said estates by the Court of Claims under the act of Congress approved March 3, 1887, commonly called the Tucker Act, for taxes and penalties collected on distilled spirits that had been destroyed by fire.

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

#### BILLS, ETC., PASSED OVER.

The resolution (S. Res. 269) authorizing the appointment of a committee to report the facts and reasons relative to the removal by order of the President of responsible officials of the Bureau of Engraving and Printing, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 271) requesting the President to inform Congress as to alleged demotion, dropping, and discharge of honorably discharged sailors and soldiers from the service since March 4, 1921, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 3136) to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

#### HENRY T. HILL.

The bill (H. R. 5385) for the relief of Henry T. Hill was considered as in Committee of the Whole.

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

#### BILLS, ETC., PASSED OVER.

The bill (H. R. 8475) to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3565) relating to the collection of taxes in the District of Columbia was announced as next in order.

The PRESIDING OFFICER. The Chair will ask to have that bill passed over.

The bill (S. 3384) authorizing an appropriation to meet proportionate expenses of providing a drainage system for Paiute Indian lands in the State of Nevada within the Newlands reclamation project of the Reclamation Service was announced as next in order.

Mr. McNARY. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.



The joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia was announced as next in order.

Mr. FLETCHER. That is the unfinished business.

Mr. SMOOT. Yes; that is the unfinished business.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 171) to extend the provisions of the act of May 11, 1912, was announced as next in order.

Mr. SMOOT. Let that go over too.

The PRESIDING OFFICER. The bill will be passed over.

#### REFUND OF TAXES.

The bill (S. 3716) to define a period in which certain claims may be presented for determination to the Commissioner of Internal Revenue for refund of taxes erroneously collected from certain estates of decedents under color of section 29 of the act of Congress approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," and amendments; and to authorize payment of amounts allowed in the determination of such claims was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Commissioner of Internal Revenue is hereby authorized and directed to receive, consider, and determine, in accordance with law but without regard to any statute of limitation, any claim filed not later than six months after the passage of this act by the personal representative of any estate of a decedent for money illegally collected from such estate under color of section 29 of the act of Congress approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," and amendments, where and when and only when it be found and determined that such illegal collection was upon the erroneous interpretation of the law passed upon and condemned by the United States Supreme Court in decision rendered in 1915 in the case of United States v. Jones, and in the case of McCoach, collector, v. Pratt, reported in 238 United States Reports.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the personal representatives of any such decedents any amounts allowed in the determination of any claims so defined and which shall have been presented in accordance with this act.

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

#### BILL PASSED OVER.

The bill (H. R. 11872) to amend sections 7, 8, and 9 of the Panama Canal act; to amend sections 288, 289, 342, 343, 368, and 461 of the Penal Code of the Canal Zone; and section 2 of the Executive order of July 9, 1914, establishing rules and regulations for the opening and navigation of the Panama Canal and approaches thereto, including all water under its jurisdiction; to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits," approved August 21, 1916; and to regulate divorces in the Canal Zone, and for other purposes, was announced as next in order.

Mr. McNARY. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

#### RIVER AND HARBOR PROJECTS.

The bill (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was considered as in Committee of the Whole.

The PRESIDING OFFICER. This bill has been heretofore considered by the Senate as in Committee of the whole, and all except two of the committee amendments have been agreed to. The Secretary will state the amendments passed over.

The first amendment passed over was, on page 2, after line 22, to insert:

Inland waterway from Norfolk, Va., to Beaufort Inlet, N. C.: The Secretary of War is hereby authorized to purchase, as a part of said waterway, the existing Lake Drummond Canal, together with all property rights and franchises appertaining thereto, at a price of not to exceed \$500,000, in accordance with the report submitted in House Committee Document No. 5, Sixty-seventh Congress, second session.

The amendment was agreed to.

The next amendment passed over was, on page 14, beginning with line 24, to insert the following:

SEC. 12. That the contract dated July 29, 1921, executed by the Boston, Cape Cod & New York Canal Co., and transmitted to Congress by the Secretary of War and printed in House Document No. 139, Sixty-seventh Congress, second session, is hereby ratified on condition that such company files with the Secretary of War its consent in writing that paragraph 8 of such contract be amended to read as follows:

"8. The payment of the amount herein agreed to be paid, or any part of same, to the said canal company is to be upon the express condition that the Boston, Cape Cod & New York Canal Co. waives, in writing, any and all claims of any nature whatsoever that it may have against the President, the Director General of Railroads, or the United States, and upon such release the Director General of Railroads shall release the company from any claim or demand against the company growing out of Federal control."

The amendment was agreed to.

Mr. SHIELDS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 7, at the end of section 1, after line 19, it is proposed to insert:

Tennessee River and tributaries in North Carolina, Tennessee, Alabama, and Kentucky. Survey in accordance with report submitted in House Document No. 319, Sixty-seventh Congress, second session.

The amendment was agreed to.

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

The PRESIDING OFFICER. The Chair feels that he should ask that this bill go over temporarily, because the Senator from South Carolina [Mr. SMITH] has a survey amendment that he desires to offer, and the Chair does not know what it is; so, if there is no objection, it will be passed over temporarily. It has reached the Senate, and the amendments made as in Committee of the Whole have been agreed to.

The PRESIDING OFFICER subsequently said: The Senator from South Carolina [Mr. SMITH] informs the Chair that his matter is already covered in the bill. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JONES of Washington subsequently said: Mr. President, this afternoon the Senate passed the river and harbor bill. I move that the Senate insist upon its amendments and ask for a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. ODDIE in the chair) appointed Mr. JONES of Washington, Mr. NELSON, Mr. CALDER, Mr. FLETCHER, and Mr. RANSELL conferees on the part of the Senate.

#### BILLS, ETC., PASSED OVER.

The joint resolution (S. J. Res. 227) rejecting bids for the acquisition of Muscle Shoals was announced as next in order.

Mr. McNARY. I ask that that go over.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The joint resolution will be passed over.

The bill (H. R. 13) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 385) to amend section 5 of the United States cotton futures act approved August 11, 1916, as amended, was announced as next in order.

Mr. SMOOT. That will have to go over.

Mr. McNARY. In the absence of the Senator from South Carolina [Mr. DIAL] I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3146) to amend section 5 of the United States cotton futures act was announced as next in order.

The PRESIDING OFFICER. That bill will be passed over for the same reason.

The resolution (S. Res. 330) authorizing a special committee to report to the Senate the results of its investigation concerning the financial interest of Senators in matters affected by the pending tariff bill was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 2388) for the relief of Augusta Reiter was announced as next in order.

The PRESIDING OFFICER. The Senator from California [Mr. SHORTRIDGE] asked that that bill might go over when it was reached. It will be passed over.



The bill (S. 3858) to define butter and to provide a standard therefor was announced as next in order.

Mr. McNARY. Mr. President, I spoke of that bill Saturday, and expressed a hope that it would be considered to-day; but the Senator from South Dakota [Mr. STERLING] advised me that he would like to have it go over for the day. So I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

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 was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (H. R. 11843) for the prevention and removal of obstructions and burdens upon interstate commerce in grain, by regulating transactions on grain future exchanges, and for other purposes, was announced as next in order.

Mr. McNARY. As I stated a few days ago, that bill has a fixed status, and I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 211) to extend the provisions of the pension act of May 11, 1912, and May 1, 1920, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes, was announced as next in order.

Mr. NEW. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

#### ENFORCEMENT OF PROHIBITION IN PORTO RICO.

The bill (H. R. 9270) to confer upon the Territorial courts of Porto Rico concurrent jurisdiction with the United States courts of that district of all offenses under the national prohibition act and all acts amendatory thereof or supplemental thereto was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That there be, and is hereby, conferred upon the Territorial magistrates and courts of Porto Rico jurisdiction concurrent with the commissioners and courts of the United States for the said Territory of all offenses under the act of October 28, 1919, known as the national prohibition act, and all acts amendatory thereof and supplemental thereto, the jurisdiction of said Territorial magistrates and courts over said offenses to be the same which they now have over other criminal offenses within their jurisdiction.

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

The PRESIDING OFFICER. That completes the calendar.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhues, its enrolling clerk, announced that the House disagreed to the amendment of the Senate to the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WINSLOW, Mr. NEWTON of Minnesota, and Mr. RAYBURN 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. 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; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WINSLOW, Mr. HOCH, and Mr. RAYBURN were appointed managers on the part of the House at the conference.

The message further announced that the House disagreed to the amendments of the Senate to the bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FULLER, Mr. BLAND of Indiana, and Mr. DAVIS of Tennessee were appointed managers on the part of the House at the conference.

#### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

S. 2199. An act to provide for the marking of anchorage grounds in waters of the United States;

S. 2460. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. p. 437), to certain lands in Utah;

S. 3618. An act to amend the Judicial Code in reference to appeals and writs of error;

S. 3659. An act to create the White House police force, and for other purposes;

H. R. 1274. An act for the relief of Maude H. Mosher;

H. R. 1948. An act for the relief of Virgil O. McWhorter;

H. R. 2866. An act authorizing the Secretary of the Interior to sell and patent to parties named herein certain lands in Louisiana;

H. R. 10361. An act authorizing the sale and patent of certain alleged public lands in Louisiana;

H. R. 11590. An act to amend sections 34 and 40 of the organic act of the Territory of Hawaii;

H. R. 11901. An act authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio;

H. R. 12493. An act amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes;

S. J. Res. 23. Joint resolution to authorize the Secretary of War to grant revocable licenses for the quarrying and removal of stone from the Mariveles Military Reservation, Philippine Islands; and

S. J. Res. 156. Joint resolution authorizing the Secretary of War to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation in Virginia.

#### LIBERIAN LOAN.

Mr. McCUMBER. I ask that the unfinished business, H. J. Res. 270, be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

Mr. CURTIS. Mr. President, the Senator from Idaho [Mr. BORAH] wants to be here when the joint resolution is considered. So 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	Gooding	Nicholson	Stanfield
Borah	Hale	Oddie	Sterling
Broussard	Harrison	Phipps	Swanson
Bursum	Heflin	Ransdell	Trammell
Cameron	Jones, Wash.	Rawson	Walsh, Mass.
Capper	Kellogg	Robinson	Warren
Cummins	McCormick	Sheppard	Watson, Ga.
Curtis	McCumber	Shields	Williams
Dillingham	McNary	Shortridge	Willis
Fletcher	Moses	Simmons	
France	Neison	Smith	
Glass	New	Smoot	

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

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

Ball	du Pont	Harrell	McLean
Culberson	Ernst		

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

Mr. McCUMBER. Mr. President, I am due at a conference at this hour but will take just a few minutes to make a general statement in reference to the Liberian loan.

Authority was given by one of the Liberty loan acts under which credit was given to Liberia in the sum of \$5,000,000. Like all such credits, there were conditions that had to be worked out. The Liberian Government immediately accepted the conditions, but the conditions had to be arranged for under which the money was to be advanced. Some of the conditions were that the Liberian Government should get rid of the French-British control of her finances and make some other arrangements, so that the control of her finances would be under the United States rather than France and Great Britain, but before final arrangements were concluded the war ceased. Our Government then took the position that although the credit had been given and although it had been drawn upon, I think,



to the extent of \$26,000, we had no authority to go ahead and complete the loan and turn over the balance of the sum. The matter had been under consideration. Possibly actuated by this intention and expectation, the Liberian Government declared war upon Germany. She suffered considerably by having her ports blockaded and also by having vessels attacked which were loaded with produce from and to Liberia. She performed everything in accordance with her arrangements so far as she had been able to go within the time which had elapsed between the arrangements for the loan and the closing of the war.

Mr. BORAH. Mr. President, would it interrupt the Senator if I asked him what evidence or proof or data he has that Liberia declared war against Germany because of the prospect of this loan?

Mr. McCUMBER. No; I could not say, except as I understand from the Treasury Department that it was in the expectation that we would make the loan. I have no definite information myself, and I do not know that we have the record of that information.

Mr. SHIELDS. Mr. President—

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

Mr. McCUMBER. I yield.

Mr. SHIELDS. If Liberia did declare war against Germany, as suggested by the Senator, and of which I understand there is no evidence, did Liberia do anything, did it change its status in any way, or was it a mere paper declaration?

Mr. McCUMBER. Certainly the declaration of war changed her status with the German Government. Connected with that was the understanding, as I am informed, that we would assist her financially and as a condition of that assistance we were to control her finances.

Mr. SHIELDS. Did Liberia take any part in the war?

Mr. McCUMBER. She furnished no army, but she did a considerable part. She excluded the German control of some of her financial interests and she also did everything that an independent nation declaring war would do with reference to the nationals of the enemy in her territory.

Mr. WATSON of Georgia. Mr. President—

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

Mr. McCUMBER. I yield.

Mr. WATSON of Georgia. I did not understand what the Senator said that Liberia did during the war. What did she do?

Mr. McCUMBER. I will read it as set forth in the committee report, if the Senator desires me to do so:

The Government of Liberia declared war against Germany on August 4, 1917. Concurrently with this declaration the Liberian Government, at the instance of Great Britain, France, and the United States, closed all German business houses in the Republic, liquidated the property, and deported all German subjects. Since approximately 85 per cent of the trade and commerce of Liberia was under the control of Germans, their deportation as a war measure very adversely affected the economic situation of the country. Germany meanwhile declared the territorial waters of Liberia to be prohibited areas to all merchant vessels, including the vessels of neutral nations, and served notice that any merchant vessels frequenting these waters were liable to be torpedoed.

In an attempt to make this declaration effective German submarines attacked, and in several cases sank, merchant vessels en route to and from Liberian ports. On April 10, 1918, the wireless station at Monrovia, the capital of Liberia, was attacked and partially destroyed and other damage done by German submarine gunfire. Under these circumstances neutral vessels refused to call at Liberian ports and the calls of vessels of the allied nations became infrequent and uncertain. A severe trade depression inevitably ensued.

I do not think that I need go further than that mere statement to show that Liberia did suffer.

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

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from North Dakota yield to the Senator from Virginia?

Mr. McCUMBER. I yield.

Mr. SWANSON. I understand from the report that sufficient property belonging to Germans was seized in Liberia to discharge all the claims for damage done by Germany to Liberia.

Mr. McCUMBER. Yes; they seized German property in Liberia.

Mr. SWANSON. And they held it to pay the damages. I would like to have the Senator answer this question: This is a \$5,000,000 loan. My experience and investigation have shown that when such loans are made to some governments they are generally made for the purpose of paying the creditors of that government who have loaned it money and who are not able to collect it from the government and who simply desire to unload the debt upon us. Does the Senator know whether the \$5,000,000 is owing to certain creditors of Liberia and will be appropriated to discharge the debts due those creditors?

Mr. McCUMBER. My understanding is that the \$5,000,000 will be so used under the control of American agents as to relieve the Liberian Government from the control now exercised over that little Republic by both Great Britain and France, and that as soon as the loan is made the control will be through American agents, which naturally would be to the advantage of the United States.

Mr. SWANSON. Of what advantage to the United States?

Mr. McCUMBER. Certainly there would be an advantage in the diversion of trade, possibly, to this country, the same as it has been an advantage to the other countries, France and Great Britain.

Mr. SWANSON. We get no tariff advantages. We get no advantages at all except that we loan the \$5,000,000 and then have to go to the expense of collecting the customs in order to have the debt repaid.

Mr. McCUMBER. There is some advantage in that respect, and there is another reason in which I think we have a just pride. Liberia is more or less a child of this Government. It was started by free negroes as such and under the control, to a great extent, of the American Nation. We have looked after her interests, and our dominant control of that country has generally been recognized by other countries.

Mr. SWANSON. Mr. President—

Mr. McCUMBER. I want to say to the Senator that I have but a few moments and I desire to close a few remarks that I have to make and then allow others to take charge of the joint resolution.

Mr. SWANSON. I am only asking the Senator for information. Has the Senator a list of the creditors of Liberia to whom this money would go, even under the direction of representatives of the United States?

Mr. McCUMBER. I think the Treasury Department has a full list.

Mr. CURTIS. Mr. President, may I suggest that the record shows that there is between \$1,500,000 and \$2,000,000 due to France and Great Britain.

Mr. BORAH. And about \$1,500,000 due Morgan & Co., of New York.

Mr. ROBINSON. Mr. President, may I ask the Senator from North Dakota a question? The Senator from Kansas has accounted for about \$1,800,000 of the fund which it is now proposed shall be loaned to Liberia. What is it contemplated shall be done with the remainder of the loan?

Mr. McCUMBER. It is contemplated, I understand, that there are many internal matters to be looked after, and that it will be devoted to the building of railways or what else may be needed for the internal rehabilitation of that little country. All of these matters are to be worked out under a commission which is to be appointed by the United States in case the loan is made.

Mr. ROBINSON. If I understood the Senator correctly, it can not now be stated definitely what disposition shall be made of the remainder of the fund after the \$1,800,000, accounted for by the Senator from Kansas, has been paid.

Mr. McCUMBER. Except that the disposition of it will be under the control of an American commission.

Mr. ROBINSON. That statement has been repeatedly made, but before Congress authorizes the appropriation of moneys which are collected by taxation from the American people—

Mr. McCUMBER. May I remind the Senator that the conference committee is waiting for me and has been waiting for 10 minutes, and I would like to finish my statement and then return to the conference.

Mr. ROBINSON. I shall detain the Senator but a moment. I was about to say that the Congress is now asked to appropriate \$5,000,000 to pay debts which Liberia owes other Governments—

Mr. McCUMBER. A small proportion of it is for that purpose.

Mr. ROBINSON. And perhaps some debts which she owes American citizens. The statement is made that the authorization of \$5,000,000 is justified on the ground that some American agents selected by this Government will have control of the disposition of the remainder of the fund. I think that Congress when asked to appropriate money contributed by American citizens, in view of conditions that exist in this country, should have definite and full information. We ought to know in advance just how the money will be expended. It is admitted that there is no legal obligation upon the part of the Government to make the loan. It is claimed that it grows out of an alleged moral obligation assumed by this Government in inducing Liberia to declare war upon the German Government. After the signing of the armistice, in advance of what was sup-



posed to be the conclusion of the war, terminating the negotiations—

Mr. McCUMBER. I again ask the Senator if he will not allow me to complete my statement?

Mr. ROBINSON. Yes, I will, in just a moment.

Mr. McCUMBER. The Senator will have all the afternoon to make his speech on the subject.

Mr. ROBINSON. I do not want to make a speech. I am trying to get information. There were a number of other governments, including the Russian Government, as I remember, to which the United States had committed herself in a policy of extending credits. There was the Grecian Government, as suggested by my friend the Senator from Virginia [Mr. SWANSON]. If we are now entering upon a policy of taking the American people to carry out arrangements that were never effected, entered into for the prosecution of the war, to establish credits by governments which were cooperating with the United States in the conduct of the war, the subject matter of the joint resolution might be extended to comprehend all governments with which those same arrangements were at one time in progress. At least our country ought to have full information respecting the purposes of the loan and the subjects to which it was to be applied. We can not tax the American people in a spirit of generosity for the benefit of Liberia.

Mr. McCUMBER. I have no doubt that the Senator from Virginia [Mr. GLASS] could possibly answer the question of the Senator from Arkansas. The whole Liberian loan matter was inherited from a previous administration, and the question arises whether under all the circumstances there is or is not a moral obligation on the part of this Government to proceed to carry out the provisions of the agreement notwithstanding the fact that the war closed—

Mr. SWANSON and Mr. ROBINSON rose.

Mr. McCUMBER. I am not going to yield until I finish this statement—notwithstanding the fact that the war closed before the money was drawn or all of the conditions precedent had been complied with by Liberia.

Mr. GLASS. Mr. President, may I interrupt the Senator from North Dakota for just a moment?

Mr. McCUMBER. I will yield for a question; but really I wish Senators would allow me to finish my statement, because, while they have all the afternoon to discuss this matter, I have not.

Mr. GLASS. I will say to the Senator that the statement I wish to make will not consume the time of an ordinary question. I note that in the report of the committee reference is made to the fact that the Secretary of State, in a letter addressed to me as Secretary of the Treasury, urged that this Government was under a moral obligation to make this loan. I think I have a right to say that I did not concur in that opinion.

Mr. McCUMBER. Mr. President, I read from the report the statement that after more than a year's delay diplomatic negotiations with France and England having terminated, and a definite program having been announced as to what Liberia was to do, Secretary of State Lansing, in a letter to the then Secretary of the Treasury, Mr. GLASS, stated:

Not to carry through this program would be simply disastrous for our position in Liberia and would cast a blemish on our good name in international relations. I can not too strongly emphasize the embarrassment which would result to this Government from such a course, an embarrassment which would not be limited to our intercourse with Liberia but would be reflected in our larger relations with France and Great Britain.

I have given this matter the most serious consideration, and I very strongly feel that to avoid being gravely compromised this Government is in honor bound to live up to the agreement made in this instance and to carry through the program of economic rehabilitation. I hope very earnestly that you will accept my point of view.

It may be that the then Secretary of the Treasury, Mr. President, did not accept that point of view, but that was the point of view of the then Secretary of State.

Again, in his letter of July 29, 1921, addressed to the Senate—

Mr. GLASS. Mr. President, it is that statement of the Secretary of State which I desire to repeat I did not accept. I totally dissented from that view. Not only that, but I thought the \$26,000 which had already been advanced to Liberia was the only item in all of the credits established by this Government that could not be justified.

Mr. ROBINSON. Will the Senator from North Dakota permit me to ask him a question?

Mr. McCUMBER. The Senator's questions are generally speeches, but I will yield to him for a question.

Mr. ROBINSON. The Senator from North Dakota understands the difficulty of asking a question sometimes without prefacing it by a statement, but I will confine my statement

to a question as to the agreement. What were the terms of the alleged agreement referred to by the then Secretary of State, Mr. Lansing, under which he claims that the Government was morally obligated to make this loan to Liberia?

Mr. McCUMBER. The agreements, I suppose, were both with the Secretary of the Treasury and the Secretary of State, but the conditions that were carried out by the Liberian Government and the position in which she placed herself with the expectation of being able to draw upon this sum of money, in my opinion and according to my view of the case, imposed a moral obligation upon this Government to make good its promises to make her that loan, even after the war had closed.

Mr. ROBINSON. Mr. President, throughout the report, throughout the statement of the Senator from North Dakota [Mr. McCUMBER] and in the letter quoted by him, which it is alleged was addressed by the then Secretary of State to the then Secretary of the Treasury, reference is made to an agreement. Now, was the agreement written or was it verbal, and what were the terms of the agreement? Congress ought to be permitted to judge what the obligation of the agreement is by a consideration of the terms of the agreement.

Mr. McCUMBER. I think, Mr. President, that the agreement will be found in the report of the Secretary of the Treasury. I have it not before me. Again, however, I plead with Senators to allow me to finish my statement.

Mr. SWANSON. I simply wish to make a suggestion to the Senator. As I understand from what the Senator has read and from the report of the committee the loan was delayed because it had not been made safe and certain conditions had not been complied with.

Mr. McCUMBER. All of the conditions under which the loan was to be made had not been fully complied with.

Mr. SWANSON. That is, so as to make the loan safe and to insure that the Government would not lose anything. That was during time of war. What has been done since to change that aspect of the situation?

Mr. McCORMICK. Mr. President, will the Senator from North Dakota allow me to interrupt him for a moment?

Mr. McCUMBER. I yield.

Mr. McCORMICK. Did the Senator from Virginia say a "safe loan"?

Mr. SWANSON. I said "to make it safe."

Mr. McCORMICK. Does the Senator from Virginia regard the billion and a half dollars which were loaned to foreign powers after the signing of the armistice as a "safe loan"?

Mr. SWANSON. If we made any unsafe loans, we ought not to make any more. However, I am talking about the moral obligation referred to in the report from which the Senator from North Dakota [Mr. McCUMBER] has read, and from that very report it appears that the delay was occasioned on account of the desire to make the loan safe.

Mr. McCUMBER. Mr. President, I shall have to resume the floor and insist on holding it. Other Senators have all day in which to discuss the pending subject, but I have not. I have stated and tried to make as clear as I could that there were certain conditions precedent with which it was necessary that the Liberian Government should comply before the money was paid to it. Although the Liberian Government was proceeding to comply with the requirements, all of them had not been fulfilled when the war closed, but nearly all of the conditions precedent had been complied with, or at least a sufficient number of those of greater importance, to place upon our shoulders the moral obligation to make good.

Now, Mr. President, I wish to read from another letter. In his letter of July 29, 1921, addressed to the Senate, transmitting a letter from Secretary Hughes recommending the re-establishment of the loan credit, President Harding declared:

"It is impossible to escape the conviction that we have an obligation which the executive branch of the Government can not discharge without the properly expressed approval of Congress."

A financial plan was drafted by the State Department and signed by the Secretary of State and the representatives of the Liberian Government in Washington on October 28, 1921. This plan was approved, without change, by the Legislature of Liberia on January 26, 1922. All of the papers relating thereto were sent to the Foreign Affairs Committee of the House by Secretary Hughes and in turn referred to the Committee on Ways and Means.

Representatives of the State Department appeared before the committee on March 22 and 24 and April 19, 1922.

In his statement before the committee Secretary Hughes said:

"I can not bring myself to believe that under the circumstances of this particular and important situation Congress would not realize how deeply the honor and good faith of the United States are involved."

In a letter to the Ways and Means Committee, dated April 1, 1922, President Harding said:

"The simple truth about this loan situation is that our Government is unable to deal with the Republic of Liberia in that good faith which is becoming a great Republic like ours. This loan was pledged to the Republic of Liberia by the previous administration and the funds would long since have been furnished that Government except for the de-



lay incident to the making of arrangements to guarantee its wise expenditure and certain repayment. Pending these arrangements our Government has stood in the way of the grant of the loan by any other nation and we find ourselves in the position of denying financial assistance from others and unable to keep faith in the pledges made for ourselves. I do not believe your committee or the Congress wishes to put the Government in this position."

I think, Mr. President, this substantially presents the only real issue there is in the case. I think undoubtedly the Ways and Means Committee of the House have all of the papers, including the agreement, which I think is further referred to, though perhaps not in full, by the Treasury Department.

I now ask the Senator from Kansas [Mr. CURTIS] if he will kindly take charge of the joint resolution during my absence.

Mr. WATSON of Georgia. Mr. President, before the Senator takes his seat, if he will allow me to ask him a question, What nation on earth could have loaned Liberia any money? They all borrowed from us, and they have not paid the money back.

Mr. McCUMBER. Unless there is a moral obligation resting upon us to make good the agreement which we made to loan Liberia the money, providing she did certain things, which she has done in large part, we can not extend her any loan at all. I think, however, we are morally obligated now to loan her the money, or withdraw all claims, and allow France and Great Britain again to take charge of Liberian finances and look after their own interests.

Mr. WATSON of Georgia. But, Mr. President, the Senator has not answered my question. He said that our failure to lend to Liberia had prevented other nations from lending. What nations had money to lend and would have loaned anything to Liberia?

Mr. McCUMBER. I do not know what nations had the money to loan; but Liberia was already indebted to certain other nations, which other nations had control of her economic affairs, and the expectation and understanding was that if we were to take charge of her affairs to the extent, I suppose, that she was indebted to other nations, their interests would be taken care of.

Mr. BORAH obtained the floor.

Mr. ROBINSON. Mr. President, I think there ought to be a fuller attendance of the Senate here to hear the remarks of the Senator from Idaho. If he will yield to me for that purpose, I should like to suggest the absence of a quorum.

Mr. BORAH. I think the Senate ought to know what is to be said, but I doubt if they will stay to listen.

Mr. ROBINSON. Unless the Senator objects, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Borah	Glass	Nicholson	Stanfield
Broussard	Gooding	Oddie	Sterling
Bursum	Hale	Phipps	Swanson
Cameron	Harrell	Ransdell	Trammell
Capper	Harrison	Rawson	Walsh, Mass.
Culberson	Heflin	Robinson	Warren
Curtis	Kellogg	Sheppard	Watson, Ga.
Dillingham	McCumber	Shields	Willis
du Pont	McLean	Simmons	
Ernst	McNary	Smith	
France	New	Smoot	

The PRESIDING OFFICER. Forty-one Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

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

Ball	Fletcher	McCormick	Nelson
Cummins	Jones, Wash.	Moses	

After a little delay,

Mr. CURTIS. Mr. President, may we have a statement of the number present?

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is not present.

Mr. CURTIS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. SHORTRIDGE entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, is the joint resolution now open to amendment?

The PRESIDING OFFICER. The joint resolution is open to amendment.

Mr. BORAH. I offer the following amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. The Senator from Idaho moves to amend by adding the following new section:

SEC. — That to expedite the completion of Government reclamation projects heretofore begun and extensions thereof and to take up new projects under the national irrigation law, being the act of June 17, 1902 (32 Stat., p. 388), and acts amendatory thereof or supplementary thereto, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000,000, and the Secretary of the Treasury is authorized, upon request of the Secretary of the Interior, to transfer the same or any part thereof from time to time to the credit of the reclamation fund created under the said act of June 17, 1902.

The said sum of \$20,000,000, or so much thereof as shall have been transferred to the reclamation fund, shall be reimbursed to the general funds of the Treasury by transferring annually the sum of \$1,000,000 from the reclamation fund to the general funds of the Treasury, beginning July 1, 1940.

Mr. BORAH. Mr. President, the basis upon which the Liberian loan is supposed to rest is a very difficult one to discover. It rests in certain undertakings apparently arising from correspondence, none of which is direct or conclusive upon any particular proposition involved in this matter. I have endeavored to go through the record and the correspondence and the hearings, and I think I have covered them all, and I repeat that the basis upon which the loan rests is difficult to locate.

That there is no legal obligation to make the loan is conceded. If there were a legal obligation there would be no occasion for this legislation. But it is contended on the part of Liberia that there is a claim upon our conscience, that we are under a moral obligation, by reason of certain circumstances and conditions, to make this loan. Of course, if there is a moral obligation we must fulfill it. But I venture to say that if it be deemed to be a moral obligation, it rests upon the slightest evidence upon which anyone ever undertook to establish that kind of an obligation. In addition to the slight evidence of the moral obligation it is necessary to establish that obligation in the face of a statute. I am going to review briefly some of the facts connected with the supposed moral obligation to see upon what proponents of this measure rest their argument.

In the first place, the second Liberty loan act, approved September 24, 1917, provided as follows:

That for the purpose of more effectually providing for the national security and defense and prosecuting the war \* \* \* the Secretary of the Treasury, with the approval of the President, is hereby authorized, on behalf of the United States, to establish credit with the United States for any of the foreign governments then engaged in war with the enemies of the United States.

But with this distinct limitation:

With the limitation that this authority shall cease upon the termination of the war between the United States and the Imperial German Government.

Now, there was no loan made to the Liberian Government during the war. There was no contractual obligation completed for the loan during the war. What happened was this: The President of the United States, through his Secretary of State, notified the Liberian Government at one time that upon its complying with certain conditions it would have a credit of \$5,000,000. Those conditions were specifically set forth in a letter by Mr. Lansing, to which I shall call attention in a few moments.

I need not argue to either lawyer or layman that if I tender a loan upon certain conditions there is neither a legal nor a moral obligation until those conditions are substantially complied with. I make the statement that the conditions were never complied with; that it has been conceded they were not complied with. Long after the war closed this Government notified the Liberian Government that the credit was withdrawn. There the entire affair might have ended. The slate was washed clean. No obligation had arisen. They were notified that the credit theretofore to be extended was withdrawn. There was no chance thereafter to comply with the conditions.

Another thing which I desire to impress at this time is that the first essay at a loan was for war purposes supposedly to bring into the battle line this puissant nation of Liberians, who had neither a soldier nor a gun. There might have been a situation developed there which would warrant the statement that it was for war purposes, but now as the new loan was taken up it was stated that it was for commercial purposes, for the purpose of building up our commerce upon the coast of Africa, a wholly different proposition from the original proposition as it was submitted to the Liberian Government. This fact alone, that the initiation was for the purpose of establishing a war credit, and that it is now for the purpose of a commercial credit to be used for entirely different purposes under an entirely different scheme and wholly different program, shows that the thing did not initiate and does not initiate in the old original transaction.



Here is what Mr. Lansing said:

The Treasury has established credit of \$5,000,000 in favor of Liberia. Before any part of the money is available, however, department must have the following:

Copy of portion of Liberian constitution providing for legislation authorizing the Liberian Government to borrow money.

Copy of law authorizing loan enacted in accordance with said provision of constitution.

Copy of proceedings on the part of the executive branch of the Liberian Government in accordance with said law.

Copy of full powers given Liberian representative in United States authorizing him to sign such obligations as may be necessary and to receive the advances or take such other steps as the Liberian law may require.

You are instructed to inform Liberian Government immediately of the establishment of this credit and the legal formalities this Government considers necessary.

LANSING.

Those were the conditions which were imposed in the notice of extension of the credit, conditions which could have been complied with fully, it would seem, but which never were complied with.

Let me here correct what I think is a mistake upon the part of the able Senator from North Dakota [Mr. McCUMBER]. He seemed to be of the opinion that it was by reason of the extension of this credit that Liberia came into the war or declared war. I asked the able Senator if he had any facts or circumstances to show that, and he stated frankly that he did not have, but that he so understood. I understand to the contrary. The extension of that credit had nothing to do with Liberia declaring war against Germany. The declaration of war arose out of these circumstances. Germany had practically taken possession of the waters surrounding Liberia. Liberia was unable to trade, unable to send out goods or to get in goods, and therefore it was stated that if she would exclude the Germans, Great Britain and France, the United States assisting, would protect her ports, as it were, and enable her to trade with the other nations of the world. That she did and that those nations did. The transaction or the understanding which was to bring Liberia into the war was another transaction, and was completely fulfilled upon the part of the other nations. That is my understanding. I think that is clearly borne out by the records. The loan had nothing to do with actually causing her to declare war.

The Lansing cablegram stated:

You are instructed to inform Liberian Government immediately of the establishment of this credit and the legal formalities this Government considers necessary.

Long after the war closed, after the armistice had been signed and hostilities had ceased, these prerequisites were still uncomplied with. At a later date, a date to which I shall call attention in a few moments, by reason of this fact, our Government officially notified them that the loan was withdrawn. What possible obligation could arise under those circumstances? What moral obligation could arise under those circumstances? Liberia had gone into the war for a different reason. The conditions which had been agreed upon to take her into the war had been complied with. She was then extended credit upon certain conditions. Those conditions she never complied with, and we later withdrew the credit.

In the hearings the Secretary of State said:

We should make the loan—

Mind you, he does not place it upon the grounds which seems to apply here—

for the protection and promotion of American commercial interests on the West Coast of Africa.

That is the ground on which the loan is now being made. The question is not whether the Senate of the United States wants to make a loan which it is not in honor bound to make nor in equity bound to make but whether we want to enter upon the enterprise of loaning \$5,000,000 for the purpose of building up our commercial interests upon the coast of Africa. It is a pure business transaction, and very bad business at that.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield.

Mr. ROBINSON. Of course, if the Government should embark upon a policy of that character, trade conditions and the conditions of our commerce as they would be affected by the arrangement would be the governing consideration and not an alleged moral obligation growing out of war relations.

Mr. BORAH. Precisely so, and if there is any business in it it ought to be revealed here. If there is any commercial advantage, it should be revealed. I have been unable to find it.

Under date of November 8, 1921, F. M. Dearing, Assistant Secretary of State, wrote the President of Liberia as follows:

Hon. C. D. B. KING,

President of Liberia.

MY DEAR MR. PRESIDENT: In view of the execution of the financial agreement of October 28, 1921, in terms of a proposed new credit of \$5,000,000, subject to appropriate action of Congress, I have the honor to inform you, in keeping with previous verbal expressions of the Department of State, that the balance of the credit established in favor of Liberia with the United States Treasury September 12, 1918, but not deemed available, has therefore been withdrawn.

I am, my dear Mr. President,

Sincerely yours,

F. M. DEARING.

Now, let us take up another feature of the loan business. I do not think it is very difficult to find out why the loan is being urged. I have before me a copy of a financial plan and depositary agreement signed by the Secretary of State and the Liberian commission on October 28, 1921. It is to be found in the hearings before the Ways and Means Committee of the House, at pages 124 and 125.

Mr. ROBINSON. The hearings on the pending joint resolution?

Mr. BORAH. Yes. On page 125 they specify what is to become of the money, or a large portion of it, which is to be loaned to Liberia. Among other things it is said:

(b) A new arrangement for that purpose shall be made between the Government of Liberia and the Government of the United States.

3. Two hundred and thirty-three thousand dollars, or such less amount as shall be sufficient to enable the Government of Liberia to pay its internal funded debt and the interest due thereon.

I have been informed by a party who has investigated the matter and who is, I think, wholly reliable—I know he is reliable so far as his information goes—that the claims which were taken care of in this way were claims which had been bought up for 10 to 20 cents on the dollar, and that they are now being turned in and taken care of by the Government of the United States and the taxpayers of the United States on the basis of dollar for dollar. I think before the joint resolution becomes a law that the Government of the United States should know what kind of claims it is that we are proposing to pay, whether they are the claims of speculators, those who have taken advantage of the Liberian people, or whether it is really to the benefit in some way of the Liberian people themselves.

I continue the reading:

4. Three hundred and fifty thousand dollars, or such less amount as shall be sufficient to enable the Government of Liberia to pay its internal floating debt.

5. One million six hundred and fifty thousand dollars, or such less amount as may be necessary for the purpose of enabling the Government of Liberia to purchase or redeem all of its bonds now issued and outstanding representing the 5 per cent sinking-fund gold loan, due July 1, 1952, under the agreement for refunding loan dated March 7, 1912, between the Republic of Liberia, of the first part, and J. P. Morgan & Co.; Kuhn, Loeb & Co.; the National City Bank of New York; and First National Bank of New York, acting for themselves and for Robert Fleming & Co., Banque de Paris et des Pays Bas; M. M. Warburg & Co.; and Hope & Co., and for others, of the second part, including such payments of interest, costs of notices and other payments or deposits, as well as payments which may be due from the Government of Liberia under the fiscal agency agreement dated March 7, 1912, between the Republic of Liberia, of the first part, and the National City Bank of New York, of the second part, as shall be necessary to terminate all obligations of the Government of Liberia under all of said bonds or under the agreements for refunding loan or the fiscal agency agreement above mentioned, as shall entitle the Government of Liberia in accordance with the terms of said agreement to the cancellation and destruction of all said bonds held by the fiscal agents in the sinking fund mentioned in said agreements. Advances for this purpose shall be made at such times and in such amounts as shall be determined by the Secretary of State of the United States. It is understood that the Secretary of State of the United States may determine the best method for acquiring part or all of the aforesaid bonds, but in no event shall more than par and accrued interest be paid therefor.

So it appears, Mr. President, that this money is to be utilized in large measure in the first instance to take care of certain internal debts and certain other floating debt, which I have stated has been purchased, as I am informed, and is held by speculators, and by taking up a bonded indebtedness of \$1,650,000 which is due to certain bankers in New York City.

Mr. SHIELDS. Mr. President—

Mr. BORAH. I yield to the Senator from Tennessee.

Mr. SHIELDS. I desire to ask the Senator from what he has been reading?

Mr. BORAH. I have been reading from a contract which has been entered into between the Secretary of State of the United States and the Liberian Government. That contract is dated October 28, 1921, and is found in the hearings before the Ways and Means Committee of the House of Representatives, at page 125.

The President has written a letter in which he says the executive department finds itself a little embarrassed because of this agreement. I should think the Congress of the United States would feel considerably embarrassed if it should O. K. that agreement simply because it had been negotiated unless there was solid foundation for the loan in the first instance.



In other words, Mr. President, the Secretary of State can not bind the Congress, and I do not presume he intends to bind the Congress, by making an agreement with the Liberian Government as to what shall be done with the money. He can not thereby bind the Congress to loan the money. It was, perhaps, a matter of foresight and a matter of good judgment for the Secretary of State in advance to provide how the money should be used in case Congress should grant it, but that agreement ought not to be utilized for a moment as establishing a moral obligation upon the part of Congress to make the loan. If that were true, the entire proposition of loaning money to foreign Governments could be taken over by the executive department, and all we should have to do would be to ratify that which had been provided for. I say, therefore, that while I have no criticism of this agreement having been made in advance, it is not proper for Senators here to refer to it as binding upon Congress. It was simply negotiated on condition that the Congress should make the loan, and for no other reason, I presume.

However, let us look further into this agreement and see how much Liberia is going to get out of the proposed credit of \$5,000,000. We are relieving those who have made investments in Liberian obligations, but how much is Liberia going to get?

## ARTICLE V.

The Government of Liberia further engages:

1. That, for the purpose of securing the United States loan, the control during the life of the United States loan of the collection, application, and administration of all the assigned revenues and receipts in accordance with the present plan shall be vested in the financial commission, the administration of which shall be under the direction and control of the financial commissioner or, during his absence, of the next ranking member of the financial commission. The financial commission shall be composed of a financial commissioner, at a salary of \$15,000 per annum; a deputy financial commissioner, at \$10,000 per annum; an auditor, at \$6,000 per annum; three administrative assistants of class I, at \$6,000 per annum, to be assigned, respectively, as controller general of customs, commissioner general of the interior, and director general of sanitation.

Mr. McCORMICK. From what is the Senator from Idaho reading?

Mr. BORAH. I am reading from the agreement which Mr. Hughes made with the Liberian Government. The agreement continues:

10 administrative assistants of class 2, at \$4,000 per annum, to be assigned, respectively, as follows: Three controllers of customs, three district commissioners, two technical advisers (roads and ports), an accountant, and an agricultural adviser; and two administrative assistants of class 3, at \$3,000 per annum, to be assigned, respectively, as follows: One postal-revenue officer and one clerk assistant. All members of the financial commission shall be designated by the President of the United States, to serve during his pleasure, and shall be appointed by the President of Liberia. The administrative assistants shall be under the direction and supervision of the financial commission, which shall be organized and function according to methods of procedure to be approved by the Secretary of State of the United States.

The financial commissioner, the deputy financial commissioner, and such other members of the financial commission as may be charged with the collection, application, or administration of moneys under the provisions of the present plan shall give adequate bond. All premiums on bonds executed by the aforesaid officials shall be considered a part of the expenses of the financial commission.

Mr. McCORMICK. Mr. President, is what the Senator from Idaho is reading a contemplated treaty?

Mr. BORAH. It is an agreement which is to take effect when we get ready to advance this money.

Mr. McCORMICK. But suppose that a year after the agreement had gone into effect one of the parties to the agreement declined to go on with it, would the agreement have any legal validity?

Mr. BORAH. None at all.

Mr. McCORMICK. If Liberia undertook to overthrow the agreement at the end of 12 months, would the agreement be binding?

Mr. BORAH. Not at all.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

Mr. BORAH. Yes.

Mr. CURTIS. As I understand, the Liberian Legislature has indorsed the agreement concerning the loan?

Mr. BORAH. Yes; that is correct. But suppose the Liberian Government should repudiate it at the end of six months or at the end of a year, we should be perfectly helpless.

Mr. McCORMICK. I was wondering if it might not be better for us to vote the money outright rather than to lend it to them?

Mr. BORAH. I had rather go down into the Treasury of the United States and take out \$5,000,000 and hand it to the President of Liberia than to turn it over in this way. Then, if the Liberian people could not administer it, it would be their fault; but I am not in favor of taking over Liberia and bringing her under our protection and control, establishing our authority upon the West Coast of Africa, becoming a part of this imperial

scheme of finance, which is now one of the curses which are leading the world into another war. I would rather give them the money outright than to get messed up in African affairs which will cost us many millions to get away from.

Mr. FLETCHER. Mr. President, may I ask the Senator how much Liberia will get of the \$5,000,000, as he has estimated it, if that amount shall be credited to her? I should like further to ask does not the agreement require that about \$2,000,000 of the total amount of \$5,000,000 shall be used to pay those who have made loans to Liberia?

Mr. BORAH. One million six hundred and fifty thousand dollars would go to bankers in New York City.

Mr. SWANSON. Mr. President, does the agreement say anything with reference to the indebtedness of Liberia to France and Great Britain?

Mr. BORAH. I have not discovered that it does.

Mr. STERLING. Mr. President, the Senator referred to the officials constituting the membership of the financial commission.

Mr. BORAH. Yes.

Mr. STERLING. There are a good many of them.

Mr. BORAH. And there will be more.

Mr. STERLING. I wonder if any of them will be officials or representatives of America.

Mr. BORAH. They will likely all be Americans.

Mr. STERLING. Does it so provide in the agreement? From what I heard the Senator read I did not understand the agreement so to provide.

Mr. BORAH. It says the President of the United States shall name the members of the financial commission.

Mr. STERLING. I did not hear that portion of it.

Mr. BORAH. I presume if we ever expect to get any part of this money back, we will send Americans over there to look after it.

Mr. STERLING. Is it not provided in the agreement that the customs duties, and so forth, shall be devoted to the liquidation of this indebtedness?

Mr. BORAH. Exactly. What the agreement really provides is for our taking charge of Liberia and administering it. So far as finances, revenues, customs, and so forth, are concerned practically they are turned completely over to the United States.

Mr. STERLING. Then the agreement with Liberia in a way corresponds to the arrangement made with the Haitian Government in regard to the collection of customs, and so forth, for the purpose of paying the debts of Haiti?

Mr. BORAH. I suppose, in a general way, it does.

Now, Mr. President, observe thus far, before the credit of \$5,000,000 ever reaches the Liberian people at all, some \$2,000,000 of it are disposed of to those who are said to hold the "bought up" loans of Liberia and to those who hold the bonds of the Liberian Government. Speaking in round numbers, that represents about \$2,000,000, \$1,650,000 of it going direct to New York bankers, and then it is estimated that the other floating indebtedness, and so forth, will make up the balance of the \$2,000,000. So there will be about \$3,000,000 left yet to be disposed of.

In connection with that sum I want the Senate to contemplate the force and the cost thereof which is to be appointed to administer to the Liberian people \$3,000,000. A battalion of officials at exorbitant salaries are provided to administer the remaining amount, assuming that the Liberian people will get the balance, amounting to \$3,000,000.

Mr. NELSON. Mr. President, will the Senator be good enough to read the officials and their salaries again?

Mr. BORAH. I will read the statement again for the Senator.

The financial commission shall be composed of a financial commissioner at a salary of \$15,000 per annum—

Mr. ROBINSON. How much?

Mr. BORAH. Fifteen thousand dollars—

a deputy financial commissioner at \$10,000 per annum; an auditor at \$6,000 per annum; three administrative assistants of class 1 at \$6,000 per annum, to be assigned, respectively, as controller general of customs, commissioner general of the interior, and director general of sanitation; 10 administrative assistants of class 2 at \$4,000 per annum, to be assigned, respectively, as follows: Three controllers of customs, 3 district commissioners, 2 technical advisers (roads and ports), an accountant, and an agricultural adviser; and 2 administrative assistants of class 3 at \$3,000 per annum, to be assigned, respectively, as follows: One postal-revenue officer and 1 clerk assistant. All members of the financial commission shall be designated by the President of the United States to serve during his pleasure.

Mr. ROBINSON. Mr. President, will the Senator yield to a question?

Mr. BORAH. Yes.

Mr. ROBINSON. In the event the expenses and salaries of the officials appointed to administer the remaining \$3,000,000 exceed that sum, how is it proposed that the balance shall be paid? By another appropriation from the Treasury?



Mr. BORAH. Of course, Mr. President, I think it logical; I think it inevitable that if we once enter upon this enterprise this is merely the first step. It is not possible to rehabilitate Liberia with \$3,000,000; Liberia will be no better off when she gets the loan than she was before, in my judgment. If we are going to rehabilitate Liberia, if we are going to put Liberia on her feet, establish her agriculture and build roads, \$50,000,000 will not be a cent less than we will appropriate.

Mr. SHIELDS. Mr. President, has the Senator any data about the income of Liberia now—the entire revenue of the Republic?

Mr. BORAH. It is really nil.

Mr. SHIELDS. I understand, from the evidence heard before the Judiciary Committee on the subject some time ago, that in 1920 and 1921 it was about \$163,000—just a little over half of 6 per cent interest on the loan that we propose to make.

Mr. BORAH. It is practically nothing.

Mr. ROBINSON. Mr. President, will the Senator permit an inquiry? It would seem, from the size of the organization that it is proposed shall be established to administer this small balance of the loan which is to go to the Liberian people, and the very large salaries to be paid, that the arrangement contemplates a permanent organization, and, as suggested by the Senator from Idaho, the advancement of other sums in the future by this Government to Liberia; and, as said by the Senator from Idaho, certainly \$5,000,000 would prove inadequate for any general plan of rehabilitation.

Mr. NELSON. Mr. President, I suppose it is on account of the climatic conditions that the salaries are put so high; and I suppose that has something to do with the number of employees, because it is contemplated, no doubt, that owing to climatic conditions some of them may be sick, and it is desired to have a reserve force there to perform the functions.

Mr. BORAH. I think the Senator's construction is likely the correct one. You see, there we have 10 administrative assistants.

Mr. NELSON. But suppose half of them get the fever there?

Mr. BORAH. Yes, and suppose the other half of them are guilty of defalcation, and have to get out of the country? That is what happens in these administrations abroad. There is not any form of government so calculated to be corrupt as the administration of another people's Government 3,000 miles away from the source of authority. It has been a source of corruption from the time of Rome until to-day, and it does not make any difference what kind of men you try to select; it always results in dissatisfaction to the people who are having the government administered for them, and dissatisfaction for the people who are administering the government. If there is not actual corruption, there is the charge of corruption, and the people lose faith in the government, and the result of it is that it proves unsatisfactory to everybody. It is a vicious system, and speaking for myself, I do not want any interests in Africa. I am perfectly sure from all the facts it will not prove beneficial to either Liberia or the United States. This money will all be consumed in high salaries, bureaucratic waste, and the common people of Liberia will be no better for the amount which the taxpayers of the United States have donated.

I am opposed to this loan, then, for three reasons, among others:

First. There is no legal obligation for the loan.

Second. In my judgment there is no moral obligation for the loan.

Third. I am perfectly satisfied that the loan never will benefit the Liberian people a particle, and it never will benefit the United States. What will result in the end is that we will have to go in there and practically take possession of Liberia and ultimately claim it as our own territory, and in my judgment that would be a very great misfortune.

Mr. FLETCHER. Mr. President, may I ask the Senator if he does not think it will result in our being somewhat in the same situation that we are in with reference to San Domingo and Haiti? We will have the same trouble arising hereafter as to Liberia that has arisen in connection with both San Domingo and Haiti.

Mr. BORAH. I think that is true; but, Mr. President, attached to this discussion there is a far more important question than the mere question of loaning \$5,000,000 to Liberia.

At this time in this country you can hardly find money for the purpose of starting any new enterprise. The able Senator from North Dakota [Mr. McCUMBER] read an editorial in the Washington Post a few days ago to the effect that untold billions were locked up in New York City banks, using the language of the Senator, "crying out for investment." Mr. President, if that be true, why is it that you scarcely ever hear of a new enterprise in this country, of a development of any

kind out of the ordinary? If that be true, why is it that the railroads that are pleading for money with which to rehabilitate themselves, with which to reconstruct their tracks, with which to buy cars and put themselves in condition to do the transportation work of the country, can get no money? One reason is that not merely millions but billions of money each and every year are going from the United States into foreign investments, going into exploitation of some people, and the United States is expected to do precisely what we are doing here. When the loan gets a little bad, or the situation gets critical, the United States steps in and becomes a collector for the loan agents who have made the loan abroad.

We went into Nicaragua and practically took possession of Nicaragua. The financiers of New York City exploited Nicaragua to the tune of billions. There is practically no limitation upon their profits in such enterprises. There is practically no limitation upon the amount which they make, the interest which they may draw, and that which they may realize. Then we went into Haiti, and practically at the point of the bayonet we forced upon the Haitian people a loan of from \$10,000,000 to \$14,000,000 which they were objecting to taking.

Why did we force it upon them? Is it not an anomalous condition that a nation will be forced to take a loan when it says it does not need it and does not want it? If you will read the prospectus of that loan, which I have here in my possession, there will be no difficulty in arriving at why it was forced upon them. It was because when the commissions were paid and the exorbitant interest was paid the loan realized for those who were loaning it far beyond anything that could possibly be realized in this country. The same was true with reference to Santo Domingo. And this is but another step—a small one, indeed, but reaching into a vast region of country into which I do not desire to go. I should prefer to see this money invested in our own country unless it can be demonstrated beyond peradventure that it is to be directly beneficial to the people who are to receive it abroad.

Mr. President, I have introduced here an amendment providing for a loan to the reclamation fund. I am opposed to this bill upon policy and upon principle; but out in the West there are vast tracts of arid land upon which settlers moved—some of them 8 and 10 years ago, some of them 20 years ago. In some instances there was an express obligation on the part of the Government to reclaim those lands and to give those home hunters an opportunity to build homes. In other instances there was the strongest possible moral obligation, because the Government advertised that within certain periods and under certain conditions the lands would be reclaimed; and people came from all parts of the United States hungry for land and settled upon these lands, and there they have remained for years and years under the most adverse circumstances waiting for the Government to redeem its pledge. The war came on, and among other things which had to be put aside and had to suffer was home building throughout this region of country. So these people have been there, under circumstances and conditions which it would be difficult to describe, waiting month after month and year after year for the Government to fulfill its express or its implied obligation to bring the water to their lands that they might build themselves homes.

I am wondering if there is any stronger obligation resting upon this Government to rehabilitate the agricultural conditions of Liberia than there is to build homes upon these western deserts, where the citizen moved years ago, waiting for his Government to fulfill its obligations. If the money is at hand to extend foreign credit, to take up foreign loans of bankers, certainly we ought to be ready to help take care of our own obligations here at home. While I do not propose to discuss this measure in detail this afternoon, I call attention to it, that the Senate may reflect upon it before they come to vote upon it.

Mr. CURTIS. Mr. President, may I ask the Senator if he expects to discuss the amendment to-morrow?

Mr. BORAH. I do.

Mr. CURTIS. Mr. President, I think we are all agreed that there is no legal obligation growing out of this transaction, and the question as to whether or not the Government of the United States is under a moral obligation to carry out this loan depends largely upon the feeling of every Senator. Each must settle that question for himself. The former Secretary of State, Mr. Lansing, thought there was a moral obligation. The present Secretary of State thinks there is a moral obligation. I believe a careful review of the facts will convince those who have not studied the question that there is a moral obligation.

On August 4, 1917, Liberia declared war against Germany. It is admitted by Secretary Lansing that that was done at the request of the United States, Great Britain, and France.



After Liberia declared war against Germany she needed financial assistance, and in January, 1918, a request was submitted to the United States, through the President and council of Liberia, for a loan of not less than \$5,000,000. That proposition came to the Secretary of State and by him was submitted to the President of the United States, with a recommendation that the loan be approved. The President did approve the loan and authorized the Secretary of the Treasury to notify the Liberian Government that they had been given a credit of \$5,000,000. The Secretary served that notice upon the Government of Liberia and asked for certain information, certain documents, and certain agreements.

But the Government did not stop there. The distinguished Senator from Idaho overlooks the fact that immediately upon the Government of Liberia being notified that \$5,000,000 had been placed to the credit of Liberia, this Government, through our Secretary of State, informed Great Britain and France that that amount had been placed to the credit of Liberia.

It is true that the proposition first submitted was not accepted, but the Liberian Government did not give up its desire for the money; it did not withdraw its application, and this Government did not at that time, and not until long afterwards, withdraw the loan which it had placed to the credit of Liberia. It advanced \$30,000 on that loan to that Government.

Mr. WILLIS. When?

Mr. CURTIS. In 1919.

Mr. BORAH. It advanced \$26,000 to enable the Liberian delegates to attend the peace conference at Paris.

Mr. CURTIS. No matter what it was for, it advanced that much money, and thus recognized the loan.

Mr. SHIELDS. The advance of that \$26,000 was after the armistice was signed, was it not?

Mr. CURTIS. Probably after the armistice was signed, but not before the war ended, so far as the United States was concerned.

Mr. SHIELDS. That \$26,000 was to pay the expenses of the delegates to the Peace Conference?

Mr. CURTIS. That I do not know.

Mr. BORAH. That was the purpose, Mr. President.

Mr. SHIELDS. They could not even raise funds to pay the expenses of their delegates to the Peace Conference.

Mr. BORAH. I wish the Senator from Virginia [Mr. GLASS] were here. He knows all about the loan of the money for that junketing trip. The money was loaned after the war was over, advanced to them, and they used it for making a trip to Paris.

Mr. ROBINSON. If the Senator from Kansas will permit—

Mr. CURTIS. Certainly.

Mr. ROBINSON. In connection with the remark just made by the Senator from Idaho, as I understood the Senator from Virginia, he stated on the floor that the \$26,000 which was advanced was advanced without authority.

Mr. CURTIS. It was advanced, the advance was recognized by the Liberian Government, and they are willing to pay it back when we loan them the \$5,000,000.

It seems to me that if a government in need of money negotiates with another government, and the latter government informs them in writing that the loan will be made, and then notifies other creditors that it has established a credit, there is a moral obligation at least to carry out the undertaking.

The Senator from Idaho very adroitly said that all the negotiations under the agreement were abandoned, and that this last proposition is entirely new. The Secretary of State does not agree with the Senator from Idaho on that question. In a letter under date of April 5, 1922, the Secretary of State said:

Because of unavoidable delay, a plan to control the application and administration of this credit was not submitted to the Liberian Government until June 15, 1920.

The application was made in 1918.

Certain modifications were requested in this loan plan by the Liberian Legislature, but there was no question of the withdrawal of the offer of the money already promised, the time when the credit should be made available depending on satisfactory agreements as to details of administration.

Such an agreement was concluded on October 28, 1921.

That is the agreement from which the Senator from Idaho has read, and I need not repeat what he said in reference to it.

I may add, however, that in giving the figures, a few were overlooked by the Senator from Idaho; of course, not intentionally. First, the return of the \$30,000 advanced by this Government was provided for; then a payment of certain obligations of \$560,000; then an obligation to take care of the funding of a debt of \$233,000; then the settlement of a debt of \$350,000, which I judge was a floating debt; then the repayment of \$1,650,000 owed to the bankers in New York and France, and I think probably in Great Britain. I believe, if the matter

were looked into, most of the \$1,650,000 could be traced to the bonds issued by the Government and held in France and England, and afterwards purchased by the New York bankers. Then there was \$348,000, as read by the Senator, making in all \$3,171,000 accounted for. As I understand it, the balance of the money is to be used in making internal improvements.

I know nothing about conditions in Liberia, and I was not in the committee when this question was presented, but I am told the Liberians have resources which, when developed, will be ample to repay this money. It does seem to me, in view of what has been said by the former Secretary of State, Mr. Lansing, and the present Secretary of State, Mr. Hughes, that there is a moral obligation to make this loan, that this money should be advanced, and this agreement carried out.

Mr. HARRELD. Mr. President, when this money was put to the credit of the Liberian Government, who authorized it? Did Congress ever authorize it?

Mr. CURTIS. The President had authority, under the second Liberty loan act, to make the loan. There is no question about that; I do not think anyone will dispute it.

Mr. HARRELD. What became of the credit? If the money was deposited to the credit of Liberia, how was that action set aside?

Mr. CURTIS. I do not think the money was really deposited to their credit. They were notified that a credit had been established in that amount, and that, of course, the money would not be appropriated and deposited until the contracts referred to were sent in properly approved by our Government.

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Virginia?

Mr. CURTIS. I yield.

Mr. SWANSON. The Senator from Idaho distinctly stated, in reading the Liberty loan act, the specific purposes for which the Government could make those loans. This is an entirely different purpose from those contemplated under the second Liberty loan act. As that Senator well said, if this loan be for an entirely different purpose from those enumerated in the second Liberty loan act, how could there be a moral obligation to make a loan entirely different from what that act provided for?

Mr. BORAH. The second Liberty loan act provides, after providing for the authority of the President to extend credit upon behalf of the Governments engaged in the war with Germany:

With the limitation that this authority shall cease upon the termination of the war between the United States and the Imperial German Government.

If the Senator from Kansas will permit me—

Mr. CURTIS. I yield. We want to get all the facts.

Mr. BORAH. This is what happened. The Liberian Government was notified that a credit had been established with this Government for \$5,000,000, upon certain terms and conditions to be complied with before it could be drawn upon. Those terms and conditions, as we contend and as I think the correspondence shows beyond question, were never complied with. That is the way it ended.

Mr. CURTIS. But the Senator will no doubt admit that negotiations were going on between the two Governments all the time, and it was like any other proposition submitted, even between individuals.

Mr. BORAH. No, Mr. President—

Mr. CURTIS. An examination of the facts bears out that statement, because the Governments were in continual negotiation, correspondence passed, and at last a new agreement was drawn up.

Mr. BORAH. Mr. President, no negotiations continued during the time in which the President had authority under the act to complete the loan. When the war with Germany ceased, the negotiations had to end for want of authority, and that is the reason why those seeking to make the loan are here. They would not be here if they had the authority.

Mr. CURTIS. Does the Senator hold that the time expired upon the signing of the armistice or upon the passage of the resolution declaring that war no longer existed between the United States and Germany?

Mr. STERLING. If the Senator from Kansas will yield for a moment, I do not believe this statement from the report of the Secretary of the Treasury for 1921 has been brought to the attention of the Senate; at least, I have not heard it. This is the statement in regard to Liberia:

The credit in favor of Liberia was established only for specific purposes. The balance of this credit was withdrawn on November 4, 1921.

Mr. CURTIS. That was read by the Senator from Idaho.



Mr. STERLING. I did not know it had been read by that Senator.

Mr. SHIELDS. May I ask the date of the agreement to make this loan?

Mr. CURTIS. The last agreement?

Mr. SHIELDS. Yes.

Mr. CURTIS. October 28 of last year. The first one was dated September 12, 1918.

Mr. SHIELDS. In view of the inquiry of the Senator from Oklahoma, I would like to ask the Senator from Idaho if he read the statute setting forth the purposes for which such a loan was to be made?

Mr. BORAH. Yes; I read it.

Mr. SHIELDS. I think it would be well right in that connection to read a few words, if the Senator from Kansas will yield.

Mr. CURTIS. I am perfectly willing to have it read.

Mr. SHIELDS. Just a part of it. It provides:

That for the purpose of more effectually providing for the national security and defense and the prosecution of the war.

I understand this loan was made after the war was practically over, and, of course, the Liberian Government knew that, and knew whether or not the Secretary of War or anybody else was acting by authority of law.

Mr. CURTIS. Application for the loan was made in January, 1918. The loan was placed to their credit or the credit was established on September 9, 1918, and notice to that effect was sent to them on September 12, 1918.

Mr. SHIELDS. To be used, of course, for the purposes expressed in the statute, but the war stopped before they could even get the money, much less use it for those purposes.

Mr. CURTIS. I have called to the attention of the Senate what Secretary Lansing said with reference to the moral obligation and the matter is presented now, as I said a moment ago, wholly upon the question that there is a moral obligation. When Secretary Hughes appeared before the Committee on Ways and Means of the House, he said:

I think it a point of honor that this loan should be made, and I shall briefly endeavor to explain why I think that the question of primary importance, that is to say, the moral obligation of the United States is involved.

I am not going to read all his testimony, but he said further:

Liberia had entered the war, you might say, at the instance of the United States and came within the description of these governments. Liberia had greatly suffered by reason of her relation to the war.

Now, what is the basis of a moral obligation? I take it to be a promise on which another has acted. We told the Liberian Government that, assuming that the proper provisions for the protection of the loan was provided, this credit was open.

We went further than that. And now I must refer to a confidential paper which I hope will not be put upon the minutes, but which I think you should closely study, and which is found on page 58 of the confidential print.

I have referred to those letters and one of them has been read by the Senator from Idaho [Mr. BORAH]. It is unnecessary to read the letters. It all comes back to one point, and that is that the credit was established, the Liberian Government was notified, and England and France were notified. Some money was advanced, and the Liberian Government is asking us to advance the balance of the loan. I think clearly there is a moral obligation existing, and I hope the joint resolution will be passed.

I wish to say that to-morrow, after the Senator from Idaho has discussed his amendment in regard to irrigation projects, I shall probably have something to say upon that subject.

Mr. MOSES. Mr. President—

Mr. CURTIS. I yield to the Senator from New Hampshire.

Mr. MOSES. I would like to ask the Senator if he knows of other claims of a similar nature which may be pending?

Mr. CURTIS. I read in the report this morning, which was the first time I had an opportunity to read it, that there is no other similar claim pending and that this does not establish a precedent.

Mr. MOSES. Members of the Committee on Foreign Relations will readily recall that former Secretary of the Treasury Houston appeared before the committee in confidential session, shortly before his exit from office, and set forth several credits which he averred were not only moral obligations, but in one case, involving some \$33,000,000, as I recall, a complete legal obligation, a written contract having been entered into for the payment of certain military expenses incurred by one of the nations engaged in the war upon our side, and awaiting merely a vouchering of the accounts in order to secure its payment. I wondered why this particular claim had been singled out on the basis of moral obligation if there were others involving actually validated legal obligations which had been overlooked.

Mr. CURTIS. A question similar to the one asked by the Senator from New Hampshire was asked Secretary Hughes,

and my recollection is that he answered that there was no similar case and that this would not establish a precedent.

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

Mr. CURTIS. I yield.

Mr. SWANSON. The Senator said that the resources of Liberia are sufficient to pay the debt. I have looked into the testimony given before the Ways and Means Committee of the House and it seems there are only 40,000 civilized negroes in Liberia and about 1,000,000 uncivilized negroes. The revenues last year were \$446,000 and the expenses of the Government were \$500,000. The additional \$300,000 annual payment would leave a deficit annually of \$350,000. Where does the Senator expect to get the money from those 40,000 people to pay any such deficit?

Mr. CURTIS. A few days ago I had occasion to read several articles upon Liberia and I became convinced, after reading those articles, that Liberia is a very rich country indeed and has many resources which, if properly developed, can be used for the payment of these obligations and also to pay the expenses of the Government.

Mr. SWANSON. I would like to know where those resources are and where the sources of revenue are to be found. I have looked everywhere and I have not been able to learn where they ever had any revenue. The indebtedness of the country now existing was contracted in 1912, prior to the war, and it amounts to over \$1,000,000,000.

Mr. BORAH. The best evidence of the fact that there is nothing there to satisfy the keen financial appetite of Morgan & Co. and Great Britain is that they are trying to get out and they want us to pay so that they can get out.

Mr. CURTIS. As I understand the testimony, the Government of the United States under a former administration wanted to get France and Britain out so that we could get in.

Mr. BORAH. I do not care anything about which administration did it. That is wholly immaterial to me. I know that if Great Britain and France were satisfied with their presence in Liberia they would stay there. I know that if Morgan & Co. and the other bankers were satisfied with their security they would not be endeavoring to get us to take it up.

Mr. NELSON. The hearings before our committee on this matter were not printed, but my impression is that the origin of these debts was through a German or French syndicate which agreed to make certain improvements in Liberia. They failed to do it. They have bonds or Liberian securities, and the New Yorkers became the residuary legatees of those debts and took them over from the French or German syndicate. I think upon investigation that will be found to be the case.

Mr. BORAH. I think that is correct.

Mr. GLASS. Mr. President, I would like to inquire how getting France and Great Britain out and getting ourselves in was conducive to the security of this Nation and to the prosecution of the war? Only for those two purposes could any loans be made or credits established.

Mr. BORAH. The Senator will have to ask some one else, because I can not tell him.

Mr. GLASS. I was asking the Senator from Kansas how getting Great Britain and France out and getting ourselves in was at all conducive to the security of this Nation or to the prosecution of the war. That is what I would like to know. As a matter of fact, there is not one particle of merit in the contention here. As I have said, the payment of the \$26,000 pending the negotiation was the only item in all the war loans which in my judgment can not be justified. The \$26,000 was paid for what purpose? Was it paid for any purpose connected with the security of this Nation, for any purpose that related to the prosecution of the war? No; it was paid to afford the representatives of Liberia a junket to the Paris peace conference, and that was all.

Mr. BORAH. Precisely so. Mr. President, if this is a moral obligation there is a moral obligation to other governments resting upon much stronger evidence covering some millions or hundreds of millions. We owe a vast amount of money to Russia upon this basis. We established a tremendous credit for Russia. She had only about one-third of it. Now the evidence is the same precisely. We paid to Russia \$186,000,000 upon that credit. Russia would have a right as a moral proposition to come and ask us to complete the payment. I have forgotten the exact figures, but they are very large, because Russia comprises a very large territory and was deemed to be very important at that time.

Mr. GLASS. I would like to ask the Senator from Idaho, who is a distinguished lawyer, if a moral obligation may be incurred in the face of the express language of a statute governing fiscal transactions?



Mr. BORAH. Certainly not.

Mr. STERLING. Mr. President, the Senator referred to the credit established with Russia. In the report of the Secretary of the Treasury the credit was stated to have been \$187,729,750, and that credit was exhausted just to the cent. That was the only Russian credit, I think.

Mr. BORAH. I can furnish to the Senator to-morrow, I am sure, a statement of the credit established and the amount which was actually paid out.

Mr. STERLING. In the last report of the Secretary of the Treasury, as well as in his previous report, he gave the full amount of the credit and then gave the amount advanced on that credit. I remember the report of 1920, in which that amount was given as the credit established for Russia, and that amount was given as the amount drawn.

Mr. BORAH. I do not remember that particular report, but I am quite sure that a very much larger sum in the way of credit was established. I know that Russia had about \$186,000,000, but that was only a small portion of the credit which was first established.

Mr. CURTIS. Mr. President, the Senator from Maryland [Mr. FRANCE] desires to make a few remarks on the pending joint resolution, but does not want to do so at this time. If there is no one else who desires to talk on the unfinished business this evening, I shall ask to have it temporarily laid aside. I would like to have the measure disposed of this evening, but that I presume is impossible.

Mr. FRANCE. I desire to submit some remarks before the measure is finally acted upon, but prefer not to do so this evening because of the condition of my throat.

Mr. CURTIS. I ask unanimous consent that the unfinished business may be temporarily laid aside.

Mr. FRANCE. I would only consent to that with the understanding that it is impossible to finish the measure to-night. I would much prefer to have it finished to-night.

Mr. CURTIS. It is perfectly apparent, with the amendment of the Senator from Idaho pending and other amendments which I have been informed will be offered, that it is impossible to dispose of the joint resolution to-night. I would not care to attempt to hold the Senate here very much longer. There is barely a quorum in the city, and we would have a hard time to get a quorum here at this time in the afternoon. I renew my request for unanimous consent that the unfinished business may be temporarily laid aside.

Mr. FRANCE. To be taken up to-morrow as the unfinished business?

Mr. CURTIS. Yes.

Mr. FRANCE. I have no objection.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. FRANCE. I ask leave to offer an amendment to the Liberian loan joint resolution. I ask that the amendment may be printed and lie on the table.

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

#### DAMAGES FOR COLLISIONS WITH NAVAL VESSELS.

Mr. JONES of Washington. Mr. President, the Senate this afternoon on the call of the calendar passed the bill (S. 2674) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels. An amendment was made to allow the settlement of claims in the sum of \$3,000 or less. I find that order of business 741, the bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels, is a House bill identical with the Senate bill passed this afternoon. The House bill has been reported from the Committee on Claims. The committee recommends the settlement of claims for damages to the limit of \$5,000 instead of \$1,000, as passed by the House. In order to get results it would be better for us to pass the House bill with an amendment in accordance with the action of the Senate this afternoon, and then the matter could go to conference. So I ask unanimous consent for the consideration of House bill 5349 with the understanding that I shall offer an amendment to make the amount of claims \$3,000 to correspond with the action of the Senate on the Senate bill this afternoon.

Mr. ROBINSON. What was the action of the House?

Mr. JONES of Washington. The action of the House was to fix a maximum of \$1,000, while the Senate bill as passed provided a maximum of \$3,000.

Mr. ROBINSON. I recall the circumstances now.

Mr. JONES of Washington. I should like to make the bill conform to the action of the Senate.

Mr. ROBINSON. I have no objection to the request of the Senator. I think it is a very reasonable one.

The PRESIDING OFFICER. Is there objection to the consideration of the House bill referred to by the Senator from Washington?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels, which had been reported by the Committee on Claims with an amendment, on page 2, lines 10 and 11, to strike out the words "occurring after the passage of this amendatory act," and to insert in lieu thereof the words "occasioned since the 6th day of April, 1917"; and, on page 2, line 13, after the words "sum of," to strike out "\$1,000" and insert "\$5,000," so as to make the bill read:

*Be it enacted, etc.,* That the provision contained in the act entitled "An act making appropriation for the naval service for the fiscal year ending June 30, 1911, and for other purposes," approved June 24, 1910 (Public. No. 261, 61st Cong., 2d sess.), authorizing the Secretary of the Navy "to consider, ascertain, adjust, and determine the amounts due on all claims for damages where the amount of the claim does not exceed the sum of \$500, hereafter occasioned by collision, for which collisions vessels of the Navy shall be found to be responsible, and report the amounts so determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor," be, and the same is hereby, amended to read as follows, namely:

"The Secretary of the Navy is hereby authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages occasioned since the 6th day of April, 1917, where the amount of the claim does not exceed the sum of \$5,000, occasioned by collisions or damage incident to the operation of vessels for which collisions or other damage vessels of the Navy or vessels in the naval service shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to the Congress through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor."

Mr. JONES of Washington. I move to amend by striking out "\$5,000" and inserting "\$3,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

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

The bill was read the third time, and passed.

The PRESIDING OFFICER. Without objection, the votes whereby the bill (S. 2674) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels was ordered to a third reading, read the third time, and passed will be reconsidered, and the bill will be indefinitely postponed.

#### REMOVAL OF SNOW AND ICE IN THE DISTRICT.

Mr. BALL. I move that the Senate proceed to the consideration of the amendment of the House of Representatives to Senate bill 3086, in order that I may move to concur in the House amendment.

The motion was agreed to, and the Senate proceeded to consider the amendment of the House of Representatives to the bill (S. 3086) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, which was, on page 3, line 10, after the word "State," to insert "except the Capitol buildings and grounds and the Congressional Library building."

Mr. BALL. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### 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. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KNUTSON, Mr. ROBSON, and Mr. RANKIN were appointed managers on the part of the House at the conference.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H. R. 11212) 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; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEHBACH, Mr. FAIRFIELD, and Mr. BLACK were appointed managers on the part of the House at the conference.



The message further announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10248) authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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 the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

The message further announced that the House agreed to the amendments of the Senate to the bill (H. R. 10193) extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments; and for other purposes.

The message also announced that the House agreed to the amendment of the Senate to the joint resolution (H. J. Res. 322) favoring the establishment in Palestine of a national home for the Jewish people.

The message further announced that the House had passed without amendment the joint resolution (S. J. Res. 169) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Willem van Doorn, a subject of the Netherlands.

#### RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11212) 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STERLING. I move that the Senate insist on its amendments, agree to the conference asked for by the House, and that the Presiding Officer appoint the conferees.

The motion was agreed to; and the Presiding Officer appointed Mr. STERLING, Mr. CUMMINS, and Mr. RANDELL conferees on the part of the Senate.

#### EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

#### RECESS.

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, September 12, 1922, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate September 11, 1922.*

##### POSTMASTERS.

##### ARKANSAS.

Fred E. Marble, Carlisle.  
Harry L. Kelley, Holly Grove.

##### FLORIDA.

Fannie P. Reeves, Avon Park.

##### KANSAS.

Rosa M. Harmon, Oil Hill.

##### LOUISIANA.

William L. Galloway, Arcadia.  
David Dunn, Columbia.  
Arthur J. Richard, Lafourche.  
Wilson Ardoin, Meridian.  
Anna M. Shadow, Sibley.

##### NORTH CAROLINA.

Ella E. Meshaw, Council.  
John G. Frazier, jr., Guilford College.  
Fred H. Morris, Kernersville.  
John L. Dixon, Oriental.

##### PENNSYLVANIA.

Lawrence G. Weller, Bechtelsville.  
Arthur R. Lovell, Blandburg.  
Everett E. McBride, Dravosburg.  
John Stephenson, Elmora.  
Charles W. Goss, Expedit.  
Mary M. Arrison, Mount Morris.  
Frank H. McCully, Osceola Mills.  
Horace H. Hammer, Reading.  
Henry Daugherty, Red Hill.  
James S. Fennell, Salina.  
Roy L. Kalbfus, Shohola.  
Howard C. Shenton, Slatington.

##### TENNESSEE.

Edward C. Roberts, Harriman.

##### TEXAS.

James E. Shelton, Bowie.  
William E. Bogle, Fort Davis.  
Oscar B. Acton, Jasper.

## HOUSE OF REPRESENTATIVES.

MONDAY, September 11, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou art all in all, our heavenly Father, and each passing day may it be a source of joy and strength to us. May we strive to serve Thee in our daily duties by a high standard of thinking, feeling, and living. Give rich blessing and strength to our President as he waits in anxious silence above the stricken companion of his years. O God, in yonder chamber, press not the cup of death to their breathless lips. O Lamp of Life, shine forth and linger there and leave them not alone. From the gloom let come the morning's glow of hope and promise. Tenderly, graciously, may Thy grace to bear, Thy spirit to bless, and Thy power to heal never fail. Give wisdom and skill to those who love to serve. Come to this assembly and give strength to those who may be under burdens, hope to those who may be despondent, and pardon to all. Increase our faith and continue to sweeten the song of life. Through Christ. Amen.

The Journal of the proceedings of Thursday last was read and approved.

#### IMPEACHMENT OF ATTORNEY GENERAL DAUGHERTY.

Mr. KELLER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Minnesota rise?

Mr. KELLER. I rise to a question of the highest privilege. I impeach Harry M. Daugherty—

Mr. GARNER. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. GARNER. There are a great many important matters to come up to-day, and the Senate has not yet messaged over the coal bill. I think it would be a good idea to have a quorum present. I make the point that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point that no quorum is present. Evidently a quorum is not 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	Cockran	Focht	James
Anderson	Codd	Frear	Johnson, Ky.
Ansorge	Collier	Free	Johnson, S. Dak.
Arentz	Connally, Tex.	Freeman	Jones, Pa.
Barkley	Counell	Frothingham	Kelley, Mich.
Beedy	Connolly, Pa.	Fulmer	Kennedy
Begg	Cooper, Ohio	Funk	Kless
Bell	Copley	Gallivan	Kirkpatrick
Brand	Cramton	Garrett, Tenn.	Kitchin
Brennan	Crisp	Gensman	Kline, N. Y.
Britten	Dallinger	Gerner	Knight
Brooks, Ill.	Deaf	Gilbert	Kreider
Brooks, Pa.	Dempsey	Goldsborough	Kunz
Browne, Wis.	Dickinson	Gould	Langley
Bulwinkle	Dominick	Graham, Pa.	Larsen, Ga.
Burroughs	Doughton	Green, Iowa	Larson, Minn.
Burton	Drewry	Griffin	Layton
Byrnes, S. C.	Dunbar	Hammer	Lee, Ga.
Byrns, Tenn.	Dunn	Hawes	Lee, N. Y.
Cantrell	Dupré	Henry	Blueberger
Carter	Edmonds	Herrick	Linthicum
Chandler, Okla.	Fess	Hersey	Little
Clark, Fla.	Fields	Hooker	Logan
Classon	Fisher	Humphreys	Luce



Lubring	Nolan	Rouse	Ten Eyck
Lyon	O'Brien	Rucker	Thompson
McArthur	Oldfield	Sabath	Tincher
McDuffie	Olpp	Sanders, N. Y.	Tinkham
McLaughlin, Pa.	Overstreet	Schall	Underhill
McPherson	Paige	Scott, Mich.	Upshaw
McSwain	Parker, N. Y.	Sears	Vare
MacGregor	Patterson, N. J.	Shaw	Volk
Maloney	Perkins	Shelton	Walters
Mann	Perlman	Sisson	Ward, N. Y.
Mapes	Petersen	Slemp	Ward, N. C.
Mead	Porter	Smith, Mich.	Wason
Michaelson	Pou	Snell	Webster
Michener	Pringey	Stafford	White, Kans.
Miller	Radcliffe	Steenerson	White, Me.
Mills	Rainey, Ala.	Stevenson	Williamson
Montague	Rainey, Ill.	Stiness	Wise
Montoya	Raker	Stoll	Wood, Ind.
Morin	Ransley	Strong, Pa.	Woodruff
Mott	Reber	Sullivan	Woods, Va.
Mudd	Rhodes	Summers, Wash.	Woodyard
Nelson, Me.	Riordan	Sweet	Wright
Nelson, A. P.	Robertson	Tague	Wurzbach
Nelson, J. M.	Rogers	Taylor, N. J.	Zihlman
Newton, Mo.	Rossdale	Temple	

The SPEAKER. Two hundred and thirty-two 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 doors were opened.

Mr. KELLER. Mr. Speaker, I impeach Harry M. Daugherty, Attorney General of the United States, for high crimes and misdemeanors in office.

Now, Mr. Speaker, I ask recognition on that high privilege.

The SPEAKER. The Chair has already recognized the gentleman.

Mr. KELLER. Mr. Speaker, because of the privileged character of this proceeding I shall object—

The SPEAKER. The Chair will say to the gentleman that he ought first to prefer his charges.

Mr. KELLER. I will do that in due time.

The SPEAKER. But the gentleman ought to do it now.

Mr. KELLER. I thought that in the memorial I might present the charges.

The SPEAKER. When the gentleman rises to a question of this high privilege he ought to present definite charges at the outset.

Mr. KELLER. The Chair means such charges as acts of the Attorney General?

The SPEAKER. Yes; definite charges.

Mr. KELLER. Very well, Mr. Speaker, I will do so.

First, Harry M. Daugherty, Attorney General of the United States, has used his high office to violate the Constitution of the United States in the following particulars:

- (1) By abridging freedom of speech.
- (2) By abridging the freedom of the press.
- (3) By abridging the right of people peaceably to assemble.

Second. That, unmindful of the duties of his office and his oath to defend the Constitution of the United States, and unmindful of his obligations to discharge those duties faithfully and impartially, the said Harry M. Daugherty has, in his capacity of Attorney General of the United States, conducted himself in a manner arbitrary, oppressive, unjust, and illegal.

Third. He has, without warrant, threatened with punishment citizens of the United States who have opposed his attempts to override the Constitution and the laws of this Nation.

Fourth. He has used the funds of his office illegally and without warrant in the prosecution of individuals and organizations for certain lawful acts which, under the law, he was specifically forbidden to prosecute.

Fifth. He has failed to prosecute individuals and organizations violating the law after those violations have become public scandal.

Mr. BLANTON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Texas will state it.

Mr. BLANTON. I make the point of order that the recitation of generalities does not under the rules of this House constitute an impeachment of a public official; that this recitation is nothing but generalities, no specific charge of malfeasance in office, no specific charge of improper conduct in office, but a mere recitation of generalities which could be lodged against any official of the United States. I make the point of order that it does not come within the rule.

The SPEAKER. The Chair could not hear the gentleman from Minnesota very well, but the Chair thought that there were definite charges. [After examining the written charges.] The Chair overrules the point of order.

Mr. KELLER. Sixth. He has defeated the ends of justice by recommending the release from prison of wealthy offenders against the Sherman Antitrust Act.

Seventh. He has failed to prosecute defendants legally indicted for crimes against the people.

Mr. Speaker, from all precedent in impeachment cases, the House can not refuse to consider an impeachment brought publicly and seriously on the floor of this Chamber against a public official.

I offer, therefore, the following resolution and am prepared to appear before a committee of the House, there to produce evidence and witnesses in proof of my charges.

Mr. Speaker, I offer this resolution, and I would like to have the Clerk read it.

The SPEAKER. The gentleman from Minnesota offers a resolution which the Clerk will report.

The Clerk read as follows:

#### House Resolution 425.

Whereas impeachment of Harry M. Daugherty, Attorney General of the United States, has been made on the floor of the House by the Representative from the fourth district of Minnesota: Be it

Resolved, That the Committee on the Judiciary be, and they hereby are, authorized and directed to inquire into the official conduct of Harry M. Daugherty, Attorney General of the United States, and to report to the House whether, in their opinion, the said Harry M. Daugherty has been guilty of any acts which in contemplation of the Constitution are high crimes or misdemeanors requiring the interposition of the constitutional powers of this House; and that the said committee have power to send for persons and papers and to administer the customary oaths to witnesses.

Mr. KELLER. Mr. Speaker, I move the adoption of the resolution.

Mr. MONDELL. Mr. Speaker, I move the reference of the resolution to the Committee on the Judiciary.

The SPEAKER. The gentleman from Wyoming moves the reference of the resolution to the Committee on the Judiciary.

Mr. MONDELL. Mr. Speaker, this is in accordance with the usual practice of the House in matters of this sort to have a resolution of impeachment considered by the Committee on the Judiciary. While it is true in some cases there have been special committees appointed, the usual practice is otherwise. I move the previous question on my motion.

Mr. KELLER. Mr. Speaker, I would like to ask unanimous consent to extend my remarks in the Record.

Mr. SNYDER. Mr. Speaker, I object.

The SPEAKER. The question is on the motion of the gentleman from Wyoming to refer the resolution to the Committee on the Judiciary.

Mr. WINGO. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. WINGO. I suggest to the Chair the gentleman from Minnesota has the floor, and if he wishes to discuss it before its reference under the rule he has the right to point out what the specific facts are which he charges. It is true he did not object when the gentleman from Wyoming made his motion, but he did not yield the floor, Mr. Speaker. I think it is not very material in this instance, but in a matter of this kind we certainly ought not to set a precedent by which a man can be taken off his feet in the midst of his proceedings.

The SPEAKER. The Chair will state the facts. The gentleman addressed the House and offered a resolution, and the gentleman from Minnesota then moved the adoption of that resolution, and, of course, he yielded the floor—

Mr. WINGO. I beg the Speaker's pardon, but if the Speaker will listen for just a moment. The motion to refer to the Committee on the Judiciary by the adoption of the resolution is purely incidental and ancillary to his action. The gentleman had obtained the floor on the impeachment charge.

Now, it was his duty, having the floor, and it was his right to make one of two motions. Now, he made a motion that he had a perfect right to make. He could have waited until he had finished to make the motion, but the better practice would have been to make the motion and then address himself to the disposition of the impeachment.

The SPEAKER. The gentleman from Arkansas states the facts accurately. The gentleman had the floor and the Chair had recognized him and he was addressing the House. He then moved the adoption of the resolution. The Chair was entirely in ignorance as to whether the gentleman desired to further address the House. But he made the motion. Thereupon the gentleman from Wyoming moved, as he had the right to do, the Chair thinks, the gentleman from Minnesota [Mr. KELLER] having made a motion, that the whole matter be referred to the Committee on the Judiciary, and upon that he has moved the previous question. The Chair thinks he had the right to do so, and that that is the proper practice.

Mr. WINGO. Does the Speaker hold that a Member having the floor and has not indicated his intention to yield, can of right be taken off the floor by some one making a privileged motion?



The SPEAKER. The Chair does not think he could unless he had made his motion.

Mr. WINGO. The gentleman had made it. And the protest is not so much with reference to this instance, but a man in any solemn proceeding like it could be taken off the floor while making serious charges.

The SPEAKER. The gentleman made a motion for the disposition of the matter and thereupon the gentleman from Wyoming [Mr. MONDELL] made another motion, and upon that the previous question was ordered.

The question is on the motion of the gentleman from Wyoming for the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Wyoming to refer the resolution to the Committee on the Judiciary.

The motion was agreed to.

Mr. KELLER. Mr. Speaker, I again ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. KEARNS. Mr. Speaker, I object. However, I withhold it for a moment in order to ask the gentleman on what subject he wishes to address the House?

Mr. KELLER. On the impeachment proceeding.

Mr. KEARNS. I object.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1282. An act for the relief of the estate of John Stewart, deceased;

S. 3169. An act to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes;

S. 2140. An act to authorize the Secretary of the Interior to issue patent in fee simple to the University of Arizona, State of Arizona, of Tucson, Ariz., for a certain described tract of land;

S. 3472. 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;

S. 3356. An act to commission Capt. William Rees Rush as a rear admiral on the retired list of the Navy;

S. 2610. An act in reference to writs of error;

S. J. Res. 169. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis, Mr. Willem van Doorn, a subject of the Netherlands;

S. 685. An act to remove the charge of desertion from the military record of Albert F. Smith, deceased;

S. 3413. An act for the relief of the city of New York;

S. 463. An act for the relief of Charles Hurst;

S. 3118. An act for the relief of Herbert E. Meilstrup;

S. 3630. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920;

S. 171. An act to extend the provisions of the act of May 11, 1912;

S. 2568. An act to amend section 196 of the Code of Law for the District of Columbia;

S. 3704. An act to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes";

S. 3710. An act regulating the allotments heretofore paid to designated allottees;

S. 3350. An act for the relief of Alice M. Gorman;

S. 3351. An act for the relief of G. Dare Hopkins;

S. 2580. An act for the relief of Michael Sweeney;

S. 3632. An act to amend section 128 of the Judicial Code, relating to appeals in admiralty cases;

S. 3702. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State;

S. 3799. An act for the relief of Louis A. Hogue;

S. 3800. An act for the relief of C. Pateras & Sons and C. Lemos, owners of the Greek steamship *Constantinos Pateras*;

S. 3862. An act fixing the rank of the officer of the United States Army in charge of public buildings and grounds;

S. 2595. An act for the relief of Lewis Myshrahl;

S. 3617. An act to fix the salaries of the auditor and deputy auditor of the Philippine Islands;

S. 3202. An act for the relief of Dr. C. Le Roy Brock;

S. 3614. An act relating to the official bond of the United States marshal for the southern judicial district of the State of New York;

S. 3633. An act to authorize the coinage of a 50-cent piece in commemoration of the one hundredth anniversary of the birth of the late President Rutherford Burchard Hayes at Delaware, in the State of Ohio;

S. 3048. An act for the relief of L. D. Riddell and George W. Hardin, trustees of Milligan College, Tenn.;

S. 3611. An act authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River;

S. 3570. An act for the relief of the United Dredging Co.;

S. 2960. An act for the relief of Arthur A. Padmore;

S. 3424. An act to provide for the reclamation of the United States Military Reservation, Fort De Russey, Honolulu, Hawaii;

S. 2294. An act to confer jurisdiction upon the Court of Claims to ascertain the cost to the Alaska Commercial Co., a corporation, and the amount expended by it from November 5, 1920, to April 18, 1921, in repairing and rebuilding the wharf belonging to said company at Dutch Harbor, Alaska, which wharf was damaged and partially destroyed on or about November 5, 1920, through collision therewith of the U. S. S. *Saturn*, United States Navy, and to render judgment therefor;

S. 3419. An act for the relief of James B. Fitzgerald;

S. 163. An act for the relief of Francis L. Flanders;

S. 162. An act for the relief of Sarah Shelton;

S. 528. An act for the relief of the widow of Rudolph H. von Ezdorf, deceased;

S. 3738. An act authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Elwood Grissinger;

S. 3890. An act to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920;

S. 2582. An act for the relief of George Hewitt Myers;

S. 3609. An act for the relief of F. J. Belcher, jr., trustee for Ed Fletcher;

S. 3918. An act to amend section 51 of chapter 4 of the Judicial Code;

S. 470. An act for the relief of Emma Kiener;

S. 2262. An act for the relief of Franklin A. Swenson;

S. 2794. An act for the relief of Rosa E. Plummer;

S. 3540. An act fixing the fees of the examining surgeons in the Bureau of Pensions;

S. 2854. An act for the relief of Oakley Randall;

S. 3709. An act to provide for an examination and report on the condition and feasibility of a reclamation project at Hope, Eddy County, N. Mex.;

S. 3780. An act authorizing a credit in certain accounts of the Treasurer of the United States;

S. 375. An act for the relief of Louis Leavitt;

S. 2083. An act to regulate the practice of undertaking and embalming in the District of Columbia, and to safeguard the public health;

S. 3448. An act to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.;

S. 3483. An act to authorize the Commissioners of the District of Columbia to appoint as special policemen such District employees as they may deem necessary for the protection of property of the District of Columbia, and for other purposes;

S. 3154. An act for the relief of C. M. Reives;

S. 3235. An act validating certain applications for and entries of public lands;

S. 1672. An act for the appointment of William Edward Tidwell as first lieutenant in the United States Army;

S. 99. An act to correct the military record of Edgar Durfee;

S. 3565. An act relating to the collection of taxes in the District of Columbia;

S. 3461. An act to amend the act of February 28, 1920, so as to authorize the acquisition of additional land and the disposition of certain lands already acquired at Camp Knox, Ky.;

S. 3279. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.;



S. 2714. An act for the improvement of a wagon road on the Colville Indian Reservation;

S. 3123. An act to amend section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended;

S. 2467. An act to provide relief for the victims of the airplane accident at Langin Field;

S. 3040. An act to amend section 206, chapter 11, of the Judicial Code;

S. 3393. An act for the relief of the Indians of the Gila River and Papago Reservations, in the State of Arizona; and

S. 3308. An act for the relief of the heirs of Israel Folsom, deceased.

S. 3332. An act to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation, under certain conditions;

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 4368. An act for the relief of the owners of the barge *Havana*;

H. R. 5634. An act for the relief of Frank William Brown and Clara Bryan Brown;

H. R. 7923. An act for the relief of the Canadian Pacific Railway Co.;

H. R. 7984. An act for the relief of James Kelly;

H. R. 70. An act to allow credit for husbands' military service in case of homestead entries by widows, and for other purposes;

H. R. 7109. An act to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes;

H. R. 8675. An act to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park;

H. R. 9499. An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands;

H. R. 10443. An act to repeal sections 2453 and 2454, and to amend sections 2450, 2451, and 2456, Revised Statutes of the United States;

H. R. 2620. An act for the relief of Welch, Fairchild & Co. (Inc.);

H. R. 6628. An act for the relief of the owners of the British steamship *Clearpool*;

H. R. 7968. An act granting to the city of St. Andrews, Fla., the right to remove shells, sand, and gravel from certain public lands for road-building purposes;

H. R. 4356. An act for the relief of Arthur J. Burdick;

H. R. 5125. An act for the relief of Oliver A. Campbell;

H. R. 3754. An act for the relief of Rear Admiral Livingston Hunt, Supply Corps, United States Navy;

H. R. 3508. An act for the relief of Rear Admiral J. S. Carpenter, Supply Corps, United States Navy;

H. R. 1949. An act for the relief of Richard J. Easton;

H. R. 1764. An act for the relief of J. A. Leslie;

H. R. 8374. An act for the relief of the estate of Frank W. Knight;

H. R. 5068. An act for the relief of Cora T. Dering;

H. R. 9069. An act for the relief of William H. Slaine;

H. R. 7544. An act authorizing the Postmaster General to temporarily reduce the pay of rural carriers for disciplinary purposes instead of suspending them without pay;

H. R. 1723. An act for the relief of Edward J. Schaefer;

H. R. 7695. An act for the relief of James E. Connors.

H. R. 6966. An act to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army;

H. R. 6258. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.;

H. R. 2874. An act to authorize the establishment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis.;

H. R. 9528. An act providing for the retention by the Government of the property in Nome, Alaska, known as the Detention Hospital Building, and its use by the Bureau of Education, Department of the Interior;

H. R. 478. An act for the relief of Aaron Kibler;

H. R. 8069. An act authorizing the issuance of a patent in fee to Jerome Kennerly for land allotted to him on the Blackfoot Reservation, Mont.;

H. R. 8256. An act authorizing the issuance of a patent in fee to Perry H. Kennerly for land allotted to him on the Blackfoot Reservation, Mont.;

H. R. 5684. An act to authorize the purchase by the city of Medford, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and reverted in the United States by the act approved June 9, 1916;

H. R. 7862. An act authorizing the Secretary of the Interior to sell and patent certain lands to William S. N. Calhoun and Zaidée Boatner Calhoun, residents of Catahoula Parish, La.;

H. R. 8358. An act for the relief of Israel Butts;

H. R. 9495. An act for the protection of timber owned by the United States from fire, disease, or the ravages of beetles or other insects;

H. R. 10461. An act to add certain lands to the Siskiyou National Forest in Oregon;

H. R. 6323. An act for the relief of Frank M. Stewart;

H. R. 8119. An act for the relief of certain persons, their heirs or assigns, who heretofore relinquished lands inside national forests to the United States;

H. R. 10554. An act authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes;

H. R. 6512. An act for the relief of and purchase of lands for certain of the Apache Indians of Oklahoma lately confined as prisoners of war at Fort Sill Military Reservation, and for other purposes;

H. R. 11589. An act to provide for the transfer of the lands and buildings of the Federal leprosy investigation station at Kalawao, on the island of Molokai, in the Territory of Hawaii, to the Territory of Hawaii, and for other purposes;

H. R. 513. An act for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long;

H. R. 862. An act for the relief of Vivian Hood;

H. R. 8143. An act for the relief of Fitzcharles Dry Goods Co.;

H. R. 9472. An act for the relief of the Canadian Pacific Railway Co.;

H. R. 10544. An act for the relief of Louis Cayet;

H. R. 2003. An act for the relief of Hubert Reynolds;

H. R. 9886. An act authorizing the Pan American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision;

H. R. 1965. An act for the relief of Mrs. D. Montgomery;

H. R. 12022. An act relative to the naturalization and citizenship of married women;

H. R. 243. An act providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak.;

H. R. 6863. An act granting to certain claimants the preference right to purchase unappropriated public lands in the State of Arkansas; and

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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 message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel, had requested a conference with the House thereon, and had appointed Mr. CUMMINS, Mr. KELLOGG, and Mr. SMITH as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, had requested a conference with the House thereon, and had appointed Mr. BUSUM, Mr. McCUMBER, and Mr. WALSH of Montana as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon the amendments to the bill (H. R. 12377) to establish a commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes, had requested a conference with the House thereon, and had appointed Mr. BORAH, Mr. STERLING, and Mr. WALSH of Massachusetts as the conferees on the part of the Senate.



The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 5214) granting pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, had requested a conference with the House thereon, and had appointed Mr. BURSUM, Mr. McCUMBER, and Mr. WALSH of Montana as the conferees on the part of the Senate.

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

- H. R. 9275. An act for the relief of Frances Kelly;
- H. R. 7053. An act to grant certain lands to the city of Canon City, Colo., for a public park;
- H. R. 2722. An act for the relief of W. W. McGrath;
- H. R. 3034. An act for the relief of Lizzie Askell;
- H. R. 5918. An act for the relief of the Michigan Boulevard Building Co.;
- H. R. 6929. An act for the relief of Horace E. Walker;
- H. R. 7967. An act granting certain lands to Escambia County, Fla., for a public park;
- H. R. 8073. An act for the relief of Kineo Trust Co.;
- H. R. 8173. An act for the relief of Mrs. E. H. Jackson;
- H. R. 9275. An act for the relief of Frances Kelly;
- H. R. 10672. An act to amend the act of July 24, 1919, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920";
- H. R. 11212. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes";
- H. R. 243. An act providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak.;
- H. R. 7912. An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case;
- H. R. 10419. An act validating certain applications for and entries of public lands;
- H. Con. Res. 66. Concurrent resolution to provide for the extermination and banishment of insects from the House Office Building, the Capitol, and the Senate Office Building;

#### PENSIONS.

Mr. FULLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 6507, an omnibus pension bill, disagree to all the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table and disagree to Senate amendments and agree to the conference asked for, a bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, if I recall, in looking over the proceedings in the Senate, they took one of the House bills and put in a lot of Senate bills as amendments, and then put in general amendments applying to the pension system of the country. I do not know whether the minority members of the Pension Committee have been consulted as to sending this to conference or not, but it is a matter of importance in sending bills to conference that have in them provisions which affect the general pension policy of the country. I would like to ask the gentleman to withhold his request until I can talk with some of the Democratic members of the committee.

Mr. FULLER. All the Democratic members who are in the city—two, I think—were at the meeting this morning, and it was unanimously agreed to take this course. The Senate had eight of our bills, and they put them all in one omnibus bill, and included also some Senate bills.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed the following conferees: Mr. FULLER, Mr. BLAND of Indiana, and Mr. DAVIS of Tennessee.

#### COAL FACT-FINDING COMMISSION.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12377, with Senate amendments, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the bill H. R. 12377, with Senate amendments, disagree to the Senate

amendments, and agree to the conference requested by the Senate. The Clerk will report the bill by title.

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. Is there objection?

Mr. LONDON. Mr. Speaker, reserving the right to object, is it in order to make a motion to concur in the Senate amendments?

The SPEAKER. This is a unanimous-consent request, and the matter is only before the House so far by unanimous consent. Therefore it would not be in order now.

Mr. LONDON. May I ask the Speaker if, when it is in such condition, I may be recognized for that motion?

The SPEAKER. The Chair sees only one way that the gentleman can do it. The Chair does not see how he could consent conditionally, but the Chair thinks the gentleman could obtain the same relief by moving to instruct the conferees.

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts to indicate what are supposed to be the real questions in controversy, if there is any controversy. I do not ask the gentleman to discuss anything immaterial, but questions that he considers material.

Mr. WINSLOW. There are a number of them. The question propounded by the gentleman from Virginia is a perfectly natural and orderly one, but in view of the considerable cut-up of the bill on the part of the Senate, it is a difficult matter to explain.

Mr. MOORE of Virginia. I may say to the gentleman that I do not care about the matter of controversy, but he knows what are the substantial questions at issue.

Mr. WINSLOW. One of the particular questions is a modification of the number of commissioners from nine to five. Another one is the separate report to cover the anthracite business as contrasted with coal and fuel business.

Then comes a suggestion as to different dates of making reports. The amount of money to be appropriated to meet the expenses of the work is reduced from \$300,000 to \$100,000, and there are other matters of no great importance. If the gentleman would like to look at this for a moment I shall be pleased to show it to him.

Mr. MOORE of Virginia. I had assumed that perhaps the most fundamental question is the question as to whether the inquiry shall extend to the proposed nationalization of the coal industry.

Mr. WINSLOW. Yes. That is here, and it should be emphasized. It makes it a very different proposition.

The SPEAKER. Is there objection?

There was no objection.

Mr. LONDON. Now, Mr. Speaker, I ask that the conferees when appointed be instructed to concur in the Senate amendments.

The SPEAKER. The gentleman from New York moves that the conferees when appointed be instructed to concur in the Senate amendments. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. LONDON. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from New York asks for a division.

The House divided; and there were—ayes 7, noes 117.

So the motion was rejected.

The SPEAKER. The Chair appoints the following conferees on the part of the House: Mr. WINSLOW, Mr. HOCH, and Mr. BARKLEY.

#### DISTRIBUTION AND SALE OF COAL.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12472, with Senate amendments, disagree to the Senate amendments, and agree to the request of the Senate for a conference.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the bill H. R. 12472, with Senate amendments, disagree to the Senate amendments, and agree to the request of the Senate for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing



for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts to give his conception of the real questions in controversy.

Mr. WINSLOW. I do not wish to start out with an apology, but I wish to say to the Members of the House that this information did not come to hand until this very morning in form to be compared.

Mr. MOORE of Virginia. If it will embarrass the gentleman to answer the question, I will not press it.

Mr. WINSLOW. No. It may be a little slow, but I have been over the ground several times with others.

One of the important features is the elimination of the penalty clauses.

Another is the elimination of any allowance to be made for expenses incurred in taking down this coal trouble previous to the passage of this bill, dating back to May 15.

The Senate bill has limited in some respects the power of the Interstate Commerce Commission in respect to car service. It has limited the time during which the bill shall be considered in force to July 1, 1923, if I am not mistaken, rather than to January 21, 1924. The termination of the act on July 1, 1923, appears to carry with it the elimination of the right of the President to bring it up to the rest of the unexpired period.

These are the important features, but there is a great deal of phrasing of a different kind but much to the same purpose.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, may I make an inquiry of the gentleman from Massachusetts?

Mr. WINSLOW. Yes, indeed.

Mr. GARNER. I am advised from the office of the gentleman from Kentucky [Mr. BARKLEY] that he is now in Kentucky. As I understand it you are going to work as conferees to-day or to-morrow. I ask that the next member ranking on the committee be substituted for the gentleman from Kentucky, not only in this conference but in the other one also.

Mr. WINSLOW. Mr. Speaker, if it is in order, I would like to ask the gentleman from Texas if it is agreeable to the next man on the committee to serve on the conference?

Mr. GARNER. I assume that if he is a Democrat, he is willing to do his duty, and that he will serve. [Applause.]

Mr. WINSLOW. That is a hopeful suggestion. [Laughter.]

The SPEAKER. The gentleman from Texas asks unanimous consent that the next ranking minority member on the committee be substituted in place of the gentleman from Kentucky [Mr. BARKLEY]. Will the gentleman suggest the name?

Mr. GARNER. Mr. RAYBURN is the next one.

The SPEAKER. That Mr. RAYBURN be appointed instead of Mr. BARKLEY. Is there objection?

There was no objection.

The SPEAKER. The Chair will appoint as conferees on the part of the House Mr. WINSLOW and Mr. NEWTON of Minnesota; and Mr. RAYBURN on both bills.

#### ADDITIONAL FEDERAL JUDGES—CONFERENCE REPORT.

Mr. VOLSTEAD. Mr. Speaker, I call up the conference report on 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, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The statement accompanying the conference report was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

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

"That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified in addition to those now authorized by law:

"For the district of Massachusetts, 2; for the eastern district of New York, 1; for the southern district of New York, 2; for the district of New Jersey, 1; for the eastern district of Pennsylvania, 1; for the western district of Pennsylvania, 1; for the northern district of Texas, 1; for the southern district of Florida, 1; for the eastern district of Michigan, 1; for the northern district of Ohio, 1; for the middle district of Tennessee, 1; for the northern district of Illinois, 1; for the eastern district of Illinois, 1; for the district of Minnesota, 1; for the eastern district of Missouri, 1; for the western district of Missouri, 1; for the eastern district of Oklahoma, 1; for the district of Montana, 1; for the northern district of California, 1; for the southern district of California, 1; for the district of New Mexico, 1; and for the district of Arizona, 1.

"A vacancy occurring more than two years after the passage of this act, in the office of any district judge appointed pursuant to this act, except for the middle district of Tennessee, shall not be filled unless Congress shall so provide, and if an appointment is made to fill such a vacancy occurring within two years a vacancy thereafter occurring in said office shall not be filled unless Congress shall so provide: *Provided, however*, That in case a vacancy occurs in the district of New Mexico at any time after the passage of this act, there shall thereafter be but one judge for said district until otherwise provided by law.

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

"SEC. 2. It shall be the duty of the Chief Justice of the United States, or in case of his disability, of one of the other justices of the Supreme Court, in order of their seniority, as soon as may be after the passage of this act, and annually thereafter, to summon to a conference on the last Monday in September, at Washington, D. C., or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said justices in order of their seniority, may designate, the senior circuit judge of each judicial circuit. If any circuit judge is unable to attend, the Chief Justice, or in case of his disability, the justice of the Supreme Court calling said conference, may summon any other circuit or district judge in the judicial circuit whose senior circuit judge is unable to attend, that each circuit may be adequately represented at said conference. It shall be the duty of every judge thus summoned to attend said conference, and to remain throughout its proceedings, unless excused by the Chief Justice, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

"The senior district judge of each United States district court, on or before the 1st day of August in each year, shall prepare and submit to the senior circuit judge of the judicial circuit in which said district is situated a report setting forth the condition of business in said district court, including the number and character of cases on the docket, the business in arrears, and cases disposed of, and such other facts pertinent to the business dispatched and pending as said district judge may deem proper, together with recommendations as to the need of additional judicial assistance for the disposal of business for the year ensuing. Said reports shall be laid before the conference herein provided by said senior circuit judge, or, in his absence, by the judge representing the circuit at the conference, together with such recommendations as he may deem proper.

"The Chief Justice, or, in his absence, the senior Associate Justice, shall be the presiding officer of the conference. Said conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment and transfer of judges to or from circuits or districts where the state of the docket or condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

"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.

"The Chief Justice and each justice or judge summoned and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed \$10 per day, which payments shall be made by the marshal of the Supreme Court of the United States upon



the written certificate of the judge incurring such expenses, approved by the Chief Justice.

"Sec. 3. Section 13 of the Judicial Code is hereby amended to read as follows:

"Sec. 13. Whenever any district judge by reason of any disability or necessary absence from his district or the accumulation or urgency of business is unable to perform speedily the work of his district, the senior circuit judge of that circuit, or, in his absence, the circuit justice thereof, may, if in his judgment the public interest requires, designate and assign any district judge of any district court within the same judicial circuit to act as district judge in such district and to discharge all the judicial duties of a judge thereof for such time as the business of the said district court may require. Whenever it is found impracticable to designate and assign another district judge within the same judicial circuit as above provided and a certificate of the needs of any such district is presented by said senior circuit judge or said circuit justice to the Chief Justice of the United States, he, or in his absence the senior associate justice, may, if in his judgment the public interest so requires, designate and assign a district judge of an adjoining judicial circuit if practicable, or if not practicable, then of any judicial circuit, to perform the duties of district judge and hold a district court in any such district as above provided: *Provided, however,* That before any such designation or assignment is made the senior circuit judge of the circuit from which the designated or assigned judge is to be taken shall consent thereto. All designations and assignments made hereunder shall be filed in the office of the clerk and entered on the minutes of both the court from and to which a judge is designated and assigned."

"Sec. 4. Section 15 of the Judicial Code is hereby amended to read as follows:

"Sec. 15. Each district judge designated and assigned under the provisions of section 13 may hold separately and at the same time a district court in the district or territory to which such judge is designated and assigned and discharge all the judicial duties of the district or territorial judge therein."

"Sec. 5. Section 18 of the Judicial Code is hereby amended to read as follows:

"Sec. 18. The Chief Justice of the United States, or the circuit justice of any judicial circuit, or the senior circuit judge thereof, may, if the public interest requires, designate and assign any circuit judge of a judicial circuit to hold a district court within such circuit. The judges of the United States Court of Customs Appeals, or any of them, whenever the business of that court will permit, may, if in the judgment of the Chief Justice of the United States the public interest requires, be designated and assigned by him for service from time to time, and until he shall otherwise direct, in the Supreme Court of the District of Columbia or the Court of Appeals of the District of Columbia, when requested by the chief justice of either of said courts."

"During the period of service of any judge designated and assigned under this act he shall have all the powers and rights, and perform all the duties, of a judge of the district, or a justice of the court, to which he has been assigned (excepting the power of appointment to a statutory position or of permanent designation of newspaper or depository of funds): *Provided, however,* That in case a trial has been entered upon before such period of service has expired and has not been concluded, the period of service shall be deemed to be extended until the trial has been concluded."

"Any designated and assigned judge who has held court in another district than his own shall have power, notwithstanding his absence from such district and the expiration of the time limit in his designation, to decide all matters which have been submitted to him within such district, to decide motions for new trials, settle bills of exceptions, certify or authenticate narratives of testimony, or perform any other act required by law or the rules to be performed in order to prepare any case so tried by him for review in an appellate court; and his action thereon in writing filed with the clerk of the court where the trial or hearing was had shall be as valid as if such action had been taken by him within that district and within the period of his designation."

"Sec. 6. Section 118 of the Judicial Code, as amended, is hereby further amended to read as follows:

"Sec. 118. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges; and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. All circuit judges shall receive a salary of \$8,500 a year each, payable monthly. Each circuit judge shall reside within his circuit, and when appointed shall be a resident of the circuit

for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law: *Provided,* That nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided by other sections of the Judicial Code."

"Sec. 7. All laws or parts thereof inconsistent or in conflict with the provisions of this act are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes."

And the Senate agree to the same.

A. J. VOLSTEAD,

L. C. DYER,

*Managers on the part of the House.*

ALBERT B. CUMMINS,

THOMAS STERLING,

LEE S. OVERMAN,

*Managers on the part of the Senate.*

#### STATEMENT.

A conference report was made on June 27, 1922, by the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 9103. A like report was submitted by the managers on the part of the Senate. This report when taken up for consideration in the Senate was objected to upon the ground that it violated a Senate rule against omitting matters agreed to by the two Houses and adding new matters not contained either in the House bill or Senate amendment thereto. The objection was sustained and the report rejected upon that ground. The bill and amendment were thereupon resubmitted to the conferees on the part of the two Houses and a new conference report has been agreed upon and is submitted herewith. The following statement shows the effect of the action agreed upon by the conference committee:

The Senate struck out all after the enacting clause of the House bill (H. R. 9103) and inserted a new bill.

The conferees have written a new bill, embodying the substance of the original House bill and of the Senate amendment.

The effect of the bill as submitted by your conferees is to increase the number of judges from 22, as provided by the House, to 24. Two districts not in the House bill are provided with an additional judge each, namely, New Jersey and New Mexico. The additional judge for the northern and southern districts of Georgia has been eliminated.

The provision for an annual conference of judges to be called by the Chief Justice of the United States has been rewritten, and certain clarifying changes in phraseology have been adopted, but otherwise the provision remains practically the same.

The amendments to sections of the Judicial Code have also been rewritten, with no substantial change in effect.

The provision for designation and assignment of judges of the Court of Customs Appeals has been retained, but the authorization for designating and assigning a district judge to sit in the Supreme Court of the District of Columbia has been dropped. An additional circuit judge has been provided for the fourth judicial circuit, as carried in the Senate amendment.

The matter omitted in the former conference report, namely, the requirement that every judge shall reside in the district or circuit, or one of the districts or circuits for which he is appointed, and the further provision that the Attorney General shall, upon request of the Chief Justice of the United States, report to the conference of judges provided for in the bill on matters relating to the business of the several courts of the United States, have been added, and the provision in that report eliminating the jurisdiction of the judge of the eastern and middle districts of Tennessee, over the middle district of Tennessee, has been omitted.

The title has been amended to conform to the text as agreed upon in conference.

A. J. VOLSTEAD,

L. C. DYER,

*Managers on the part of the House.*



Mr. VOLSTEAD. Mr. Speaker, the statement which has just been read covers in a general way the changes that have been effected by Senate amendments and in the conference. It is substantially the House bill, somewhat modified in phraseology. It adds two district judges to those provided for in the House, one in New Mexico and another in New Jersey. A judge provided for the northern and southern districts of Georgia by Senate amendment has been eliminated. The provision with reference to the judges of the Court of Customs Appeals has been retained.

There has been one circuit judge added to the fourth judicial circuit. There are only two in that circuit, while in others there are three or more judges. It was believed that there ought to be another in that circuit, and the House conferees agreed to accept that provision.

I do not know that there is anything further that I care to add, because otherwise the bill is practically as adopted by the House. I will yield to the gentlemen on the other side of the House, if they desire.

Mr. DENISON. Will the gentleman yield for a question?

Mr. VOLSTEAD. I yield to the gentleman from Illinois.

Mr. DENISON. I call the attention of the gentleman to section 2 of the conference report, the second paragraph, where it provides for making a report to the court of the condition of the business in the different circuits, and it reads as follows:

The senior district judge of each United States district court, on or before the 1st day of August in each year, shall prepare and submit to the senior circuit judge of the judicial circuit in which said district is situated, a report setting forth the condition of business in said district court, including the number and character of cases on the docket, the business in arrears, and cases disposed of, and such other facts pertinent to the business dispatched and pending as said district judge may deem proper, together with recommendations as to the need of additional judicial assistance for the disposal of business for the year ending.

Is that a misprint, or is that the way the conferees intended it should read? Should that word be "ending?" I think it should be "ensuing." If it is a mistake it ought to be corrected now.

Mr. VOLSTEAD. It would not be very material one way or the other. He makes a report on what has taken place in the year prior to the time the report is made.

Mr. DENISON. No; but this is a recommendation as to what should be done for the year "ending." That does not mean anything. I think it ought to be the year "ensuing."

Mr. VOLSTEAD. When do you figure that the year begins?

Mr. DENISON. What did the conferees intend that word to be? Did they mean it to be "ending" or "ensuing"?

Mr. VOLSTEAD. It may perhaps be a mistake, but it is immaterial anyway. This will take care of the situation or it can be corrected later on.

Mr. DENISON. I see the word used in the same paragraph in the Senate bill, and I think also in the House bill is "ensuing," and I think this is clearly a misprint that somebody ought to correct.

Mr. VOLSTEAD. We can not correct it now, anyway.

I yield two minutes to the gentleman from New York [Mr. CHANDLER].

Mr. CHANDLER of New York. Mr. Speaker, I ask unanimous consent to address the House for two minutes out of order.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for two minutes out of order. Is there objection?

There was no objection.

Mr. CHANDLER of New York. Mr. Speaker, a few months ago President Harding delivered before the Vaughn Bible class of the Calvary Baptist Church of Washington an address on the proper relations of the citizen to the state. In the course of his remarks he used the following language:

"There is no relationship here between church and state. Religious liberty has its unalterable place, along with civil and human liberty, in the very foundation of the Republic. Therein is shown the farseeing vision of the immortal founders, and we are a better people and a better Republic because there is that freedom.

"I fear it is forgotten sometimes. In the experiences of a year in the Presidency there has come to me no other such unwelcome impression as the manifest religious intolerance which exists among many of our citizens. I hold it to be a menace to the very liberties we boast and cherish."

The fears and anxieties entertained by the great, patriotic, liberal-minded Chief Magistrate of the Nation are those also entertained by many Members of Congress and by every patriotic citizen who loves his country and its most sacred national tradition, that of freedom of conscience and of worship. In no period of our history since the proclamation of the Declaration of Independence and the adoption of the Constitution has the

menace to religious freedom been so great as it is to-day. Race prejudice, religious bigotry, and lawlessness of every kind are running riot in the land. The alarm sounded by the President should be heeded by patriots everywhere and friends of freedom in every State should rally around the Constitution and the flag.

The propaganda of prejudice and persecution now in progress in the United States is sometimes open and sometimes insidious, but is always aggressive and perpetually malignant. At times we hear its utterances from the pulpit or from the political rostrum, at times we get it through the press or read it in books and pamphlets, and again it conceals itself in Ku-Klux garb of mask and gown and does its dirty and destructive work in mob action under the cover of night.

The leaders and champions of this un-American propaganda are almost without exception designing and unscrupulous men whose motives are mean and mercenary and whose bank accounts appeal more powerfully to them than do the guaranties of religious freedom in the Constitution of their country. Its votaries and victims are generally the most ignorant, narrow-minded, and lawless of our countrymen.

Mr. Speaker, the President in his address to the Baptist Bible class referred to the "unwelcome impression" of "manifest religious intolerance" that had come to him during his first year in the Presidency. This same impression, it may be added, has come to every Member of Congress in many ways, and very vividly and pointedly through the books, pamphlets, and newspapers containing anti-Catholic and anti-Jewish literature that have been thrown upon his desk with alarming frequency in the last two years. Reference to just a few of these publications will be not only illustrative but entertaining and instructive as well.

In the month of November, 1921, I received at my office in Washington a Texas newspaper entitled "Pure Democracy." It was dated "Elgin, Texas, November 5, 1921." On the first page, in big, black letters, was the heading:

READ

PURE DEMOCRACY

Get The Dope, Sign The Petition, And Kill The Pope!

Following this big, black letter caption came this announcement on the front page:

The Letter Below  
Goes This Week to  
Your Congressman  
And Senator.  
Get His Answer.

DEAR SIR: We are respectfully requesting answers to the questions inclosed here, which are the same that occur in the current issue of "Pure Democracy" being sent you.

We desire the answer to these questions for publication. In desiring the submission of an amendment, forbidding office holding and voting as a penalty against those under foreign papal allegiance, direct or indirect, please bear in mind that we want your commitment on the principle involved. The wording of such an amendment will necessarily be fixed by those officials who submit the same for ratification.

Our petition is clear enough to let you know our aims, and we will thank you for giving us your stand on this question.

Truly,

DONALD B. ALLEN,  
Editor of "Pure Democracy."

ELGIN, TEX.

In another place on the front page of this paper was the following petition addressed to its subscribers for signature:

"We, the undersigned citizens of the United States, of voting age, petition the submission for ratification of an amendment to the Constitution of the United States (also to our State constitution) forbidding voting or office holding, appointive or elective, by any person under direct or indirect allegiance to any foreign political potentate, such as the Papacy of Rome."

"Signature \_\_\_\_\_"

You will note that the very modest request of the editor of Pure Democracy is for the disfranchisement of Roman Catholic citizens of the United States by constitutional amendment.

This puny publication, I understand, has passed out of existence, having died in early infancy, probably from lack of brains or want of nourishment and I feel that I should apologize to the House for using a corpse as an exhibit. Nevertheless its editor, I have been informed, is still spreading the gospel of hate and dissension among his fellow citizens in Texas wherever he can find an audience low-browed enough to listen to him in the following lectures:

1. Darkness from the Pit, or Rome Robbing the Records of History.
2. Babylon's Fall, or Rome must be Destroyed.



### 3. Ruling with Rods of Iron, or Amending the Constitution Against Foreign Papal Treason.

No wonder that Mayfield and the Ku-Klux Klan flourish in the Lone Star State, where propaganda of this kind is permitted and encouraged. But there is no reason for despair as long as the Dallas Morning News, one of the greatest and most ably edited newspapers in America, continues to wage ruthless warfare against the traitorous brood and the cheap and cowardly politicians who bend the knee to them.

Again, a few weeks ago, I received from Seattle, Wash., a pamphlet entitled "The Heretic Circular," edited or prepared by one Baron Dudley. The front-page caption was this:

Strong Reasons  
Why  
Roman Catholics  
Should Not Hold  
Civic or Federal Offices  
In The  
United States of America.

Then followed statements, references, and allusions, founded in ignorance and bigotry, that should have shut the dirty sheet from the mails of the United States. I need not discuss the contents of this circular with you, my colleagues, since it is doubtless true that copies of it have been thrown upon the desk of each Member of the House.

During the last two years scarcely a week has passed that I have not received at my office in Washington, from every section of the country, north, east, south, and west, trashy and treasonable literature of this kind, intended to excite prejudice and hatred against Jews and Catholics, and generally patterned in cheap and imitative fashion after *The Menace* and the *Dearborn Independent*. Up to the present time I have not thought it worth while to pay any serious attention to these various anti-Catholic and anti-Jewish circulars, pamphlets, and newspapers that have been sent to me. I judged it best to treat them with the silent contempt that they deserved. This course seemed to me to be all the more proper and expedient since I was not personally or politically involved in any way.

But recently I received a pamphlet, sent by whom I do not know, that mentions me personally, makes charges against me, and threatens me with political punishment. The impudent and belligerent character of the booklet challenges my serious consideration, all the more so since it contains a charge and a threat.

This pamphlet is entitled "Rome in Congress," and was prepared by one Gilbert O. Nations, who describes himself as a "Ph. D." This gentleman seems to be the editor and publisher of a monthly magazine entitled "The Protestant," with offices at 639 F Street NW., Washington, D. C. This magazine is a violent anti-Roman Catholic publication, and is about a year and a half old.

In order to acquaint myself thoroughly with the views of Mr. Nations, and to determine how much consideration he and his magazine deserved, I sent to the Congressional Library and secured all back numbers of *The Protestant*. I have spent nearly a week, at odd moments, examining them. I find that they contain an amazing amount of literary trash and rubbish, and that their pages are filled with ludicrous citations from canon and other laws and with grotesque references to literary works that have not the remotest connection with the subject discussed or the thesis proposed. A perusal of this magazine convinces the reader that the editor of *The Protestant* is a literary paranoiac with a strong propensity to mendacity and a distinct predilection for hypocrisy.

Nearly every issue of this magazine from the first to the last publication devotes considerable space to an appeal for subscribers and a cry for financial help. In more issues than one the alarm is given that the ship is about to sink and that the lifeboats are being made ready to be lowered. Throughout the publication are strong suggestions of strained financial circumstances as well as mental and moral bankruptcy, and from the whole enterprise we feel justified in concluding that the author of *The Protestant* has prostituted his meager talents, not for love of Protestantism or solicitude for the Republic and its free institutions, but rather from a sordid desire for mercenary gain. The motive at the back of the publication of this magazine is the same as that at the back of the publication of *The Menace* and all others of its kind, a desire and a determination to make money, even if truth is outraged at every turn and the Constitution of the country is trampled under foot, even if religious freedom is ruthlessly struck down in her own temple, even if good-fellowship among the citizens of a common country is utterly destroyed.

But let us revert to the pamphlet styled "Rome in Congress." On the cover of this booklet, beneath the words "Rome in Congress," are the two words "A handbook," and beneath these there are the words "The record of national Senators and Representatives on issues of vital interest to Protestant voters."

On the first page of the pamphlet is a kind of preface, entitled "The political situation," and under this caption the author has grouped and discussed certain political problems and economic questions that in his mind indicate friendliness or hostility to the Roman Catholic Church. These political problems and economic questions may be grouped as follows, under varying titles:

1. The Burnett and Johnson immigration bills.
2. The Gallivan Irish petition and the Borah Irish resolution.
3. Prohibition.
4. Woman suffrage.
5. The Towner-Sterling bill.

In the opinion of this man Nations, the author of the booklet entitled "Rome in Congress" and the editor of the magazine called *The Protestant*, a Congressman or Senator who voted for certain of these measures or against others should be branded as Catholic or Protestant, as the case may be.

His contention is that those who voted for the Burnett immigration bill were Protestants and those who voted against it were Catholics who desired the rule of Rome in America. He seems to forget that 3,000,000 Jews in America are opposed to the Burnett immigration bill, and that Jews are neither Protestants nor Catholics. He also seemingly forgets that three Protestant Presidents of the United States, Cleveland, Taft, and Wilson, all vetoed the Burnett immigration bill or similar bills because of the "literacy tests" that they contained. According to the reasoning of Mr. Nations these men should be characterized in history as papal Presidents or presidential Popes, notwithstanding the reasons assigned in their veto messages that were not even remotely related to any religious consideration.

Again, it is contended that those Congressmen or Senators who signed the Gallivan Irish petition or voted for the Borah Irish resolution are friends of Rome and enemies of America. It matters not if they were prompted by love of liberty and by a belief in right of self-government for the Irish people; nevertheless they are to be classed as friends of Rome. The record shows that more than a hundred Representatives and Senators, Protestant and Catholic, Jew and gentile, Democratic, Republican, and Socialist, from the North, South, East, and West, signed the Gallivan Irish petition. Nevertheless, they are all Catholics, friends of Rome and enemies of America, according to the editor of *The Protestant*.

According to the reasoning of the author of this pamphlet those who voted for prohibition are Protestants and patriots; those who voted against prohibition are Catholics and traitors. The queer-headed, addle-brained man who makes this contention seems to have forgotten that the Germans of America, most of whom are Lutheran Protestants, are violently opposed to prohibition, and that the 3,000,000 Jews of America, who are neither Protestants nor Catholics, are also violently opposed to prohibition. If he had an ounce of gray matter in his head and were capable of a moment's serious and intelligent reflection, he would know that the antiprohibition ranks number millions of Protestants of all denominations—Methodists, Baptists, and Presbyterians, amen-corner brethren, and backsliders alike. He would also know that a very considerable percentage of Catholics in America are in favor of prohibition. The late Archbishop Ireland, of St. Paul, a distinguished Roman Catholic prelate, was an avowed prohibitionist.

In the recent primaries in Texas ex-Gov. James E. Ferguson, a fallen political angel, who had been removed from the governor's chair for malfeasance and misfeasance in office, ran on a light wine and beer platform. He received nearly half the votes cast, more than 200,000, in a run-off primary. His chief source of popularity was his light wine and beer program. Now, the Catholics of Texas do not number more than 10 per cent of the population of the State, and a large majority of those who voted for Ferguson must have been good Protestants, who do not object to taking a little light wine and beer "for the stomach's sake."

The absurdity and imbecility of attempting to identify a particular church organization with an economic problem that affects all the people, or even with a certain question of morals, may be easily shown by considering the matter from a world-wide viewpoint. To identify the Protestant Church and Protestant teachings with prohibition and then be compelled to stare Germany in the face would be something that only a fool and fanatic like Nations could stand without embarrassment and a blush, for we must remember that Germany is the



land not only of Martin Luther and thoroughgoing Protestantism but of beers, wines, and whiskies as well.

Since the days of Gustavus Vasa, Sweden has been densely Protestant, and yet only a few weeks ago Protestant Sweden voted overwhelmingly against prohibition. And to give a touch of mingled humor and pathos to the scene, we need only mention that "Pussyfoot" Johnson was ridden on a rail and lost an eye while trying to convert Protestant England to prohibition. So much for the ludicrous attempt of the editor of *The Protestant* to identify the Roman Catholic Church and anti-prohibition.

Under this heading I wish only to relate a matter of personal experience that may be both instructive and entertaining. A few years ago I spent a summer in Scotland. I was the guest of a merchant prince of Glasgow who had a summer home on Loch Long, an arm of the River Clyde. I remember that this excellent Scotch family and I would spend each day fishing, rowing, and swimming. After dinner in the evening the beautiful and charming daughters of the Scotchman would give a concert of piano and violin music. After the concert we would eat cheese and crackers and drink Scotch whisky. Then followed family prayers and sweet sleep, undisturbed by the fanatical prohibition agitations of "Pussyfoot" Johnson, Gilbert O. Nations, and their kind. This all took place, please remember, in Protestant Presbyterian Scotland, the land of John Knox and the Covenanters.

In the fourth place, the man who prepared the booklet, "Rome in Congress," makes woman suffrage a test of Protestantism and Catholicism. He insists that the Catholic Church was opposed to woman suffrage and that those Members of Congress who voted against woman suffrage were friends of Rome and therefore enemies of the Republic and of free institutions. But here again the reasoning of the imbecile and bigot strikes a snag. In a lucid interval he remembers that the Catholic Church is not strong in the South. He also recalls that southern Senators and Representatives very generally voted against woman suffrage. Then half whiningly and at the same time with brazen impertinence he adds in this connection:

"In justice it should be stated that sentiment in favor of woman suffrage was not strong in the South, and therefore votes of southern Senators and Representatives against the nineteenth amendment were not necessarily inspired by Rome."

But if non-Catholic reasoning and sentiment inspired southern Senators and Representatives to vote against woman suffrage, what evidence have we that northern, western, and eastern Senators and Representatives were inspired by different motives or guided by different principles from those that influenced the conduct of southern Senators and Representatives? Only a man lacking in mother wit, blinded by fanaticism, undisciplined in debate, thirsting for cheap notoriety, and overpowered by greed could be entangled in a mesh or caught in a trap of this kind.

And, lastly, we are told by the editor of *The Protestant* in his preface to his booklet called "Rome in Congress" that the Catholic Church is opposed to the Towner-Sterling bill, and that those Members of Congress who vote for this bill will be Protestants and patriots because their votes will be opposed to the will of Rome. On the other hand, those Members who vote against the Towner-Sterling bill will be friends of Rome and at the same time enemies of the Republic and of free institutions. But here again the dear Mr. Nations finds his difficulties. It is an admitted fact that a large majority of southern Senators and Representatives will vote against the Towner-Sterling bill because of their peculiar State rights theories and without any reference whatever to the Catholic Church or its teachings. When the vote has been taken what will then be left to the editor of *The Protestant* but to make the same idiotic observations that he made in connection with woman suffrage and thereby become entangled in the same mesh and fall into the same trap of ludicrous inconsistency and contradiction?

If he should find after a canvass that a majority of the New York State Representatives, both Republican and Democratic, will vote against the Towner-Sterling bill because they do not believe it just and right that New York State, only 1 in 48, should pay one-third of \$100,000,000 annually to educate the illiterates of other States, would the editor of *The Protestant* then give them credit for sincerity or would he still insist that the Pope has them under his heel and that they are slavishly dominated by Rome and the canon law?

In the booklet called "Rome in Congress" every Member of the House is classified by States as a friend or enemy of Rome by indicating his votes on the subjects that I have just discussed. And it is interesting to note that this is the closing paragraph of the preface:

"Scan the list with care. See how your Members voted in order that you may know how to vote when they ask reelection at your hands. If their records are clean, give them your active support. If unclear, defeat them in the primary if possible, and if not possible to defeat them there then support the candidate of the other party in the general election provided he is any better. They are arranged in this handbook by States and districts. Here is the list."

Then follows the classified list of all the Members of the House and Senate, beginning with Alabama and ending with Wyoming. Each of you, my colleagues, is listed as a friend or enemy of Rome according to your votes on the subjects heretofore mentioned, and you are notified that the pamphlet to which I have so frequently referred is to be used as a campaign document against you among the Protestant voters of your district or in your behalf, as the case may require. As for me I gladly accept the issue.

Under the New York subdivision my name is written thus:

"WALTER M. CHANDLER; voted against Burnett immigration bill and prohibition, and signed Gallivan Irish petition."

The statement is correct, and I have no apologies to make for my vote in any single case, and I am not ashamed that I signed the Gallivan Irish petition.

I voted against the Burnett immigration bill for the very same reasons that caused Presidents Cleveland, Taft, and Wilson to veto this and similar bills. In my speech of March 25, 1916, against the Burnett immigration bill I stated my reasons in the following language:

"I voted against the Burnett immigration bill during its passage through the Sixty-third Congress. I shall vote against it again at this time because it contains an unjust, undemocratic, and un-American provision, the so-called literacy test."

"I am convinced that the humanitarian traditions of our country should still be observed, and that foreigners of sound body, mind, and morals, of good and patriotic intentions toward our country and its institutions, and of sufficient means to justify the assumption that they will not become public charges should be welcomed into our midst, made to feel that they are at home, and extended all the blessings of law and liberty that our Constitution and our flag afford."

This was the real reason of my vote against the Burnett immigration bill, although I called attention in the same speech to the anti-Catholic tendencies of the bill and denounced the attempt to accomplish covertly in Congress by restricting Catholic immigration what it was feared could not be accomplished in the columns of a free press or in the forum of debate.

Yes; I voted against prohibition also, but I did not have the Catholic Church in mind when I voted. I voted against reporting the eighteenth amendment because I did not believe it either right or expedient to take the police power from the States where it had rested for more than a hundred years and place it with the Nation. I resisted with all my might the attempt to bring about a constitutional innovation of this kind. I voted as I did because my prophetic vision foresaw the bootlegging operations of this day and the contempt for law and order that would result from the adoption of this amendment. I also foresaw the Volstead Act against which my better judgment rebelled from the very beginning.

I am in favor of law enforcement of all State and Federal statutes. Antiprohibition may be bad and prohibition worse, but disregard and contempt for law are worse than either. A dead law upon the statute books is a stench in the nostrils of all good citizens. Believing this, I shall vote at the very first opportunity for a modification of the Volstead Act that will permit light wines and beers, within the limitations prescribed by the Supreme Court of the United States defining the extent of the jurisdiction of Congress in regulating the alcoholic content of beverages.

I believe that the saloon is gone forever, and I shall shed no tears because of this fact, but I am convinced that light wines and beers may be had without any violation of law, and that these slightly exhilarating beverages would greatly lessen and cool what Shakespeare is pleased to call "life's fitful fever."

It is a well-known fact that an abundance of liquor may be had almost anywhere in the United States, either in town or country, under bootlegging operations, by the wealthy who can afford to pay the price, but our laborers and workmen who create the wealth of the country in the sweat of the brow and who return to their homes at nightfall tired and exhausted with the toil of the day are denied even a single glass of refreshing beer because the law forbids the brewing of a drink that is reasonable in price and not an insult to the taste. This inevitable discrimination in the operation and effect of the Volstead Act has a direct tendency to embitter the minds of the masses of the people, to fill their hearts with rebellion against



the law, and to drive them to lawlessness and anarchy as a refuge.

Yes; I also signed the Gallivan Irish petition, and I am glad and proud that I did. I signed it, however, as other Congressmen did, without any reference to the Roman Catholic Church. I signed it because I believed then as I feel now that the magnificent race of Celtic people who inhabit the Emerald Isle, who have fought bravely on all the battle fields of the world for the liberties of other peoples, are entitled to freedom for themselves.

I have never failed to cast my vote and to raise my voice in behalf of this proud, spirited, and gifted race that has contributed so much to the freedom and civilization of other nations and that has received so little from them in return. I shall continue my efforts in their behalf with the ardent hope that peace and happiness may return soon to the people of the stricken island and that all may yet be well with the children of Erin.

Furthermore, I want the narrow-minded, bigoted editor of The Protestant to understand that I do not have to show my sympathy for races or religions covertly in votes upon economic problems and political questions. Thank God, I have never once been charged by my bitterest enemies with cowardice or camouflage in politics, and whether my life be long or short in public office I am determined never once to attempt to deceive by trickery or evasion my constituents or my countrymen. As proof of this, in the matter of having signed the Gallivan Irish petition, I wish to submit at this time for insertion in the RECORD the following leading editorial from the Gaelic American of Saturday, February 16, 1918, entitled:

ONE CONGRESSMAN WHO IS NOT EVASIVE.

"The resolutions indorsing Miss Rankin's resolution for Irish independence passed by the John P. Holland branch of the Friends of Irish Freedom, New York, were forwarded to the Members of Congress, and Father John H. Dooley, of Corpus Christi Church, president of the branch, has received several replies. With one exception these replies are the usual perfunctory, stereotyped kind which say nothing at all except that the matter has been received and will be given consideration. Such replies are always followed by inaction. The Congressmen do nothing because they believe that they can afford to ignore the wishes of their constituents, or think the men who write to them have no influence and can do them no harm in the next election. Until Irish citizens convince them by the vigor and determination of their action that they mean what they say and will not submit to be trifled with this state of things will continue.

"Father Dooley has sent us copies of the replies he has received from the Congressmen, and we find that only one of them is from an Irish-American—Representative Peter J. Dooling. Mr. Dooling simply says, 'I will give this matter my most careful attention when it is brought before the House for action.' As Miss Rankin's resolution is now buried in a pigeonhole and will not come before the House for action until it is forced out by a vigorous demand, this promise amounts to nothing. What is wanted is an insistent demand that the resolution be reported by the committee which has smothered it.

"None of the other Irish members from New York City, who all owe their elections to the votes of Irish citizens, have thought it worth while to reply. They apparently think it is not necessary to be even polite with the people to whom they owe their political existence; and these people have stood so much of that kind of thing in the past that there is some excuse for treating them with contempt. The only Representative from New York who has promised whole-hearted support of the Rankin resolution is Mr. WALTER M. CHANDLER, and he is a native American, without, so far as we know, any Irish blood in his veins. Mr. CHANDLER writes as follows to Father Dooley:

"MY DEAR FATHER DOOLEY: This is to acknowledge receipt of yours of February 2, containing the resolution recently adopted at the Star Casino. It is needless for me to write you that I am in favor of the resolution of Miss Rankin or any other resolution looking to Irish independence. You may depend upon me to do anything I can to realize this grand ideal of the war.

"I was the orator of the evening at the Academy of Music in Philadelphia January 31, when the Ancient Order of Hibernians had their annual meeting. I there proclaimed and now declare my intention to do everything I can to make possible Irish independence as the result of the world struggle in which we are now engaged.

"I hope that you will do me the kindness to let my attitude be known, as far as you can, to all the friends of Irish freedom in New York City.' (February 4, 1918.)

"What are the constituents of the Irish Congressmen in New York doing to make them feel that they have a duty to per-

form and an obligation to fulfill? Evidently little or nothing. These gentlemen ought to be got after without delay. Some of them seem to think that Ireland is no longer on the map and that only Belgium, Poland, Serbia, Montenegro, Lithuania, and Mesopotamia are worth bothering about. It is time to let these gentlemen know that the claims of Ireland antedate and outweigh those of all these countries and that the Irish people in America will insist that Ireland shall not be ignored. They must put themselves on record so that we may know our friends from our enemies at the next congressional elections."

The world seems to have forgotten, Mr. Speaker and my colleagues, what Catholic Ireland has done for the uplift of mankind and the civilization of the earth. When the night of the Middle Ages fell upon the human race, priests in her monasteries and schools held high the torch of learning and religion, sent her missionaries throughout Europe, and gained for her the merited title of the "Isle of Sages and Saints." To the monastic schools of Ireland flocked students from Scotland, England, Germany, and Gaul in numbers so great that St. Aldhelm declared that they were as "numerous as bees." Throughout the seventh, eighth, and ninth centuries her schools of learning were the most illustrious in the world. Her missionary spirit is shown by the fact that she maintained 7 monasteries in France, 13 in Scotland, 7 in Lotharingia, 9 in Belgium, 11 in Burgundy, 10 in Alsatia, 16 in Bavaria, and 12 in Armorica Gaul.

Too frequently we hear from the lips of the light-headed and the flippant the remark that Ireland is nothing but a land of tragedy and ruins. Before they begin to mock and jest, let such men and women read and ponder the brilliant verses of Father Abram J. Ryan, the poet laureate of the Southern Confederacy:

#### A LAND WITHOUT RUINS.

"A land without ruins is a land without memories; a land without memories is a land without history. A land that wears a laurel crown may be fair to see; but twine a few sad cypress leaves around the brow of any land, and be that land barren, beautiful, and bleak it becomes lovely in its consecrated coronet of sorrow and it wins the sympathy of the heart and of history. Crowns of roses fade—crowns of thorns endure. Calvaries and crucifixions take deepest hold of humanity; the triumphs of might are transient, they pass and are forgotten; the sufferings of right are graven deepest on the chronicles of nations."

Yes, give me the land where the ruins are spread  
And the living tread light on the hearts of the dead;  
Yes, give me a land that is blest by the dust  
And bright with the deeds of the downtrodden just.  
Yes, give me the land where the battle's red blast  
Has flashed to the future the fame of the past;  
Yes, give me the land that hath legends and lays,  
That tell of the memories of long-vanished days;  
Yes, give me a land that hath story and song,  
Enshrine the strife of the right with the wrong;  
Yes, give me a land with a grave in each spot  
And names in the graves that shall not be forgot;  
Yes, give me the land of the wreck and the tomb—  
There is grandeur in graves, there is glory in gloom;  
For out of the gloom future brightness is born,  
As after the night comes the sunrise of morn;  
And the graves of the dead with the grass overgrown  
May yet form the footstool of liberty's throne,  
And each single wreck in the warpath of might  
Shall yet be a rock in the temple of right.

—Abram J. Ryan.

But let us not go too far afield and forget our good friend Nations and his precious publication called The Protestant. Mark you, my colleagues, that this man by the very title of his publication is assuming to speak for all the great Protestant denominations of America and the world. To play such a rôle properly and successfully a man should be strong and cultured in mind, noble and charitable in disposition, powerful in debate after the manner of St. Paul, merciful in conduct according to the teachings of the Sermon on the Mount, and truthful in character after the spirit of the commandment, "Thou shalt not bear false witness against thy neighbor." A paladin of the church should be armored with all these weapons for the battles of Christianity, but the editor of The Protestant is clothed with none of them. He is as naked as a new-born babe. He is above all things a liar and a hypocrite, and I am going to prove it to you at once by a single illustration.

There is an old saying that a half truth may be a whole lie, and that a suppression of the truth may be the worst kind of falsehood. Let us apply these tests to this fellow Nations and his magazine.



In the issue of *The Protestant* of date November, 1921, on page 142, appears the following article:

WAR DEPARTMENT AND PRIEST.

"A good patriotic friend has written the following note, which deserves the thoughtful reflection of every good citizen:

"DEAR SIR: I would like to call your attention to an article in the New York Evening Telegram of October 15, headed 'Father Kelley named to conduct unknown services.'"

"Was there no Protestant clergyman available who served overseas that it was necessary for Secretary Weeks to select a Roman Catholic priest to conduct the services over the body of the unknown soldier at Arlington Cemetery on Armistice Day?"

"The inquiry is timely. You should ask Mr. Weeks. It is time for the people to arrange things at the ballot box, so members of the President's Cabinet will not seek every opportunity to peddle favors to the alien hierarchy and clergy of the Vatican throne."

The "good patriotic friend" who wrote the editor of *The Protestant* asking for truthful information received a suppressed truth that is a lie in answer. The facts were these, as I have learned them authoritatively from the War Department: Secretary Weeks invited a Protestant preacher, Doctor Brent; a Catholic priest, Father Kelley; and a Jewish clergyman, Rabbi Lazaron, all of whom had been chaplains and had seen overseas service, to officiate at the ceremonies conducted over the body of the unknown soldier at Arlington Cemetery on Armistice Day. All of them accepted the invitation. Two of them, the Protestant preacher, Doctor Brent, and the Jewish clergyman, Rabbi Lazaron, were present and officiated. Father Kelley was unavoidably kept away. These were the facts, and Gilbert O. Nations doubtless knew them, or could easily have learned them, when he wrote that dirty lie and libel against Secretary Weeks and the contemptible and sneaking little diatribe against the Catholic Church.

Nations is a miserable little pedant. He delights to quote Latin, doubtless to impress his ignorant readers with his learning and importance. In this connection, and in the matter of the Arlington Cemetery ceremonies, this Latin phrase is peculiarly applicable to him, *falsus in uno falsus in omnibus*; that is, having been caught lying in this case, we are justified in assuming that he is a liar in all cases.

Secretary Weeks played a fine and manly part. Feeling that the occasion was truly national and that the unknown dead soldier might have been a Catholic, a Protestant, or a Jew, he acted with exquisite tact and taste and invited to officiate at the ceremonies representatives of all the great religious organizations of America. Nevertheless, the petty pamphleteer got in his dirty work of falsehood and of libel.

The Protestant clergymen of America, like the clergymen of the Catholic and Jewish faiths, are in the main men of education, earnestness, and piety, and are sincere seekers after truth. The large majority of them would scorn to subscribe for a magazine that disseminates falsehoods and seeks to destroy character by libelous innuendoes. If the real character of this magazine were known to them not a dozen clergymen in America would be subscribers to it.

Occasionally he is called down by some indignant citizen who has been the victim of his lies, and then it is vastly amusing to hear him apologize and watch him crawl and whine. In the characteristic recklessness of his irresponsible journalism, Nations called Colonel MacNider a Roman Catholic and attributed his appointment as head of the American Legion to the political machinations of what he is pleased to call the Roman hierarchy. The following brave and manly letter of Colonel MacNider to Nations should be read every day for a full month to every class of every public school in the Republic:

FEBRUARY 19, 1922.

TO THE EDITOR OF THE PROTESTANT,  
Washington, D. C.

SIR: Your article "Rome Heads the American Legion" has just come to my attention. When you called to apologize, it was my impression that you had simply mistaken my religious affiliations and that your statement was entirely personal. I told you that I was not concerned with what you had said about me, but your article is an attack upon the American Legion, and it can not go unanswered, foolish as it is.

The American Legion is an organization of returned service men and women holding together in an endeavor to continue their service to their country in peace as well as in war as constructive citizens. Religion in Legion membership is no more a question than it is in American citizenship, nor can it be brought into Legion affairs.

It was not a question when a man stepped out to join the colors and to defend his country. It will never be a question

in our service as Legion men. This country was formed by men who sought religious tolerance, and it was in that spirit that it was made free and worth living in. I happen to be a Protestant and to attend a Protestant church, but as a member of many Masonic bodies, of which I have taken a more or less active part, I have great admiration for that institution—the Roman Catholic Church. Its stand and teaching for the preservation of the integrity of our lawful Government were well exemplified in the heroic deaths of men who served in my command. And might I add that chaplains of that faith gave a human touch to their splendid service which made them beloved by all—Jew, Protestant, and Catholic alike.

Such propaganda as you are spreading is a menace to America and America's institutions. How a man worships his God is his own business and not yours.

The Constitution of the United States of America gives every man the right to choose his own religion, and it was to uphold that Constitution that the American Legion was formed.

Yours very truly,

HANFORD MACNIDER.

The editor of *The Protestant* was seized with convulsions when he learned that Colonel MacNider was a Protestant and a Mason and still had "great admiration for that institution—the Roman Catholic Church."

In his reply which was published in his magazine he went soaring into the empyrean of absurdity and bombast. One paragraph of his letter was this:

"But until the Roman hierarchy expiates the terrible ruin it has heaped on Mexico, South America, Spain, and Hungary during the long and dismal centuries of its dominion in those lands I am utterly unable to share in your expressed admiration of that hierarchy and institution. The tragedy of the whole matter is that popery vacillates before the world, feigning religion, but practicing the most venal and despotic kind of politics."

He meant by all this that until conditions changed in Mexico, South America, Spain, and Hungary he was not willing to stop lying about MacNider, Weeks, and others. He meant also that the constitutional guaranties of religious freedom in America must be suspended until the religious status of these countries formed itself to his liking. The language of this paragraph proves conclusively that as a word-monger Nations is a glittering success, but as a logician and disputant he is a dismal failure. It proves also the truthfulness of the saying of Lowell that "the vulgar intellectual palate hankers after the titillation of foaming phrase."

An examination of the various numbers of *The Protestant* shows that its editor is wholly without any sense or sentiment of propriety, modesty, shame, or fitness of things in his desperate drive for subscribers and "long green" with which to line his pockets. He is one of those fools that deliberately rush in where angels fear to tread. In his feverish desire for notoriety and cash he has not hesitated to attack, in a mean and lying manner, the characters and careers of the greatest and most beloved of modern American statesmen, who have been voted for and admired and loved by millions.

Of ex-President Wilson he has this to say:

"The constant secret gravitation of President Wilson toward popery is one of the mysteries of American history. \* \* \*

"Why a great Presbyterian scholar, born in the mountains of Virginia of Presbyterian parents, his father being a minister, should seek every opportunity to enthrone popery in the White House and every department of the Government and should then go out and join a Roman Catholic Club established by a Jesuit priest passes understanding. It is time to annihilate that kind of secret plotting in high official life."

All this probably because Wilson had a Catholic secretary, Mr. Tumulty.

Of Ex-President Taft he has this to say:

"Rome and Wall Street rejoice at the appointment of ex-President William Howard Taft to the office of Chief Justice of the United States Supreme Court. Well may they rejoice. No politician in this country ever served them better. \* \* \* His whole administrative policy favored political popery at every opportunity."

All this because Taft was independent enough and American enough to appoint Mr. White, a Catholic, Chief Justice.

The editor of this magazine in one of its issues describes Mrs. Taft as a Catholic, a statement that he subsequently had to retract. From this and the MacNider incident we learn his methods of journalism, first to lie and, if caught up with, then to retract; if not detected, to let the lie stand in the name of many subscribers and much cash.



Not content with attacking ex-Presidents, the editor of The Protestant insults the present President of the Republic by showering him with his slimy slander and abuse. The following appears in the issue of his magazine of June, 1922:

THE PRESIDENT PRAISES GIBBONS.

"The Associated Press exploited generally throughout the country a letter which President Harding is alleged to have written March 20 to Rev. Albert E. Smith, a Roman priest and editor of the Baltimore Catholic Review, praising the late Cardinal Gibbons in connection with the approaching anniversary of his death. The Baltimore Roman paper mentioned of course published the letter very conspicuously in a heavy border and under great headlines on the front page of the paper March 25. It reads as follows:

THE WHITE HOUSE,  
Washington, March 20, 1922.

REV. ALBERT E. SMITH,  
*The Baltimore Catholic Review, Baltimore, Md.*

MY DEAR FATHER SMITH: It is hard to realize that almost a year has passed since the death of Cardinal Gibbons. He was one of the men whom the Nation could ill spare, for his long and earnest service for both church and country had made him one of the most useful and wise counsellors in a wide realm of public concerns. He possessed in a marked measure the qualities of the statesman as well as the churchman, and his influence was invariably exerted in favor of the best conceptions of America, its institutions and its destiny. Like others who have borne a somewhat extraordinary burden in the public service, I have learned to appreciate and rely upon his sincerity and breadth of vision in many matters of public concern, and his death was a very real loss. I am sure the same feeling was entertained throughout the Nation, regardless of creed. His liberal views had earned for him a high place in the esteem of all Christian citizens, and his services and leadership will not be forgotten.

Very sincerely,

WARREN G. HARDING.

"Why did our Baptist and Masonic President of the United States write such a letter? Why did a great Baptist and great Mason, at the head of the greatest Protestant and democratic Nation in the world, thus extol the memory of an enthroned prince in the one government inevitably hostile to Baptists and Masons and democratic institutions? Was there any canon of propriety that called for such a letter from the White House to a priest of Rome in Baltimore?"

Why did the President write such a letter? The answer is easy to anyone not inflamed by fanaticism or blinded by bigotry. Warren G. Harding is the big, brainy, great-hearted, Christian-minded President of a great Republic of more than 100,000,000 of people, whose citizenship is made up of all races and all religions of the earth, and whose constitutional guaranties of religious freedom constitute the most sacred right and the most precious heritage of Americans everywhere. It is the duty of this great President to see that the laws of the Nation are properly safeguarded and duly executed in maintaining the rights, civil and religious, of men and women of every race and creed, and in every act of his public life he has shown a fine sense of consciousness of this duty and of the solemn responsibility that rests upon him of being President of all the people and not a part of them, of all races and of all creeds and not of certain races and certain creeds. This sense of propriety, this consciousness of lofty political duty, caused him to pay the tribute to the memory of Cardinal Gibbons, a distinguished Roman Catholic prelate, the spiritual guide and leader of some 16,000,000 Catholic American citizens, whose civic were as great as his ecclesiastical virtues, and who left at his death a problem for his countrymen to solve, whether in life he was greater as a priest or a patriot.

President Harding might have paid his fine tribute to Cardinal Gibbons because Gibbons once uttered these patriotic sentiments:

"As the years go by I am more than ever convinced that the Constitution of the United States is the greatest instrument of government that ever issued from the hand of man. Drawn up in the infancy of our Republic, and amid the fears and suspicions and oppositions of many patriotic men, it has weathered the storm period of American public life, and has proved elastic enough to withstand every strain put upon it by party spirit, western development, world-wide immigration, wars with little and great, far-reaching social and economic changes, inventions and discoveries, the growth of individual wealth, and the vagaries of endless reformers; that within the short space of 100 years we have grown to be a great Nation, so much so that to-day the United States is rightly regarded as the first among the nations of the earth, due to the Constitution, the

palladium of our liberties and the landmark in our march of progress."

Again President Harding may have had in mind these words of the great patriot and priest:

"Fifteen millions of Catholics live their lives in our land with undisturbed belief in the perfect harmony existing between their religion and their duties as Americans. It never occurs to their minds to question the truth of a belief which all their experience confirms. Love of religion and love of country burn together in their hearts. They love their church as the divine spiritual society set up by Jesus Christ, through which they are brought into a closer communion with God, learn His revealed truth and His holy laws, receive the help they need to lead Christian lives, and are inspired with the hope of eternal happiness. They love their country with the spontaneous and ardent love of all patriots, because it is their country and the source to them of untold blessings. They prefer its form of government before any other. They admire the institutions and the spirit of its laws. They accept the Constitution without reserve, with no desire as Catholics to see it changed in any feature. They can with a clear conscience swear to uphold it."

Gilbert Nations, the bigoted editor of The Protestant, will never forgive Cardinal Gibbons for having uttered those splendid patriotic sentiments, for they brand him forever as a liar and a slanderer of the Roman Catholic Church in America when he says that Catholicism is identical with monarchy and that the Catholics of America are enemies of the Constitution and of our free institutions.

The closing sentences that I have just quoted seem to have been intended by the great priest and cardinal to confound the enemies of his church and to serve as a mighty breakwater against floods of false accusation that future enemies of his people and of the Republic, such as the Ku Klux Klan, might cunningly and designedly create.

The trouble with the mentally afflicted man who edits The Protestant is that his diseased imagination conjures up papal images in connection with everything that he considers evil in the heavens above, the earth beneath, and the waters down under the earth. He probably honestly believes that liquor is a very bad thing, and it then follows as the night the day that the Pope must be at the back of antiprohibition. He is probably an anglophile and honestly believes that self-government for the Irish is a bad thing. He has no doubts, then, that the Pope inspired the devilry of which was born, in his opinion, the Gallivan Irish petition. He feels that war is the scourge of the race, and that the Great War was the greatest of all scourges, and he has not the slightest doubt that it was created by what he imagines to be the greatest of all evils, namely, the papacy of Rome, and he does not hesitate, in more than one issue of The Protestant, to charge the Pope with having brought about the war.

The insane delusion that some god or pope or other religious agency or power is working infinite harm or boundless good in the universe, along a multitude of lines and involving a multiplicity of detail, is a striking peculiarity of a certain kind of lunatic. The psychopathic wards of our great insane asylums are filled with unfortunate creatures of this kind.

If you will go back and consult the CONGRESSIONAL RECORDS containing the debates on the war resolution, my colleagues, you will find that the ablest of our statesmen in Congress, both Senators and Representatives, reached their loftiest flights of eloquence in bitter denunciation of the Kaiser and his imperialistic designs to extend his empire from Berlin to Bagdad and to crush the liberties of the world with the mailed fist of imperialism, absolutism, and despotism.

We all felt perfectly assured that the assassination of an Austrian grand duke by a simple-minded fanatical Serbian youth was the beginning but not the cause of the Great World War; that it was simply the match that lit the flame that threw the world into conflagration. We believed that the elemental causes of the war were to be found deeply embedded in German military philosophy, in Prussian despotism and desire for world dominion, in a false and fraudulent diplomacy handed down from the days of Frederick the Great, and in the belief of the German Kaiser that he was the anointed of God, and that the German people were the chosen seed. These intellectual principles, we thought, were the spiritual elements that formed the fertile soil in which was germinated the world catastrophe and from which it received its budding and its blossoming. We have reason to believe that President Wilson had these thoughts in mind when he asked us to declare war against the Kaiser and the Germans in order that the world might be made safe for democracy.

The strongest brains of the greatest statesmen of the allied powers spent all their energies and talents in all kinds of



books—blue, yellow, and others—in demonstrating that the Kaiser caused the war. The finest minds among the greatest statesmen of the German and Austrian Empires, in their white and red books, spent their supreme intellectual forces proving that the Kaiser and Franz Joseph did not cause it, but that it was brought about by the jealousy of the surrounding nations of the industrial greatness and the military power and prowess of the Germanic peoples.

But poor, ignorant, deluded statesmen of both the Allied and the Central Powers! Poor fools in the Congress of the United States, both House and Senate! Everybody was wrong. The world was laboring under a strange and incomprehensible delusion. The Kaiser did not cause the Great War. It was the Pope, the very man whom nobody had ever suspected, and the editor of *The Protestant* is now dealing out this dirty stuff, this poisonous misinformation, to the poor dupes and ignoramus who have nothing else to do but to read his magazine.

Another characteristic method of the fanatic, who is both stupid and dishonest, is to claim for his friends or his cause virtues or excellencies that the facts of history show are also possessed by his enemies, or to ascribe crimes and vices to his enemies which it is apparent to every intelligent mind are also to be justly attributed to his friends. The real polemic, the sincere friend of truth, the man who is too conscientious and courageous to permit himself to degenerate into a pettifogger and special pleader, is not afraid or ashamed to make damaging statements or confessions if his object is to enlighten and not to deceive.

We are deeply impressed with these considerations while scanning the pages and studying the headlines of the various issues of *The Protestant*. Everywhere there is evidence of an attempt to deceive the mind of his readers and to inflame their passions against the Roman Catholic Church by telling only half truths or by suppressing truth altogether. A few illustrations will suffice to prove my point.

In one number of his magazine *Nations* speaks with horror of the attempted or threatened burning of Dante by the Church of Rome, but is strangely silent everywhere in regard to the actual burning of Servetus by Protestants with the approval and at the instigation of John Calvin himself.

In another place he speaks sneeringly of "alien names of Roman hierarchy," and his patriotic soul shudders when he hears mentioned the names Pope, Cardinal, and Archbishop, but that same dear soul is filled with heavenly music by the entrancing sounds of the words Invisible Empire, Imperial Wizard, Grand Goblin, Kleagle, and King Kleagle, terminology of the Ku-Klux Klan, an organization that he praises throughout his publication, calling it in one place that "mighty patriotic organization," whose principles, methods, and conduct are very dear to him.

The editor of *The Protestant* takes great delight in crowding the pages of his magazine with accounts of the removal from office and disbarment of the Roman Catholic district attorney of Suffolk County, Mass., Joseph C. Pelletier, but is again strangely silent in regard to the removal from office and disbarment of the Protestant district attorney of Middlesex County, Nathan A. Tufts, who was involved in the same scandal that brought about both the personal and professional ruin of himself and Pelletier. Neither has mention ever been made, as far as I have been able to learn, of the impeachment and removal of William Sulzer, Protestant Governor of New York, or of James E. Ferguson, Protestant Governor of Texas. In other words, if a Protestant is convicted of corruption in public office, it is in the mind of *Nations* probably a miscarriage of justice or at worst only a slight manifestation of human depravity. If a Roman Catholic commits a crime in public office it is, to hear *Nations* tell it, a diabolical offense, not only because it violates a criminal statute of the State but because it is also a dastardly assault upon the Republic and our free institutions through the papacy.

In another issue of his magazine the editor of *The Protestant* rails against the Knights of Columbus for alleged distortion of the facts of American history, but fails, so far as I have been able to find, to mention the fact that the Knights of Columbus recently awarded a capital prize of \$3,000 for the best essay on American history to a professor in a Protestant college.

It is a favorite pastime with papers like *The Menace* and *The Protestant* to describe in every detail of horror and execration the atrocities of the Catholic Spanish Inquisition, but they doubtless contemplate with merry indifference or even with silent satisfaction the tortures and cruelties of the English Court of Star Chamber and the Court of High Commission, a kind of double-barreled judicial organization, a Protestant tribunal that corresponded to the Spanish Inquisition and that did the same bloody work, but upon Catholics this time. A contributor

to the New International Encyclopedia, writing of Whitgift, archbishop of Canterbury, as head of the High Commission, says:

"He established practically a new commission with enlarged powers and administered the oath with such rigor that his inquisition was comparable to those of Rome and Spain."

Describing a judgment of this court, an English writer says:

"In 1637 Mr. Pickering, for saying that the King was reconciled to Rome and for having built a pigsty on ground belonging to a churchyard, was fined £10,000, pillory, ears, whipping, branding with a hot iron, boring his tongue with an awl, and imprisonment for life."

While writing about the Catholic Spanish inquisition why not manifest the true spirit of American fair play and tell something about the English High Commission? Why suppress one-half the truth and thereby tell a lie? Also, while condemning the massacre of St. Bartholomew for the purpose of creating prejudice against the Catholic Church would it not be truly American and brave and righteous to tell the other half of the story and let the world know that Oliver Cromwell slaughtered every man, woman, and child in the Irish garrison of Drogheda and then had the impiety and inhumanity to write about it as follows:

"It hath pleased God to bless our endeavors at Drogheda. \* \* \* I believe we put to the sword the whole number of its defendants. \* \* \* This hath been a marvelous great mercy."

In this connection Green, the Protestant historian of England, says:

"Religion had been turned into a system of political and social oppression."

The pharisaic hypocrisy of the editor of *The Protestant* is so monumental that it makes us dizzy and fairly takes the breath. When Colonel MacNider charged him with being intolerant he calmly replied:

"I am as uncompromisingly opposed to anything even bordering on religious intolerance as you or anyone could be. The provisions of our National Constitution on that and all subjects have my profound and unqualified approval."

The most cursory perusal of any number of his magazine would convince any sane and disinterested reader that only a liar and hypocrite could have written that sentence.

As the journalistic motto of *The Protestant* he has taken a sentence from St. John 8-32:

"Ye shall know the truth, and the truth shall make you free."

This sentence is the only suggestion of truth in the whole realm of his journalistic activity, as far as I have been able to find. Its only service, as he sees fit to use it, is to remind us of the imp who stole the livery of heaven to worship the devil in.

Throughout his publication he is fond of quoting celebrated writers and historians to show the intolerance and bigotry of the Catholic Church. If he is sincere in his desire that his readers shall know the truth concerning the history of intolerance, why does he not occasionally quote from standard Protestant historians showing the intolerance and bigotry of the Protestant Church? If he will not do it, in the name and interest of truth, I will do it for him, Protestant though I am.

"Persecution," says Hallam, "is the deadly original sin of the reformed churches; that which cools every honest man's zeal for the cause, in proportion as his reading becomes more extensive." (*Constitutional History*, Vol. I, Ch. II, p. 51.)

"The spirit of Calvinistic Presbyterianism," writes Green, "excluded all toleration of practice or belief. The absolute rule of bishops, indeed, Cartwright denounced as begotten of the devil; but the absolute rule of presbyters he held to be established by the word of God. For the church founded after the fashion of Geneva he claimed an authority which surpassed the wildest dreams of the masters of the Vatican. Not only was the rule of ministers to be established as the one legal form of church government but all other forms were to be put down. For heresy there was the punishment of death. Never had the doctrine of persecution been urged with such blind and reckless ferocity." (*History of the English People*, Book VI, Chap. V.)

"It must be admitted," writes Buckle, "that in Scotland there is more bigotry, more superstition, and a more thorough contempt for the religion of others than in France. And in Sweden, which is one of the oldest Protestant countries in Europe, there is, not occasionally but habitually, an intolerance and a spirit of persecution which would be discreditable to a Catholic country, but which is doubly disgraceful when proceeding from a people who profess to base their religion on the right of private judgment." (*History of Civilization in England*, Vol. I, p. 264.)



Mark you, my colleagues, these historians just cited are all Protestant historians, whose historical writings constitute integral and important parts of English literature, the greatest and most brilliant of all literatures, with Shakespeare, the intellectual crown of the world, as the most splendid ornament. Why, it may be asked, if Nations wants to have his readers know the truth, in order that they may be made free, does he not give some of these quotations to his readers? Does he fear that he would lose his subscribers overnight and be mobbed by the Ku-Klux Klan besides?

Instead of writing long discourses on the canon laws of Rome, why does he not give his readers a brief history of Protestant Puritan life in early colonial days? If he were a truthful historian he would tell the whole truth about the Massachusetts Puritans—how they fled from England to America, braving the storms of the seas in coming and bloodthirsty savages on arriving, in order that they might worship God Almighty as they saw fit. Being a truthful historian, he would then tell his readers how the Puritans, as soon as they became thoroughly established in the complete enjoyment of unbounded religious freedom for themselves, began to persecute and imprison and murder the Baptists and Quakers, their Protestant brethren, who were bold, brazen, and imprudent enough to claim the same rights as those enjoyed by the Puritans.

He might tell them the story of how the Rev. Cotton Mather tried to kidnap William Penn and the Quakers and sell them as slaves in Barbados for rum and sugar. His historical sketch might be illuminated and be made quite entertaining by the insertion of the following letter by Cotton Mather:

SEPTEMBER YE 15, 1682.

TO YE AGED AND BELOVED MR. JOHN HIGGINSON: There is now at sea a ship called the *Welcome*, which has on board an hundred or more of the heretics and malignants called Quakers, with W. Penn, who is the chief scamp, at the head of them.

The general court has accordingly given secret orders to Master Malachi Huscott, of the brig *Porpoise*, to waylay the said *Welcome* slyly, as near the Cape of Cod as may be, and make captive the said Penn and his ungodly crew, so that the Lord may be glorified and not mocked on the soil of this new country with the heathen worship of these people. Much spoil can be made by selling the whole lot to Barbados, where slaves fetch good prices in rum and sugar, and we shall not only do the Lord great service by punishing the wicked but we shall make great good for His minister and people.

Master Huscott feels hopeful, and I will set down the news when the ship comes back.

Yours in ye bowels of Christ,

COTTON MATHER.

Furthermore, he might devote a special chapter to Roger Williams, a refugee from the Puritan colony, and the truths of history would compel him to say that the voice of the Baptist in the wilderness of Rhode Island proclaiming religious freedom was a protest not against Catholic persecution but against the Protestant persecution of his Puritan brethren whom he had left behind when he fled for life from Massachusetts.

But it would be too much to ask Nations to do anything of that kind. A delegation of the Ku-Klux Klan would come all the way from Texas to put him to death for a base betrayal of their cause; that is, for telling the truth just once in the columns of his magazine.

If he intends to be fair why does not the editor of *The Protestant* cite tributes to the Catholic Church as well as criticisms of it? He delights to quote the great British statesman and orator, William E. Gladstone, against the Catholic Church. Why does he not also tell his readers things that Gladstone has said that are favorable to the Church of Rome? Why does he not quote this paragraph:

"A century ago we began to relax that system of penal laws against Roman Catholics, at once pettifogging, base, and cruel, which Mr. Burke has scathed and blasted with his immortal eloquence."

Why does he not quote for the pleasure and instruction of his readers this beautiful and eloquent passage from the writings of Mr. Gladstone on the Catholic Church:

"She has marched for fifteen hundred years (since the days of Constantine) at the head of civilization, and has harnessed to her chariot as the horses of a triumphal car the chief intellectual and material forces of the world; her art, the art of the world; her genius, the genius of the world; her greatness, glory, grandeur, and majesty have been almost, though not absolutely, all that in these respects the world has had to boast of. Her children are more numerous than all the children of the sects combined; she is every day enlarging the boundaries of her vast empire; her altars are raised in every clime and her missionaries are to be found wherever there are

men to be taught the evangel of immortality and souls to be saved. And this wondrous church, which is as old as Christianity and as universal as mankind, is to-day, after its twenty centuries of age, as fresh and vigorous and as fruitful as on the day when the Pentecostal fires were showered upon the earth."

Why not also give his comrades and compatriots of the Ku-Klux Klan the benefit of the estimate of Macaulay, who, in his essay on Ranke, paid the following eloquent tribute to the Church of Rome and to its history of nineteen hundred years:

"There is not, and there never was on this earth, a work of human policy so well deserving of examination as the Roman Catholic Church. The history of that church joins together the two great ages of human civilization. No other institution is left standing which carries the mind back to the times when the smoke of sacrifice rose from the Pantheon, and when camelpards and tigers bounded in the Flavian amphitheater. The proudest royal houses are but of yesterday when compared with the line of supreme Pontiffs. That line we trace back in unbroken series from the Pope who crowned Napoleon in the nineteenth century to the Pope who crowned Pepin in the eighth; and far beyond the time of Pepin the august dynasty extends till it is lost in the twilight of fable. The Republic of Venice came next in antiquity. But the Republic of Venice was modern when compared to the papacy, and the Republic of Venice is gone and the papacy remains. The papacy remains, not in decay, not a mere antique, but full of life and youthful vigor. The Catholic Church is still sending forth to the farthest ends of the world missionaries as zealous as those who landed in Kent with Augustine, and still confronting hostile kings with the same spirit with which she confronted Attila. The number of her children is greater than in any former age.

"Her acquisitions in the New World have more than compensated for what she has lost in the old. Her spiritual ascendancy extends over the vast countries which lie between the plains of the Missouri and Cape Horn. Nor do we see any sign which indicates that the term of her long dominion is approaching. She saw the commencement of all the governments and of all the ecclesiastical establishments that now exist in the world; and we feel no assurance that she is not destined to see the end of them all. She was great and respected before the Saxon had set foot on Britain, before the Frank had passed the Rhine, when Grecian eloquence still flourished at Antioch, when idols were still worshiped in the temples of Mecca, and she may still exist in undiminished vigor when some traveler from New Zealand shall, in the midst of a vast solitude, take his stand on a broken arch of London Bridge to sketch the ruins of St. Paul's."

This was the judgment of Macaulay, Protestant historian of England—statesman, orator, and essayist—one of the great ornaments of the history and literature of his country, a man whose fine brain was grandly lit with learning and with truth, whose courage was too splendid to permit him to accuse falsely, whose goodness was too noble to tolerate even the thought of persecution. What a contrast between Macaulay, the statesman, orator, and writer, and the peanut politicians and petty pamphleteers of America who are willing to barter their souls for a little ready cash and sell their birthrights of religious freedom for a miserable mess of pottage of the Ku-Klux Klan! What a dangerous and dizzy descent from Macaulay to one of the candidates for office of this traitorous vendetta!

Mr. Speaker, I have been told recently by different Members of this House that the members of the Ku-Klux Klan are still circulating at their secret meetings in the South and West reports of the existence of a terrible oath which it is alleged is taken by members of the Knights of Columbus, an oath too dirty and filthy to be spoken or printed, an oath said to be directed at the destruction of Protestantism and free government, an oath that has been repeatedly shown to be bogus and false.

The poor dupes and ignoramuses who allow themselves to be misled by lies of this kind are doubtless ignorant of the fact that this alleged oath of the Knights of Columbus has been shown to be false not only by commissions of Protestants appointed for the purpose but by court trials as well, at which Protestant judges presided and Protestant juries convicted. In the interest of truth and justice I wish to cite several instances.

On January 29, 1915, Hon. William Kettner, formerly a Member of Congress from California, a Protestant, and a thirty-third degree Mason, caused to be inserted in the CONGRESSIONAL RECORD a report of a committee of Free Masons of Los Angeles which read as follows:

"We hereby certify that by authority of the highest officer of the Knights of Columbus in the State of California, who



acted under instructions from the supreme officer of the order in the United States, we were furnished a complete copy of all the work, ceremonies, and pledges used by the order, and that we carefully read, discussed, and examined the same. We found that while the order is in a sense a secret association, it is not an oath-bound organization, and that its ceremonies are comprised in four degrees, which are intended to teach and inculcate principles that lie at the foundation of every great religion and every free state. Our examination of these ceremonials and obligations was made primarily for the purpose of ascertaining whether or not a certain alleged oath of the Knights of Columbus, which has been printed and widely circulated, was in fact used by the order, and whether, if it was not used, any oath, obligation, or pledge was used which was or would be offensive to Protestants or Masons, or those who are engaged in circulating a document of peculiar viciousness and wickedness. We find that neither the alleged oath nor any oath or pledge bearing the remotest resemblance thereto in matter, manner, spirit, or purpose is used or forms a part of the ceremonies of any degree of the Knights of Columbus. The alleged oath is scurrilous, wicked, and libelous, and must be the invention of an impious and venomous mind. We find that the order of Knights of Columbus, as shown by its rituals, is dedicated to the Catholic religion, charity, and patriotism. There is no propaganda proposed or taught against Protestants or Masons or persons not of Catholic faith. Indeed, Protestants and Masons are not referred to directly or indirectly in the ceremonials and pledges. The ceremonial of the order teaches a high and noble patriotism, instills a love of country, inculcates a reverence for law and order, urges the conscientious and unselfish performance of civic duties, and holds up the Constitution of our country as the richest and most precious possession of a knight of the order. We can find nothing in the entire ceremonials of the order that to our minds could be objected to by any person.

"MOTLEY HUGHES FLINT,  
"Thirty-third Degree, Past Grand Master  
of Masons of California.

"DANA REID WELLER,  
"Thirty-second Degree, Past Grand Master  
of Masons of California.

"WM. RHODES HERVEY,  
"Thirty-third Degree, Past Master and  
Master of Scottish Rite Lodge.

"SAMUEL E. BURKE,  
"Thirty-second Degree, Past Master and  
Inspector of Masonic District."

Let it not be forgotten, my colleagues, that the committee that framed this report and the Congressman who introduced it in the RECORD were all Protestants and Free Masons and were actuated in their conduct only by motives of truth and justice.

Mr. Speaker, I wish now to tell briefly of two criminal trials in which the bogus character of this alleged oath was conclusively shown.

The first was a Philadelphia case and was legally styled "Commonwealth of Pennsylvania against Charles Megonegal and Clarence H. Stage."

Megonegal and Stage were indicted for malicious libel, and were charged with printing and causing to be printed libelous matter—the bogus Knights of Columbus oath—thereby willfully and maliciously exposing the Knights of Columbus as a body and certain individually named men, members of the order, who were complainants, to public hatred, contempt, and ridicule, to their great damage, disgrace, scandal, and infamy.

At a preliminary hearing before the trial Megonegal stated that he had bought copies of the bogus oath in bulk from The Menace before starting to print it on his own account.

On Friday, January 30, 1914, Megonegal and Stage appeared in the quarter sessions court before Hon. Robert N. Willson, presiding judge, to answer the indictment against them. Megonegal pleaded guilty and Stage nolo contendere, meaning that the truth of the charge was not denied, the district attorney having previously agreed that sentence be suspended in consideration of these pleas.

Attorneys MacLaren and King, counsel for the defense, joined in the request to the court for suspended sentence, pleading good faith on the part of their clients, who, they said, had received the "oath" from The Menace, of Aurora, Mo.

As evidence that their clients had been deceived, they presented to the court a copy of a letter sent to The Menace by Mr. King, asking the paper's aid in the defense of Megonegal and Stage, and the original of the reply received from The Menace.

The text of Mr. King's letter follows:

PHILADELPHIA, February 27, 1913.

MENACE PUBLISHING Co., Aurora, Mo.

GENTLEMEN: Mr. Peter M. MacLaren and myself are associated in the case of libel and conspiracy brought by the Knights of Columbus against Clarence H. Stage and Charles Megonegal, of this city.

We notice in your issue of March 1 that you are prepared to print and distribute the complete ritual and secret work of the Knights of Columbus, and we desire to obtain an authentic copy of said ritual and secret work for use in the trial of our clients, since the prosecution alleges that there is no oath taken by candidates for any of the Knights of Columbus degrees. Can you supply us with what we desire and need?

Our clients have no knowledge of the authenticity of the Knights of Columbus oath, having received them in the first instance from your company, and they naturally rely upon you to aid them in their present difficulty.

An early reply will be greatly appreciated.

Yours very truly,

LEROY N. KING.

The answer of The Menace was as follows:

AURORA, Mo., March 5, 1913.

MR. LEROY N. KING,

Philadelphia, Pa.

DEAR SIR: Replying to your letter of February 27, we wish to state that we are not in possession of the ritual and secret work of the Knights of Columbus, but we believe we are in fair way to get it; and the statement in a recent issue of The Menace which led you to believe that we had it in our possession, while somewhat of a bluff on our part, was based on the fact that we know that it can be had. You will note that we printed in our No. 99 the ritual and secret work of the Hibernians, and we are positive that it is authentic. The alleged oath which your clients in Philadelphia were arrested for distributing was circulated in practically every State during the late campaign, and the demand upon us for this document was something great, and we had received copies of them from so many sources we simply printed and handled them as we would any other job of printing—to supply the demand—and while we have no apologies to make for so doing, we do not have any evidence that the oath is the one which is taken by members of the Knights of Columbus.

We feel sure that it would be folly for you to undertake to base your defense on the authenticity of this document.

We note that some of the officials are claiming that it is not an oath-bound order, which, of course, is a subterfuge and untrue. You can depend on them resorting to any method which they can contrive to bluff away their critics, and if they are so bent on vindicating themselves, why not ask that they present in court the obligations which they do take? This would be the quickest way to clear the matter up in the minds of the people.

We are filing your letter and will be on the lookout for anything which we think will aid in the defense of these men.

Trusting that this will be satisfactory, we beg to remain,

Yours sincerely,

THE MENACE PUBLISHING Co.

In suspending sentence under the agreement, Judge Willson, a prominent Presbyterian layman in Philadelphia, said:

"I think that these cases have reached a very proper conclusion, and it is, in my judgment, quite suitable that, in accordance with the desire of all parties concerned, sentence should be suspended in the cases.

"Great care ought to be taken that no injustice should be done by written or spoken words to either individuals or institutions. It is not at all strange that the prosecutors in these cases should not have been willing that the opprobrium which would naturally arise if the publications complained of had been founded in truth should be allowed to exist.

"I am personally glad to hear from the head of the order or society referred to what he has said in regard to the matter.

"Though not of the same faith, I realize fully and without reluctance that the church with which that society is affiliated accomplishes a vast deal of good. Its activities should be protected from misrepresentation.

"I may add that my personal acquaintance with Mr. Flaherty, the head of the order in question, leads me to accept his statement without hesitation."

The distressing conclusion to be drawn from this trial, Mr. Speaker and my colleagues, is that there are publications in this country which are permitted to pass through the mails that shamelessly admit that they lie and bluff, and unblush-



ingly confess that they ship these printed lies and bluffs in job lots and carloads to the detriment of the character and to the destruction of the good names of American citizens.

Another case of the greatest interest in this regard was that entitled "State of Minnesota against A. M. Morrison and Garfield E. Morrison, editors and publishers of the Mankato (Minn.) Morning Journal."

This was an action of criminal libel brought by one E. M. Lawless, editor of the Waterville Sentinel, against two men—A. M. Morrison and G. E. Morrison, father and son, editors and publishers of the Mankato Morning Journal, of Mankato, Minn. The libel consisted, as alleged, in the charging of Lawless with having taken the bogus Knights of Columbus oath.

After a long and sensational trial the jury returned a verdict of guilty, which was read by the foreman, Rev. Thomas Billing, a Methodist minister, and the court imposed a jail sentence of 30 days on each of the defendants, from which an appeal was taken.

An interesting correspondence regarding this trial between the Reverend Mr. Billing and Mr. Fred Bierman, publisher of the Decorah (Iowa) Journal, was as follows:

DECORAH, IOWA, August 14, 1914.

Rev. THOMAS BILLING,

Pastor of Methodist Church, Waterville, Minn.

DEAR SIR: I have noted with interest that you were a juror in the prosecution of A. M. and G. E. Morrison, of Mankato, for criminal libel by R. M. Lawless, of the Waterville Sentinel.

The reports are that the jury unanimously voted for the conviction of A. M. and G. E. Morrison. May I not ask you to write me a line or two, stating whether or not this report is a fact? And also give me any bit of information that may be of interest in the case.

This anti-Catholic agitation, in my judgment, is very discreditable to all the Protestant Churches that do not seek in the spirit of Christian charity to quiet it. Furthermore, it is a menace to the best conduct of political affairs and breeds a very regrettable bitterness and suspicion among people who otherwise would be friends.

If you have no objection, I should thank you very much for the privilege of publishing your reply in the Journal.

Sincerely yours,

FRED BIERMEN.

The answer:

WATERVILLE, MINN., August 15, 1914.

Mr. FRED BIERMEN, Decorah, Iowa.

DEAR SIR: Yours of the 14th received. And while I do not care for publicity, must admit that either by the irony of fate or by the hand of Providence I found myself upon the jury empaneled to find a verdict in the E. M. Lawless criminal libel case against A. M. and G. E. Morrison, of the Mankato Journal. I did not know until I reached the court room of the case. Had I known what awaited me that day I would probably have been absent when the sheriff came three-quarters of an hour before the trial to summon me. But when summoned, did not inquire how or learn for what purpose. However, never having run away from anything that looked like duty, and not being challenged by either party, I stood my ground, and notwithstanding much adverse local criticism, am glad to have had the privilege of helping to nail down so ugly and diabolical a lie as the pseudo oath so widely published and attributed to Ed Lawless was proven to be.

Furthermore, my district superintendent and other of my ministerial brethren (all of whom I have hitherto met) have expressed themselves as being perfectly at one with me.

The case was very simple.

1. The publication of the so-called oath in the defendant's paper was proven.

2. Its diabolical character was proven.

3. Its circulation in Waterville was proven by Rev. H. P. Chapman, pastor of the Congregational Church of that city.

4. Its utter and complete falsity was proven by two witnesses of the highest standing in the order, viz, Doctor Buckley, of St. Paul, by whom or in whose presence the fourth degree was conferred on complainant Lawless, and also by William J. McGinley, of New York, supreme secretary of the order and custodian of all the written and oral work.

The first ballot stood 9 to 3 for conviction. The second ballot stood 10 to 2 for conviction, and the third was unanimous for conviction. The verdict was followed by a sentence of 30 days for each of the defendants in the county jail. The case, however, is appealed to the district court in September.

The case was the result of an anti-Catholic spirit (which has had other deplorable results), stirred up by the advent of

Annie Lowry, the pseudo nun, whose trail across the State is quite visible and certainly not enviable. Such things exhibit the strange anomaly of a religion of love producing the keenest haters and a gospel of peace engendering strife and animosities more bitter than the disputes and rivalries of the most profane.

Yours for the peace of Zion,

(Rev.) THOMAS BILLING,  
Foreman of Jury.

Thanks for letter:

DECORAH, IOWA, August 17, 1914.

Rev. THOMAS BILLING,

Waterville, Minn.

MY DEAR SIR: I thank you very much for your letter of August 15 and for the promptness of your reply.

I want to compliment you on the position you take in the matter and to say that, in my opinion, if the Protestant clergymen in general took this position they would be held in higher esteem by the general public.

If I can do you a favor at some future date, I hope that you will not hesitate to call upon me.

Sincerely yours,

FRED BIERMEN.

And lastly, Mr. Speaker, not only have Protestant committees and the courts of the country branded the alleged "oath" as a lie but an election committee of this House, after careful examination of the subject, has done the same.

In the CONGRESSIONAL RECORD of February 15, 1913, pages 3215 et seq., appears a report of the Committee on Elections No. 1 of this House, in the contested-election case of Eugene C. Bonniwell against Thomas S. Butler. The contestant alleged that the circulation of the "oath" against him was libelous and had influenced the election to his disadvantage.

After reciting the "oath," which is too indecent to be quoted here, the committee in its report said:

"This committee can not condemn too strongly the publication of the false and libelous article referred to in the paper of Mr. Bonniwell, and which was the spurious Knights of Columbus oath, a copy of which is appended to the paper. It also condemns the publication of editorials to excite religious prejudice in a political campaign. No man should be persecuted for his religion, whether he be Catholic or Protestant."

Notwithstanding the indisputable proofs of the falsity of this alleged "oath" by Protestant committees, by the courts, and by the Congress, anti-Catholic publications and the Ku-Klux Klan still continue to poison the public mind with this infamous lie and libel.

The latest form of persecution directed by fanatics against the Knights of Columbus is to accuse them of misappropriation of war funds intrusted to them for the benefit of American soldiers of the Great War. Recently I received at my office in Washington from one Jay W. Forrest, alleged supreme grand master of the so-called Sons and Daughters of Washington, Albany, N. Y., a card which read, in part, as follows:

"To the Congress of the United States:

"We demand that the Knights of Columbus, a secret Roman Catholic organization, be investigated by a committee to ascertain what they have done with the millions of dollars raised by the American people for the benefit of the American soldiers, turned over to them by the invisible hand in Washington the latter part of 1918."

Then following this on the card are statements, allegations, and insinuations that are doubtless as baseless as those concerning the bogus Knights of Columbus oath.

I have in front of me, my colleagues, the printed "Report of the Supreme Board of Directors, Knights of Columbus Educational and Welfare Work," for the fiscal year ending June 30, 1922. This report is certified as correct by Mr. Emanuel Engel, a member of the New York bar and a certified public accountant, with offices in the Woolworth Building, New York City.

Mr. Engel is a non-Catholic, and there is no reason whatever to believe that he has certified a false account. On the contrary, there is every reason to believe that the account is absolutely correct. The receipts and disbursements, the assets, liabilities, and reserves are given systematically and in great detail, in such detail and at such length that I do not deem it expedient to insert them in the RECORD. I will gladly submit the printed report to any Member of the House who wishes to examine it. It was evidently issued by the Knights of Columbus for the inspection and examination of the general public.

I will merely state that the account shows that the Knights of Columbus received from the two sources, (1) Knights of Columbus drive a total of \$15,230,503.76, and (2) from the united war-work campaign a total of \$26,862,592.69, making a grand total of \$42,093,096.45.



When the disbursements are subtracted from the receipts, the amount shows a balance of \$7,879,104.11, and the printed statement concludes with this paragraph:

## DISPOSITION OF BALANCE UNENCUMBERED.

Balance unencumbered as of July 1, 1922..... \$7, 116, 370. 51

Estimated budget for fiscal year beginning July 1, 1922.....	\$2, 004, 370. 51
Estimated requirements for continuation and extension of activities for five years beyond June 30, 1923, for hospital service, correspondence courses, general administration, sundry requirements (chaplains, insurance, etc.), and contingencies.....	5, 022, 000. 00
	<hr/> 7, 116, 370. 51

It affords me great pleasure, Mr. Speaker, to call attention to this accounting, which is doubtless correct to a cent. It affords me pleasure also to testify personally to the magnificent work of the Knights of Columbus during the Great War in France, Belgium, and Germany. I was myself a member of the faculty of lecturers of the American Expeditionary Forces University at Beaune, France. I had occasion and opportunity to study the fine work of all the great religious and charitable American organizations. Many times have I stood and watched agents of the Knights of Columbus, standing in front of their booths, huts, or tents inviting soldiers to come in for refreshments, and never once did I hear even a suggestion of religion or denominational adherence. The doughboys were given sandwiches, chocolates, or drinks, and were then sent away with a blessing and a Godspeed, without question or comment concerning any religious or denominational profession. And the very last thing that I remember when our train pulled into Brest from Paris loaded with American soldiers homeward bound was the presence of Knights of Columbus men, together with representatives of other welfare organizations, shouting welcome to the happy doughboys and showering them with sandwiches, chocolates, and candies.

I remember, too, that there was no mention of religion there. Such a thing would have been despicable and mean, for every train from Paris brought Protestants, Catholics, and Jews, indiscriminately mingled; great, strong-limbed, ruddy-faced youths in khaki, with brows crowned with laurels of victory fresh from the battle fields of France where they had covered themselves and their country with glory at Chateau-Thierry and in the Argonne Forest. And when I think of those splendid days of national exultation, of magnanimous and generous self-forgetfulness, of distinctions in politics and religion buried in supreme patriotic enthusiasm and emotion, and then am compelled to consider and contemplate the meanness and degeneracy of the race prejudice and religious bigotry of this day and time, I am alternately angered and made sick at heart.

Mr. Speaker, I am neither Catholic nor Jew. I am a Presbyterian Protestant, and I hold the tenets of my faith as dearly as does any man. But I despise racial intolerance and religious bigotry, and I hate persecution as I do the spirit of the devil and all his ways. I believe that the best hope of this Republic lies in the maintenance forever of the groundwork of religious freedom upon which the fathers founded it. When that foundation crumbles I believe that the Republic will crumble with it.

Civil liberty was not born in America. It was born in Catholic England, at Runnymede, in 1215, more than 300 years before Protestantism appeared upon the earth, when Catholic barons wrung from King John the famous Magna Charta, the foundation of all Anglican and American civil freedom.

America's distinct and priceless contribution to the political civilization of the earth was in the gift of religious freedom to mankind; in other words, in the framing of a government that separated church and state forever, and made individual judgment and conscience the test of man's rights of faith and worship in matters of religion.

Excepting a few years in the reign of Constantine, beginning in the year 313 of our era and ending with the death of that monarch, there was no religious freedom upon the earth until the adoption of the American Constitution and the founding of the American Republic. That is, there was no separation of church and state and no legal religious freedom.

The founders of the Republic who gathered at Philadelphia in 1787 had the history of mankind before them for inspiration and instruction. They were deeply familiar with all the bloody religious wars that had cursed the human race. They knew

that Protestants and Catholics had been equally guilty of religious persecution and oppression. They also knew that both Catholics and Protestants had fought the battles of the Revolution successfully side by side, had suffered together at Valley Forge, had both upheld the arms of Washington at every turn, and together had triumphed gloriously at Yorktown.

These reflections impressed the framers of the Constitution with a holy magnanimity, imbued them with a divine generosity, and blending their patriotic counsels, they said: In building our Constitution, the great instrument of our new Government, we will forget the horrors and barbarities, the cruelties and atrocities of the religious persecutions of the past. We will forget the burning of Savanorola by Catholics and of Servetus by Protestants. We will forget both the Catholic Spanish inquisition and the Protestant English Court of High Commission. We will only remember that almost simultaneously Roger Williams, a Protestant, in the forests of Rhode Island, and Lord Baltimore, a Catholic, in the wilderness of Maryland, proclaimed religious liberty to the world, based upon the sublime declaration of the Nazarene, the divine author of their common faith, when he said: Render therefore unto Caesar the things which are Caesar's, and unto God the things that are God's.

Washington, the immortal first President of the Republic, expressing his own views as well as indicating the sentiments of his compatriots of the great convention, once said:

"If I could have entertained the slightest apprehension that the Constitution framed in the convention, where I had the honor to preside, might endanger the religious rights of any ecclesiastical society certainly I would never have placed my signature to it, and if I could now conceive that the General Government might be so administered as to render the liberty of conscience insecure I beg you will be persuaded that no one would be more zealous to establish effectual barriers against the horrors of spiritual tyranny and every species of religious persecution."

Thomas Jefferson, expressing the same patriotic sentiments in condensed form, once wrote:

"I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

In the same tone and tenor James Madison wrote:

"Religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, and not by force or violence. The religion, then, of every man must be left to the conviction and conscience of every man to exercise it as these may indicate. This right is in itself an inalienable right."

Line upon line and precept upon precept this cumulative creed of religious freedom has come down to us from the lips and lives of all our statesmen, heroes, and patriots, and has marked every step of our progress toward a marvelous and magnificent destiny.

But, Mr. Speaker, all this is to be now reversed if the Ku-Klux Klan can have its way. Protestants are to be secure, but Catholics and Jews insecure, in their rights of religious freedom. We are to return to those days of bigotry and persecution that the fathers in their wisdom believed they had blotted forever from the minds and memories of men. God forbid!

Roman Catholics, I respectfully submit, Mr. Speaker and my colleagues, are entitled to complete religious freedom as a matter of "inalienable right," in the language of Madison. But aside from this inalienable right, of which no human agency can legally rob them, Catholics have earned this constitutional right as statesmen in the councils, generals in the tents, and soldiers in the ranks of freedom.

Time does not permit and the occasion does not demand a calling of the roster of Catholic great names in the annals of the Republic. Nevertheless, Catholic deeds and achievements enrich the pages of all our history.

Charles Carroll of Carrollton, the Irish Revolutionary patriot, was a signer of the Declaration of Independence and a bosom friend of Washington.

"Saucy Jack Barry, father of the American Navy," whose monument adorns one of the parks of the Capital, was, like many of the seamen under him, an Irishman and a Catholic.

Gen. Stephen Moylan, appointed by Washington, was a Catholic and the first quartermaster of the Revolutionary Army.

It is a well-known fact that the Friendly Sons of St. Patrick met the revolutionary bankrupt Government's appeal for financial aid with a subscription of over a half million dollars. Thomas Fitzsimmons, a Catholic merchant of Philadelphia, made an individual subscription of \$25,000, a vast sum at that time.

Our later military history has been adorned by the illustrious names of Meagher, Ewing, Sheridan, and Rosecrans.



The Supreme Court of the Nation has been ably presided over by two great Catholic jurists, Taney and White, Chief Justices.

The Senate of the United States has been adorned by the brilliant statesmanship of many Catholic Senators, notable among them being General Shields, whose statue stands in Statuary Hall, who was the hero of two wars—the Mexican and the Civil—and that had the peculiar distinction of being a United States Senator from three States—Illinois, Minnesota, and Missouri.

Every grammar-grade pupil in the public schools knows the history of Catholic activity and achievement in the discovery, exploration, and settlement of America. The first names taught him are those of Columbus, Americus Vespuccius, De Soto, Balboa, Cortez, Champlain, Joliet, Marquette, Cartier, La Salle, and Iberville, all Catholic heroes and explorers. He no sooner learns of the discovery and settlement of America than his teacher tells him of the great aid of Catholic France and Catholic Poland in the establishment of the independence of his country. He is thrilled with the mere mention of the names of Lafayette, Rochambeau, Fleury, Count de Gras, Pulaski, De Kalb, and Kosciuszko, all Catholic comrades of Washington and champions of American independence.

If the grand goblins and king klegals of the Ku-Klux Klan could gather in Lafayette Square in front of the White House in Washington and be reminded that of the four heroic figures in bronze and marble that adorn the four corners of this square, three of them—those of Lafayette, Rochambeau, and Kosciuszko—are statues of Catholic heroes, they might be slightly mollified in their hatred of Catholicism. They might even be inclined to allow a few Catholics to remain in the country undisturbed in the enjoyment of the civil and religious liberty that these men with their swords helped to establish.

The names of Lafayette and Rochambeau, Mr. Speaker, remind us that brave and brilliant and beautiful Catholic France has more than once in a supreme crisis of human history stood in the breach for liberty and civilization.

They were Catholic knights under Karl Martel at the nine-day battle of Tours that stopped the advance of Mahomet's empire, that preserved western Christian civilization, and that gave to Europe Bibles instead of korans and cathedrals instead of mosques. They were Catholic youths at Verdun who, with faces lit by the eternal Gallic smile and with hearts beating wildly to the trumpet calls of La Marseillaise, went, like bridegrooms to a marriage feast, to death and dust for liberty, humanity, and civilization.

In closing, Mr. Speaker, I wish to make vigorous and earnest protest against the anti-Catholic propaganda in many sections of the country that is becoming a menace to the peace of the Nation, that is furnishing a solemn mockery of our boasted religious freedom, and that would destroy the corner stone of the Republic if allowed to become effective. As a Presbyterian who believes that there can be no religious freedom for the Protestant unless there is equal religious freedom for the Jew and Catholic, I protest against the widespread anti-Catholic agitation in America.

It is not possible, my colleagues, that the nature and character of this propaganda are unknown to you. The purposes are seriously and solemnly proposed and proclaimed by certain anti-Catholic organizations and anti-Catholic newspapers to restrict the political rights of Catholics in America by denying them, as far as possible, the privilege of holding public offices under the Government. Could any proposal be more undemocratic and un-American? Could a more dastardly project be suggested to undermine the spirit of the Constitution and to destroy religious freedom in our country? And do you know that these agitators advocate this religious discrimination in spite of the fact that Article VI of the Constitution provides that—

"No religious test shall ever be required as a qualification to any office or public trust under the United States."

And in spite of the fact that article 1 of the Bill of Rights provides that—

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Do you know that they strangely contend that such a discrimination is needed to preserve free institutions and as a means of perpetuating public liberty? Have you stopped to consider that they seriously contend that Catholicism and despotism are identical and interchangeable and that Catholic domination would be the destruction of free institutions in the United States? These anti-Catholic propagandists tell us that if Catholics reach a numerical majority in the country and get control of the machinery of government, the Pope, instead of

the President, the Congress, and the courts, will rule us. They boldly assert that we are even now threatened with Catholic domination, and they point with alarm to numerous offices held by Catholics under the State and Federal Governments, as if Catholics were not constitutionally entitled to hold offices if the people see fit to elect them.

In their fear and trembling that Catholics will seize the Government and overturn the Republic, they do not seem to understand that Catholics do not now hold and that they have never held public office in America, except in a few large cities, in proportion to their percentage of the general population. There are approximately 16,000,000 Catholics in the United States, about 17 per cent of the whole people. But, except in a few cities, like Boston, New York, and Chicago, they do not hold public positions in proportion to their numbers.

On a proportional basis Catholics would be entitled to about 76 Members of this House. They have only about 30. They would be entitled to 17 Members of the United States Senate. I understand that they have only five. And what is true of Congress is true of nearly every other branch of both the State and Federal Governments of this Union. How we are seriously threatened with Catholic domination, then, it is impossible for me to comprehend.

The silly and preposterous charge that Catholicism is hostile to free institutions and identical with a union of church and state is made in the very face of comparatively recent radical democratic developments in the histories of two of the most powerful Catholic countries in the world, of Italy and France, where the separation of church and state is as positive and pronounced as in our own country.

What support for their arguments, may I ask, do these anti-Catholic agitators derive from the outcome of the Garibaldian revolution, from the separation of church and state in Italy, and from the imprisonment of the Pope in the Vatican by Italian Catholics themselves? What support have they in the separation of church and state in France, the beautiful and brilliant among the nations, whose chivalric sympathies sent Lafayette and Rochambeau as ambassadors of freedom to our shores, whose school children presented to our Republic the Liberty Goddess in the harbor of New York, and whose "Liberty, Equality, and Fraternity" of her famous revolution has reverberated like a splendid anthem around the earth for more than a hundred years?

What have these anti-Catholic propagandists, who charge that Catholicism is a menace to free institutions, to say when they are told that nearly every Republic on this earth, more than 20 in number, excepting the pagan Republic of China and the United States, is overwhelmingly Catholic in population? Far from being antagonistic to free institutions, is there not a strong suggestion in this fact that Catholicism and republican government are identical? Is there not a further suggestion of republican heredity when we consider that nearly all the Catholic races of modern times are direct descendants of the people of the ancient Roman Republic?

Are the anti-Catholic agitators, we may ask, ready to declare that Catholics of other Republics are advocates of freedom and are friendly to free institutions, while the Catholics of the United States are hostile and unfriendly? Would not such a charge be a gratuitous insult to the patriotism and an ungrounded slander upon the heroic conduct of American Catholics in every crisis of our history? Is it not a matter of common knowledge that Irishmen, chiefly Catholics, have always been foremost as defenders of American liberty? Has there ever convened a single Congress of this Republic in which Irish Catholic Members were not present and ready to defend American constitutional freedom if occasion arose and necessity required defense? Has there been a single battle field of this Republic upon which their blood has not richly flowed in defense of liberty and of the Union? Then why this unfounded calumny, these ungenerous insinuations, these cruel attacks upon their religion and their patriotism?

Let me remind my colleagues, in closing, of their exalted character and of the sacred and solemn obligations resting upon them as national representatives of the foremost Republic of the earth. If ungenerous and un-American impulses and fierce and unbridled passions must kindle the fires and stir the hatreds of religious bigotry among the people at large, let us here, at least, in the sacred confines of this Hall, preserve a dignified and patriotic equanimity, a statesmanlike composure, and a courageous attitude as the legislative guardians of civil and religious freedom on this continent. Let us above all things not forget that this Republic was not designed by the Revolutionary fathers to be Protestant, Catholic, or Jewish, but was intended as a perpetual asylum of religious freedom, where Prot-



estant, Catholic, and Jew might each worship Almighty God after the dictates of his own conscience and in his own way.

The founders of the Republic designed the Constitution to be perpetual, the generations that followed proclaimed it an immortal document, and it is our sacred and solemn duty to help to transmit it untarnished and undiminished in beauty and in strength to all the generations that come after us. Any assault upon it should be accounted an accursed act. He who would despoil it should be execrated as we would loathe the profaner of a temple or the desecrator of a shrine.

There is positively no place for race prejudice or religious bigotry beneath our flag. In vain did Washington, marching in Liberty's vanguard, "lead freedom's eaglets to their feast"; in vain the proclamation of the Declaration of Independence and the adoption of the Constitution at Philadelphia more than a hundred years ago; in vain the bonfires and orations of the Nation's natal day, if our boasted liberties are to exist in theory but not in practice, in fancy but not in fact. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CHANDLER of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

Mr. JOHNSON of Washington. Reserving the right to object, what is the subject, in detail?

Mr. CHANDLER of New York. I desire to extend my remarks along the lines of what the President has said on this particular subject.

Mr. Speaker, I renew my request to extend my remarks in the Record.

The SPEAKER. The gentleman from New York renews his request to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I yield 20 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker and gentlemen of the House, I hope that the Members of this House appreciate the importance of this judgeship bill. By one act of Congress we are increasing the number of Federal judges of this country by 24. I dare say that never in the legislative history of this country, with perhaps one exception, has a similar addition been made to the Federal judiciary at one time. I believe every Member of this House, regardless of which side he may sit upon, will agree with me that one of the highest duties which this Congress owes to the country is to see to it that neither the fact nor the suspicion shall rest against the Federal judiciary that political considerations have entered into the creation of the positions or the clothing of an individual with judicial authority. Is not that a sound proposition? If it is not, then I do not understand the duty and responsibility which rests upon Members of the American Congress.

I call your attention especially, gentlemen, to one particular judgeship in this bill, and incidentally I shall refer to some others; and upon facts which can not be controverted, I respectfully challenge the right of a Member of the American Congress to vote for this sort of legislation.

Gentlemen upon the left-hand side of this Chamber have the responsibility with regard to legislation now. You have proclaimed to the country that this is an administration of economy. Those were words; and words only; by your deeds you shall be judged. But, gentlemen, there is something far more important involved in a bill touching the Federal judiciary than the mere matter of dollars and cents. The man who wears the robe of a Federal judge tries the citizens of this country for their lives and their liberties and adjudicates property rights. The citizenship of this country have no power, directly or indirectly, broadly speaking, to choose their Federal trial judges. Now, let us see. I am referring now to the new judge for the State of New Mexico. The record shows that the judge now provided for the State of New Mexico—the judge already there during the fiscal year covered by the last report of the Attorney General—tried only 44 cases, criminal and civil together—44 cases only—and yet this administration is putting in a new judge there. Why? Politics! The rankest sort of politics! I hate to say that, but it is a palpable fact.

Now, gentlemen on the Republican side of the House, I am not claiming any superior merits for the party of which I am a member. I am speaking to you now because you have the responsibility. We must not be Democrats and Republicans when we face a question of this sort.

I tell you that in a time like this, when there are grave questionings in the hearts of many of the people of this country with regard to the integrity of their officials, the honesty of governmental administration generally, we can not afford to have the suspicion rest against the judge or against the position which he holds that his job was created for the sake of poli-

tics; because, gentlemen, if the facts justify the suspicion that the job has been created for political considerations, you can not make the people believe that political consideration stopped short of filling the position. That is why you create the position—to put the man in it. When you go before the tax-burdened people this fall with these unnecessary judgeships, you may be able to help some individual Members of Congress who have gotten these judgeships for their respective districts and for their States, but you must face the people of the country as a whole, who are required to pay the taxes for their maintenance, and you must face the people of the country as a whole, whom, I believe, do not favor and have virtue enough to resent "playing politics" with Federal judgeships. The people of this country are not going to indorse a policy on the part of this administration to make secure the reelection of its adherents by such a price as this.

This New Mexico judgeship which is provided in this bill is not the only judgeship which is provided where no judge is needed. In my opposition to this bill when it was before the House originally I called your attention to a number of others, but this New Mexico judgeship is the rawest deal of them all. It illustrates the lengths to which you are apparently willing to go; it demonstrates the lengths to which you are going in "playing politics" with Federal judgeships. It is not fair to you; it is not fair to the country; it is violative of one of the highest duties which you owe to have regard for the sanctity of these judicial positions and to keep them free from the fact and free from the suspicion of political jockeying. No Member of Congress, in the House or in the Senate, has a right to ask the Congress to lay the hand of politics—cheap, palpable, jockeying politics—upon the Federal judiciary in order to make sure his reelection. I believe in party loyalty within proper limitations, but there are duties which men owe which are higher than the duties which they owe to their party. I challenge any man on this floor to defend this judgeship, the honorable chairman of the Judiciary Committee [Mr. VOLSTEAD] included. I want to say to his credit that he opposed the creation of this position. The only criticism that I have with him is that he ever consented to it. Forty-four cases tried in one year and we create a new judge for the district. Think of it, gentlemen; we had already added a new judge to each of the districts of California, a new judge to Arizona, one for the eastern district of Oklahoma, one for the northern district of Texas, and one for the district of Montana, absolutely surrounding the district of New Mexico with new judges and most considerably oversupplying that western territory. And now you are sending an additional judge to New Mexico! What for? Let us be honest about it. Is he needed in that district? No. Nobody can seriously contend that; I assume nobody here will contend that he is needed there. Is he needed in any of the territory from the Pacific Ocean straight through to the Atlantic, in any of the Western or Southern States? Nobody can contend that he will be needed there. He can not be used anywhere without transporting him across the continent at Federal expense for transportation and \$10 per day additional for each day that he is out of his district. Then why is this new judge provided for New Mexico, for a district where he is not needed and in a territory where he can not be used? Simply, gentlemen, to help out the New Mexico delegation in Congress, or some member of that delegation, you are asked to contribute as a matter of politics this Federal judgeship with its added burden upon a tax-burdened people. I say with all respect, gentlemen, it is a disgrace to the American Congress. You can not defend it and you can not afford to do it.

Mr. YATES. This judgeship for New Mexico came from the Senate, did it not?

Mr. SUMNERS of Texas. Yes; it was put on by the Senate.

Mr. BUTLER. The gentleman knows that the House conferees objected to it.

Mr. SUMNERS of Texas. I objected to it.

Mr. BUTLER. Was the gentleman one of the conferees?

Mr. SUMNERS of Texas. Yes; and I never signed the conference report and never will.

Mr. BUTLER. I know the gentleman very well, and I know he will not stultify himself by doing what he does not want to do. What I want to know is, how this judgeship got in. I want to know the reason of it.

Mr. SUMNERS of Texas. I wish I could tell you how it got in.

Mr. BUTLER. I voted for the bill originally, thinking there was occasion for some of these additional judges, and I think my friend did.

Mr. SUMNERS of Texas. No; I voted against the bill then. I have always conceded that there is need for some additional



judges, but we must not permit that need to be taken advantage of, and this bill turned into a pork-barrel affair.

Mr. BUTLER. Is it not a case of simply having to take this judgeship or have no bill at all?

Mr. SUMNERS of Texas. I think not. But I take the position, and regard it as fundamental, that in the creation of Federal judgeship positions, it can not be compromised or sacrificed for any other consideration on earth, that it must be so—that every man that wears the robe of a Federal judge shall not have attached to him or his office the suspicion that he was given the job as a matter of political consideration at all. I think that is fundamental. How can you if you make the American people believe that the job has been created for the sake of politics—how in the name of common sense are you going to make them believe in the integrity of the man that will take a job of \$7,500 from the taxpayers, the people of this country, hard up as the people are, put that money in his pocket, loaf around, and make them believe that he is the right sort of man to try the issues of life, property, and liberty in this country? If you will defeat the conference report we will get the judgeship bill back this session of Congress, and one that will not stultify a man when he votes for it. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I desire to say a few words in answer. I am very glad of one thing. It has been generally charged in the newspapers that this bill was a pork barrel bill that provided for a great many unnecessary judges. When the bill is here for final passage the gentleman from Texas has only been able to stress one instance where he thinks there is anything wrong.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. SUMNERS of Texas. I voted against the bill originally in the House. I cited the instance of New Mexico as illustrating what I believe is the general character of the bill touching not only New Mexico but a number of other judgeships.

Mr. VOLSTEAD. An examination was made by a commission selected by the Attorney General, composed of three judges and two district attorneys, for the purpose of determining how many judges were needed. They concluded that 30 new judges were needed if we should clean up and take care of the business as it is coming in.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. CHINDBLOM. Were these 30 judges who were recommended to be rotated?

Mr. VOLSTEAD. They recommended that 18 should be rotated, and that we put in other judges so as to make up the number of 30.

Mr. CHINDBLOM. And did that recommendation contain a judge for New Mexico?

Mr. VOLSTEAD. It did not; the House conferees were not in favor of a judge for New Mexico. But this bill provides for a conference of the senior circuit judges of each circuit, to be called here at Washington annually, for the purpose of determining where judges are needed. If judges have not sufficient work in their own districts, they will be assigned to a place where they can work.

Mr. BUTLER. That would include any district, any of the northern districts?

Mr. VOLSTEAD. It would.

Mr. BUTLER. Then this judge of New Mexico could be sent to Maine?

Mr. VOLSTEAD. Yes; and he will be sent where he is needed. That was one of the chief arguments used by the Senate conferees to convince the House conferees that the amendment for this judge ought to be accepted. It seems clear to me that all of these judges are needed, and that it is only a question of where they ought to be located. It perhaps is unfortunate that one of these judges should be located in New Mexico, as he might have been located where it would have been more convenient. But there is nothing in the contention that because this man is appointed from New Mexico he will have nothing to do, because we provide in this bill that these judges shall be assigned for work elsewhere when it is necessary to keep the work current everywhere, and there is no question but that there is a great deal more work to do than the judges can clean up in the next dozen years to come. In all probability there will be more business than all of these judges can care for as the business of the country increases.

Mr. CHINDBLOM. Is the gentleman from Minnesota personally convinced that there is enough work for all these judges to do if properly assigned?

Mr. VOLSTEAD. There is no doubt about it; there will be more business for the Federal courts to do for years to come regardless of the fact that we have these 24 new judges.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. SUMNERS of Texas. Would the gentleman object to stating his judgment as to why they located the judge in New Mexico?

Mr. VOLSTEAD. I do not think that is material one way or the other. The Senate insisted on having the man appointed from New Mexico, it voted for it, and their conferees insisted that we ought to allow it.

Mr. BLANTON. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. BLANTON. Will the gentleman state to the House what the expenses in the way of per diem and subsistence are allowed for a district judge when he is holding court in a place other than where he resides?

Mr. VOLSTEAD. Not exceeding \$10 a day for maintenance, besides mileage.

Mr. BLANTON. The gentleman spoke of the judge who is not needed in New Mexico being sent to Maine. If that should occur incidentally and he was sent to Maine, we would allow him \$10 a day and mileage from New Mexico to Maine, because he is holding court in a place other than his residence.

Mr. VOLSTEAD. I do not think I mentioned Maine or sending the New Mexico judge to Maine.

Mr. BUTLER. I mentioned Maine myself to make a rather extravagant supposition.

Mr. BLANTON. I know the State of Maine was mentioned.

Mr. CHINDBLOM. The State of Maine is on everybody's lips to-day.

Mr. BLANTON. It is to-day.

Mr. BUTLER. And will be to-morrow. Let me ask the gentleman the objection is not to the number of judges that are created by this bill but it is the error or misfortune in the location?

Mr. VOLSTEAD. Even if we agree that it is an unfortunate thing to locate one of these judges in a place where we believe he ought not to be appointed there is no reason for finding serious fault with a bill of this kind. We can not expect to get all the things we may want; compromise is necessary; we have to be reasonable. So long as we do not provide unnecessary judges, it does not seem to me that we should oppose the bill or take serious exceptions. We have done the best we could, and the bill on the whole is a very good one. I move the previous question on the conference report.

Mr. SUMNERS of Texas. Mr. Speaker, if the gentleman will withhold his motion, I desire to ask unanimous consent to revise and extend my remarks.

Mr. VOLSTEAD. I withhold my motion.

The SPEAKER pro tempore (Mr. DOWELL). The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none. The gentleman from Minnesota moves the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is upon the adoption of the conference report.

Mr. SUMNERS of Texas. Mr. Speaker, on that I demand the yeas and nays.

Mr. BLANTON. Mr. Speaker, I ask for a division, and I make the point that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas demands the yeas and nays. Forty-six Members have arisen, a sufficient number, and the Clerk will call the roll.

The question was taken, and there were—yeas 139, nays 78, not voting 210, as follows:

#### YEAS—139.

Ackerman	Clague	Goodykoontz	Kelly, Pa.
Andrew, Mass.	Clarke, N.Y.	Gorman	Kendall
Andrews, Nebr.	Clouse	Graham, Ill.	King
Anthony	Colton	Green, Iowa	Kissel
Appleby	Coughlin	Greene, Mass.	Kline, Pa.
Atkeson	Crago	Greene, Vt.	Knutson
Barbour	Crowther	Hadley	Kraus
Benham	Curry	Hardy, Colo.	Lawrence
Bird	Dale	Haugen	Leibach
Bixler	Darrow	Hayley	McCormick
Blakeney	Davis, Minn.	Hayden	McFadden
Boles	Denison	Hays	McKenzie
Bond	Drane	Hickey	McLaughlin, Nebr.
Bowers	Dyer	Hicks	Madden
Brennan	Echols	Himes	Magee
Brown, Tenn.	Elliott	Hogan	Merritt
Burtess	Ellis	Hudspeth	Millspaugh
Butler	Fairchild	Hukriede	Mondell
Cable	Faust	Husted	Moore, Ill.
Campbell, Kans.	Fish	Hutchinson	Moore, Ohio
Campbell, Pa.	Fitzgerald	Ireland	Morgan
Cannon	Fordney	Jefferis, Nebr.	Murphy
Chalmers	Foster	Johnson, Wash.	Newton, Minn.
Chandler, N. Y.	French	Jones, Pa.	Newton, Mo.
Chindblom	Fuller	Kearns	Norton
Christopherson	Glynn	Keller	Ogden



Osborne	Ryan	Steenerson	Vestal
Parker, N. J.	Scott, Tenn.	Swank	Volstead
Patterson, Mo.	Shaw	Swing	Watson
Reece	Shreve	Taylor, Tenn.	Wheeler
Reed, N. Y.	Sinnot	Tilson	Williams, Ill.
Reed, W. Va.	Smith, Idaho	Timberlake	Wyant
Riddick	Smithwick	Towner	Yates
Roach	Snyder	Treadway	Young
Rodenberg	Sproul	Valle	

## NAYS—78.

Almon	Evans	Lanham	Ricketts
Aswell	Fairfield	Lankford	Robison
Bankhead	Favrot	Lazaro	Rose
Beck	Gahn	Lea, Calif.	Sanders, Tex.
Black	Garner	Leatherwood	Sandlin
Bland, Va.	Garrett, Tex.	London	Sinclair
Blanton	Hardy, Tex.	Lowrey	Steagall
Bowling	Harrison	McClintic	Stedman
Box	Hill	McLaughlin, Mich.	Stephens
Briggs	Hoch	Mansfield	Summers, Tex.
Buchanan	Huddleston	Moore, Va.	Taylor, Colo.
Bulwinkle	Jacoway	Moore, Ind.	Thomas
Burke	Jeffers, Ala.	Oliver	Tilman
Carew	Johnson, Miss.	Park, Ga.	Tucker
Collins	Jones, Tex.	Parks, Ark.	Tyson
Cooper, Wis.	Kincheloe	Purnell	Voigt
Cullen	Kindred	Quin	Williams, Tex.
Davis, Tenn.	Klecza	Ramseyer	Wingo
Dowell	Kopp	Rankin	
Driver	Lampert	Rayburn	

## NOT VOTING—210.

Anderson	Free	McLaughlin, Pa.	Schall
Ansorge	Freeman	McPherson	Scott, Mich.
Arentz	Frothingham	McSwain	Sears
Bacharach	Fulmer	MacGregor	Shelton
Barkley	Funk	Maloney	Siegel
Beedy	Gallivan	Mann	Sisson
Begg	Garrett, Tenn.	Mapes	Slomp
Bell	Gensman	Martin	Smith, Mich.
Bland, Ind.	Gerner	Mead	Snell
Brand	Gilbert	Michaelson	Speaks
Britten	Goldsborough	Michener	Stafford
Brooks, Ill.	Gould	Miller	Stevenson
Brooks, Pa.	Graham, Pa.	Mills	Stiness
Browne, Wis.	Griest	Montague	Stoll
Burdick	Griffin	Montoya	Strong, Kans.
Burroughs	Hammer	Morin	Strong, Pa.
Burton	Hawes	Mott	Sullivan
Byrnes, S. C.	Henry	Mudd	Summers, Wash.
Byrns, Tenn.	Herriek	Nelson, Me.	Sweet
Cantrill	Hersey	Nelson, A. P.	Tague
Carter	Hooker	Nelson, J. M.	Taylor, Ark.
Chandler, Okla.	Hull	Nolan	Taylor, N. J.
Clark, Fla.	Humphreys	O'Brien	Temple
Classon	James	O'Connor	Ten Eyck
Cockran	Johnson, Ky.	Oldfield	Thompson
Codd	Johnson, S. Dak.	Olpp	Tincher
Cole, Iowa	Kahn	Overstreet	Tinkham
Cole, Ohio	Kelley, Mich.	Paige	Underhill
Collier	Kennedy	Parker, N. Y.	Upshaw
Connally, Tex.	Ketcham	Patterson, N. J.	Vare
Connell	Kless	Perkins	Vinson
Connolly, Pa.	Kirkpatrick	Perlman	Volk
Cooper, Ohio	Kitchin	Peterson	Walters
Copley	Kline, N. Y.	Porter	Ward, N. Y.
Cramton	Knight	Pou	Ward, N. C.
Crisp	Kreider	Pringle	Wason
Dallinger	Kunz	Radcliffe	Weaver
Deal	Langley	Rainey, Ala.	Webster
Dempsey	Larsen, Ga.	Rainey, Ill.	White, Kans.
Dickinson	Larson, Minn.	Raker	White, Me.
Dominick	Layton	Ransley	Williamson
Doughton	Lee, Ga.	Reber	Wilson
Drewry	Lee, N. Y.	Rhodes	Winslow
Dunbar	Lineberger	Riordan	Wise
Dunn	Linthicum	Robertson	Wood, Ind.
Dupré	Little	Rogers	Woodruff
Edmonds	Logan	Rosenbloom	Woods, Va.
Fenn	Longworth	Rossdale	Woodyard
Fess	Luce	Rouse	Wright
Fields	Luhrling	Rucker	Wurzbach
Fisher	Lyon	Sabath	Zihlman
Focht	McArthur	Sanders, Ind.	
Frear	McDuffie	Sanders, N. Y.	

So the conference report was agreed to.  
The Clerk announced the following pairs:  
On the vote:  
Mr. Free (for) with Mr. Martin (against).  
Mr. Knight (for) with Mr. Wilson (against).  
Mr. Burton (for) with Mr. Oldfield (against).  
Mr. Thompson (for) with Mr. Tague (against).  
Mr. Patterson of New Jersey (for) with Mr. Garrett of Tennessee (against).  
Mr. Kahn (for) with Mr. Cantrill (against).  
General pairs:  
Mr. Cooper of Ohio with Mr. Ward of North Carolina.  
Miss Robertson with Mr. Logan.  
Mr. Fess with Mr. O'Brien.  
Mr. Gerner with Mr. Lee of Georgia.  
Mr. Mann with Mr. Stoll.  
Mr. Luce with Mr. Mead.  
Mr. Edmonds with Mr. Barkley.  
Mr. Brooks of Pennsylvania with Mr. Fields.  
Mr. Langley with Mr. Clark of Florida.  
Mr. Henry with Mr. Upshaw.

Mr. Griest with Mr. McDuffie.  
Mr. Kiess with Mr. Deal.  
Mr. Frear with Mr. Connally of Texas.  
Mr. Kirkpatrick with Mr. Johnson of Kentucky.  
Mr. Longworth with Mr. Kitchin.  
Mr. Graham of Pennsylvania with Mr. Linthicum.  
Mr. Tincher with Mr. Byrns of Tennessee.  
Mr. Strong of Pennsylvania with Mr. Kunz.  
Mr. Snell with Mr. Drewry.  
Mr. A. P. Nelson with Mr. Doughton.  
Mr. Little with Mr. Humphreys.  
Mr. Burdick with Mr. Larsen of Georgia.  
Mr. Kennedy with Mr. Bell.  
Mr. Nolan with Mr. Byrnes of South Carolina.  
Mr. Paige with Mr. Sears.  
Mr. Burroughs with Mr. Cockran.  
Mr. Lineberger with Mr. Dominick.  
Mr. Porter with Mr. Rainey of Alabama.  
Mr. Schall with Mr. Pou.  
Mr. Maloney with Mr. Gallivan.  
Mr. Morin with Mr. Sullivan.  
Mr. Taylor of New Jersey with Mr. Crisp.  
Mr. Rhodes with Mr. Fulmer.  
Mr. Bland of Indiana with Mr. Collins.  
Mr. Cramton with Mr. Carter.  
Mr. Webster with Mr. Overstreet.  
Mr. Volk with Mr. Wise.  
Mr. Wood of Indiana with Mr. Sisson.  
Mr. Winslow with Mr. Riordan.  
Mr. Brooks of Illinois with Mr. O'Connor.  
Mr. Funk with Mr. Goldsborough.  
Mr. Wason with Mr. Taylor of Arkansas.  
Mr. Krieder with Mr. Vinson.  
Mr. McPherson with Mr. Montague.  
Mr. Perkins with Mr. McSwain.  
Mr. Dickinson with Mr. Woods of Virginia.  
Mr. Radcliffe with Mr. Griffin.  
Mr. Johnson of South Dakota with Mr. Rainey of Illinois.  
Mr. Bacharach with Mr. Hammer.  
Mr. Connolly of Pennsylvania with Mr. Fisher.  
Mr. Anderson with Mr. Brand.  
Mr. Mudd with Mr. Dupré.  
Mr. Wurzbach with Mr. Gilbert.  
Mr. Dallinger with Mr. Hawes.  
Mr. Cole of Ohio with Mr. Hooker.  
Mr. White of Maine with Mr. Raker.  
Mr. Stiness with Mr. Sabath.  
Mr. Siegel with Mr. Lyon.  
Mr. Begg with Mr. Rucker.  
Mr. Temple with Mr. Ten Eyck.  
Mr. Codd with Mr. Wright.  
The result of the vote was announced as above recorded.

## PENSION BILL.

Mr. KNUTSON. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 5214, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the Civil War, and widows of such soldiers and sailors.

The SPEAKER pro tempore. Is there objection?

Mr. CANNON. Mr. Speaker, I desire to move to reconsider the vote by which the judges bill was passed and to lay that motion on the table.

The motion was agreed to.

Mr. GARNER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Minnesota whether or not he has consulted with the minority members of the committee about sending this bill to conference?

Mr. KNUTSON. I will say to the gentleman that I spoke to the gentleman from Georgia [Mr. UPSHAW] possibly two weeks ago and told him that I hoped to get the bill to conference just as soon as the Senate had acted upon it, and he said that it was perfectly agreeable to him. I do not know whether the gentleman is in the city or not.

Mr. GARNER. Well, Mr. Speaker, the gentleman from Georgia [Mr. UPSHAW] could not have known what is in this bill because it was added to in the Senate, very materially changing the pension policy of the country. It is not a mere private pension bill, granting pensions to private individuals, but the Senate has broadened the scope of the pension laws of the country. I do not think a bill like that should go to conference.



by unanimous consent, but should be considered by the membership of the committee, and for the present I shall object.

Mr. KNUTSON. I think this is just merely an omnibus bill, I will say to the gentleman. I do not think there has been any legislation attached to it. It is nothing but an omnibus bill.

Mr. GARNER. May I ask the gentleman if he is certain that his statement is correct, that it is nothing but an omnibus pension bill and has no legislation in it? If he takes the responsibility of making that statement, I will not object, but my impression is, in looking over the proceedings of the Senate, that there is general legislation in the bill.

The SPEAKER pro tempore. Is there objection?

Mr. GARNER. For the present, Mr. Speaker, I object.

Mr. KNUTSON. I am informed by the parliamentary clerk, Mr. Speaker, that there are no amendments such as the gentleman suggests.

Mr. GARNER. Then I withdraw my objection.

Mr. RANKIN. Mr. Speaker, I was out of the Chamber when this matter was brought up. I would rather have the chairman of the committee withdraw the request for the present, until members of the committee have an opportunity to look over this bill. I am not one of the conferees.

Mr. KNUTSON. I will say to the gentleman this is about the last opportunity at the present session to dispose of the bill, and if it goes over now it will go over until next winter. It has been before one House or the other since last winter, and I think we ought to dispose of it. I will say to the gentleman that if the gentleman from Georgia [Mr. UPSHAW] is not here, of course it would be perfectly proper to substitute the name of the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, I am not asking to go on the conference committee.

Mr. KNUTSON. I make the suggestion in order to expedite this legislation. Otherwise it will go over until next winter, and there are some very meritorious cases here for which Members on both sides are anxious for consideration at this time.

The SPEAKER. Is there objection?

Mr. RANKIN. I shall not object.

There was no objection.

#### SURPLUS POWER, SALT RIVER RECLAMATION PROJECT.

Mr. HAYDEN. Mr. Speaker, I call up the conference report on the bill H. R. 10248.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10248) authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

[For conference report and statement see House proceedings of August 30, 1922.]

#### CADET FROM THE NETHERLANDS TO THE NAVAL ACADEMY.

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 169 and ask for its consideration.

The SPEAKER. The gentleman from Ohio calls up a Senate resolution. Has it been passed by the House?

Mr. STEPHENS. It has been passed by the House and passed by the Senate.

The SPEAKER. It is a Senate resolution similar to a bill that has already been passed by the House. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 169) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Willem van Doorn, a subject of the Netherlands.

*Resolved, etc.,* That the Secretary of the Navy be, and he hereby is, authorized to permit Mr. Willem van Doorn, a subject of the Netherlands, to receive instruction at the United States Naval Academy at Annapolis: *Provided*, That no expense shall be caused to the United States thereby, and that the said Willem van Doorn shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said Willem van Doorn shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board.

Mr. BLANTON. Mr. Speaker, reserving the right to object in order to ask a question, may I ask the gentleman how many countries are given this privilege by the United States Government?

Mr. STEPHENS. I can not answer the gentleman, but it is customary to give countries this privilege when they make ap-

plication, and they are granted the privilege of sending to our Naval Academy some one whom they desire.

Mr. BLANTON. The gentleman will remember that there was a measure before the House to increase the present membership in the Naval Academy, and the proposition was turned down. I was just wondering whether or not we were going to deprive our own American boys from entering the academy and then at the same time permit various countries to send boys there?

Mr. STEPHENS. Not at all. There was a disposition to reduce the Naval Academy numbers because we did not need so many of them for the future. But this is not an expense to our Government, and it does not take the place of any boys from our own country that need a place, and it is a courtesy that has always been extended.

Mr. BLANTON. Does the Netherlands grant a reciprocal privilege to the United States?

Mr. STEPHENS. I do not believe they do, because there is never any application from the United States to attend any of their naval or military academies in the Netherlands.

Mr. BLANTON. Will the gentleman advise us why this privilege should be granted by the United States to any country?

Mr. STEPHENS. I probably could if I had the time to go into a lengthy discussion of the custom that has been followed here in our country for years and years to grant this courtesy to different nations in order to give their representatives appointment in either our Naval Academy or our Military Academy.

Mr. BLANTON. The only reason for my taking up the time of the gentleman by asking this question is this, that when we are in war we seek to overcome our enemy by reason of having better trained soldiers and sailors. Now, if we are going to give every country the right to the same knowledge and training that our soldiers and sailors receive in this country, what is our hope of being able to outdo them in strategy or in any other way in war time?

Mr. STEPHENS. We are only going to give one representative.

Mr. BLANTON. But that representative can go home and tell his country every single item that is connected with the training that our naval officers receive in this country.

Mr. STEPHENS. They can get that anyhow. That is not a secret. It is open to all countries, the whole public, as to the character of the instruction they receive at the Naval Academy. There is nothing secret about that.

Mr. BUTLER. Anybody can get that.

Mr. BLANTON. I doubt very seriously the wisdom of it.

The SPEAKER. The question is on the third reading of the Senate resolution.

The resolution was ordered to a third reading; and having been read the third time, was passed.

On motion of Mr. STEPHENS, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

#### EXTENSION OF ALLOTMENTS ON CROW RESERVATION, ETC.

Mr. SNYDER. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 10193 and concur in the Senate amendments.

The SPEAKER. The gentleman from New York calls from the Speaker's table and asks to concur in the Senate amendments, a bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10193) extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments, and for other purposes.

The SPEAKER pro tempore (Mr. TILSON). The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, may I ask the gentleman from New York if any objection has been made to the amendments?

Mr. SNYDER. No. I have conferred with members of the committee on the other side and there is no objection. These amendments simply clarify the language in the House bill.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

On motion of Mr. SNYDER, a motion to reconsider the vote whereby the Senate amendments were agreed to was laid on the table.

Mr. FISH rose.



## NATIONAL HOME FOR JEWISH PEOPLE IN PALESTINE.

The SPEAKER pro tempore. For what purpose does the gentleman from New York rise?

Mr. FISH. I desire to call up from the Speaker's desk House Joint Resolution 322.

The SPEAKER pro tempore. The gentleman from New York calls up from the Speaker's table House Joint Resolution 322, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 322) favoring the establishment in Palestine of a national home for the Jewish people.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Senate amendment was read.

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, may I ask the gentleman to explain the change that has been made in this resolution by the Senate?

Mr. FISH. Mr. Speaker, I understand that the Senate amendment simply struck out the preamble—not all after the preamble.

The SPEAKER pro tempore. All of the preamble.

Mr. MOORE of Virginia. Then the resolution remains exactly the same as when passed by the House?

Mr. FISH. Yes; except the preamble.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

## ADDITIONAL FEDERAL JUDGES.

Mr. VOLSTEAD. Mr. Speaker, I move to lay on the table Senate bill 1288, for the purpose of clearing the calendar. I have a number of them that I would like to lay on the table, because they are embodied in the general bill which has just been passed.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 1288) to provide for the appointment of two additional judges of the District Court of the United States for the Southern District of New York.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Minnesota.

The motion was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I also move to lay on the table the bill S. 2089.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

A bill (S. 2089) authorizing the appointment of an additional judge for the district of Minnesota.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Minnesota.

The motion was agreed to.

Mr. VOLSTEAD. I also move to lay on the table Senate bill 1254.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

A bill (S. 1254) providing for the appointment of an additional district judge in and for the eastern district of Michigan.

The SPEAKER pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Mr. VOLSTEAD. I also move to lay on the table the bill H. R. 2261.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 2261) providing for an additional judge for the district of Montana.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Minnesota.

The motion was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I also move to lay on the table the bill S. 395.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

A bill (S. 395) providing for an additional judge for the district of Arizona.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Minnesota to lay the bill on the table.

The motion was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I also move to lay on the table the bill H. R. 6648.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 6648) authorizing the appointment of an additional judge for the district of Minnesota.

The SPEAKER pro tempore. The gentleman from Minnesota moves that the bill lie on the table. The question is on agreeing to that motion.

The motion was agreed to.

## SUBPENAS FOR WITNESSES.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3917 in lieu of the bill H. R. 12355, reported by the Committee on the Judiciary of the House, being a similar bill.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

A bill (S. 3917) to amend section 876 of the Revised Statutes.

*Be it enacted, etc.* That section 876 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"Sec. 876. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district: *Provided*, That in civil cases no writ of subpoena shall issue for witnesses living out of the district in which the court is held at a greater distance than 100 miles from the place of holding the same without the permission of the court being first had upon proper application and cause shown."

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, am I correct in understanding that this bill, if the House proceeds with its consideration, will be open for amendment?

Mr. VOLSTEAD. This is open for amendment.

Mr. MOORE of Virginia. There is at least one important amendment that ought to be adopted. With that understanding, I shall not object.

Mr. VOLSTEAD. I think we have the right under the rule to bring it up, anyhow.

Mr. Speaker, the only change that is made in this bill from the present law is found in the last two or three lines, with respect to permission to bring a witness more than 100 miles, provided the court gives consent. Heretofore you could only get them across the district line if the district was within 100 miles of the trial court. This bill gives discretion to the trial court to determine whether he shall be brought or not. It is not an arbitrary power given, but it is to be controlled by the court.

Mr. LONDON. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. LONDON. I assume that the permission can be granted by the court, on an ex parte examination, to the party desiring it?

Mr. VOLSTEAD. That may be true on proper application on cause shown. Of course, that would be within the discretion of the judge, if he would require the witness. It naturally would have to be granted on notice to the opposite party, I presume. There are two parties to the suit—that is, if the defendant has appeared.

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman allow me?

Mr. VOLSTEAD. Yes.

Mr. PARKER of New Jersey. The danger of this kind of legislation, as I understand it, is that some court trying a case, I do not care where, may make an order holding that some prominent man in New York is a material witness, and that he should be brought from New York to some distant State. I will not name any State. There is a great deal of prejudice against the power to take a man out of his State an unconscionable distance to be kept until the trial is over. This is not being done by unanimous consent, is it?

Mr. VOLSTEAD. No.

Mr. PARKER of New Jersey. I think this is a dangerous bill in its present form. There ought to be consent of the court in the jurisdiction from which the man is to be taken as well as of the court in the jurisdiction to which he is to be taken.

Mr. VOLSTEAD. This is asked for by the Attorney General for the purpose of enabling him to try these war-fraud cases.

Mr. PARKER of New Jersey. It will be used in ordinary small civil cases. It is one of the most dangerous powers in the world to allow a judge who wants to make a reputation to summon all the big bankers of New York to attend his court.

Mr. VOLSTEAD. The gentleman is afraid for New York, is he?

Mr. PARKER of New Jersey. No; I do not come from New York. I will take it from the gentleman's own State. Suppose all your big millers were ordered to come to some other State.

Mr. LONDON. Why not confine it to actions where the Government is the plaintiff? That would do what you desire.



It would give the power to the Attorney General in the cases that he wishes to apply it in. If we confine this extraordinary right to cases where the Government is a plaintiff, that will satisfy the Attorney General.

Mr. YOUNG. To cases where the Government is a party, either plaintiff or defendant.

Mr. LONDON. Where the Government is a party.

Mr. PARKER of New Jersey. Did not the gentleman from Minnesota ask unanimous consent to substitute the Senate bill?

The SPEAKER pro tempore [Mr. TILSON]. The gentleman from Minnesota called up the bill for consideration.

Mr. PARKER of New Jersey. I object.

Mr. VOLSTEAD. The gentleman can not object.

The SPEAKER pro tempore. The gentleman from Minnesota called up the bill as a matter of right.

Mr. PARKER of New Jersey. The gentleman had on the calendar his own bill. He moved to substitute the Senate bill for it. That has to be done by unanimous consent.

Mr. VOLSTEAD. I called up the Senate bill because it is substantially the same as the House bill that has been reported and is on the House Calendar.

Mr. PARKER of New Jersey. But that can not be done except by unanimous consent, and I object.

The SPEAKER pro tempore. The rule is clear that bills of similar substance may be considered in this way. The Chair overrules the point of order.

Mr. PARKER of New Jersey. Is there no difference in the bills?

Mr. VOLSTEAD. No; except that the word "trial" is stricken out; but it must be the trial court anyway. I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, this bill embodies part of the provisions that were in the motion of the gentleman from Minnesota [Mr. VOLSTEAD] the other day, to suspend the rules and pass a bill which he made up by adding together parts of two bills, as I recall.

Mr. VOLSTEAD. All of two bills.

Mr. WINGO. Two bills. I objected to that procedure at that time because I thought a serious matter like this ought not to be passed by suspension of the rules, but that it ought to be passed only after full consideration and with the right of the House to amend the bill.

Here is what the gentleman from Minnesota [Mr. VOLSTEAD] wants to do. He wants to give the Attorney General the right in the war-fraud cases to subpoena witnesses and bring them to Washington, although they may be more than 100 miles away. Of course, I do not think this bill is going to do that without the amendment which the gentleman from Virginia [Mr. MOORE] will suggest or offer. I think he has got to amend his bill by referring specifically to the courts of the District of Columbia; but, anyway, that is what he was trying to do. Now, it not only does that for this extraordinary purpose, but it makes it permanent law, and I do not think it ought to be made into permanent law. But we all hate to be put into the attitude of doing anything that will stand in the way of the Attorney General prosecuting these war-fraud cases. My candid judgment is that what the House ought to do is to give the Government the special right for 12 months, in these civil cases, to subpoena witnesses, upon the approval of the court, where the distance is more than 100 miles, and to bring the suits here in the District of Columbia, as the gentleman seeks to do in the other bill. That would give the Attorney General this extraordinary remedy in order to meet this extraordinary situation. But the gentleman does not do that. Let me say a word to my Democratic friends. We all appreciate the danger of this, just as I do, but we are up against this proposition, that from the standpoint of the Government we do not want to put one stone in the way of the Attorney General in prosecuting these war-fraud cases. He has made first one excuse and then another for not doing it now for nearly two years. You remember in the last campaign, two years ago at this time, gentlemen upon the Republican side went upon the stump and led the voters to believe, "If you will just put us in power and give us charge of the Department of Justice, we will have these war-fraud criminals in Federal jails so thick that their feet will be hanging out of the windows." Time has passed on, and where are they? Name the men that they have put in prison. They have offered first one excuse and then another.

Finally, Republicans upon that side, patriotic men, got after their own Department of Justice some months ago and threatened impeachment, and then Mr. Attorney General got busy, and he said, "Oh, yes; just give me an extraordinarily big fund. Let me employ a whole lot of lawyers and I will get busy." The House said, "All right; we will let you do that." So he stuck upon the pay rolls a bunch of high-priced lawyers.

Then next he said, "Give me a special grand jury and I will carry out the pledge we made." We gave him the special grand jury, and now here in the closing hours of this session, just before the campaign, he comes along and says that the United States Government can not afford to use the ordinary processes, even in these civil cases of war frauds, but that the United States Government is so discredited in the outlying districts of the United States that he proposes to bring the suits in the District of Columbia, and that you must give him the right to bring witnesses from any part of the Nation. That is what is proposed by this bill. Then going further, he says, "We desire not to bring suits in any other district in the United States, but we want the right to join two or more citizens of the United States in a civil war-fraud action, and not to bring the suit in the domicile of either one of them, not to bring it where you may find them, but to bring it where the cause of action may have arisen on the war contract, in the District of Columbia." That is what the Attorney General of the United States now says. That is his last excuse. I think it is extraordinary. I have told representative Republicans, "If you will limit this to 12 months or even to 3 years, I will be willing to stand out of the way." I am going to stand out of the way. I do not want any excuse for this Attorney General. Give him what he now asks. For two years he has played ping-pong with this matter. It is a disgrace to you as well as to us. I know the humiliation of good Republicans. You have got to give him this extraordinary remedy; but let us hope that when we give it to him he will do more than he has done so far. [Applause.]

Mr. LONDON. Mr. Speaker, I offer an amendment.

Mr. VOLSTEAD. I do not yield for that purpose. What is the amendment?

Mr. LONDON. I want to offer an amendment to include after the words "civil cases" the words "in which the Government or any officer thereof is a party."

Mr. VOLSTEAD. That would limit it beyond the present law and as to anybody else.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield to me a few minutes?

Mr. VOLSTEAD. Yes. Will five minutes be sufficient?

Mr. MOORE of Virginia. Yes.

Mr. VOLSTEAD. I yield to the gentleman from Virginia five minutes.

Mr. MOORE of Virginia. Mr. Speaker, I am not antagonizing this legislation. I suppose if the Attorney General believes he needs additional power in order to carry on this business of his office, we ought to give it to him. I do agree, however, with the gentleman from Arkansas [Mr. WINGO] that it would be very unwise to pass the bill without attaching a time limit to its operation. I think, furthermore, that it would perhaps be proper to amend the bill so as to vest in the courts discretion as to the allowance of compensation to witnesses from a very great distance. But there is a further matter to be considered. The hearings on the bill have not been printed, but I have read the typewritten report of the hearings, and the confessed general purpose of the bill is to locate proceedings in the District of Columbia. I think it is fairly clear from the provisions of existing statute that to pass the bill in its present form would not serve that purpose. The bill should be amended, and a very simple amendment will accomplish what I have in mind, so as to make it relate specifically to the District of Columbia. It is true the bill refers to "districts." That means judicial districts, and while the District of Columbia is a geographical district it is not a judicial district within the meaning of the Judicial Code. In order to clear up any doubt and surely effect the purpose in view, I am going to suggest to the gentleman that this language be added as an independent sentence at the end of the bill:

The word "district" and the words "district court" as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia.

If that is done, no doubt will exist. If that is not done, the provision will be left open to construction upon the question being raised by counsel in the cases that will be brought here.

Mr. VOLSTEAD. Will the gentleman hand his amendment to me?

Mr. MOORE of Virginia. I offer the amendment, Mr. Speaker.

Mr. VOLSTEAD. If the gentleman will give the amendment to me, I will offer it. I do not want to yield the floor.

Mr. MOORE of Virginia. I will hand the amendment to the gentleman.

Mr. VOLSTEAD. Mr. Speaker, I offer the amendment.

The SPEAKER. The gentleman from Minnesota offers an amendment, which the Clerk will report.



The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 1, line 12, after the word "shown" and the period insert a comma and the following sentence: "The word 'district' and the words 'District of Columbia' as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

Mr. JONES of Texas. Mr. Speaker I understood when the bill was first brought up the gentleman from Minnesota made the statement that the bill would be open to amendment.

Mr. VOLSTEAD. It is, just the same as any House bill is open to amendment.

Mr. JONES of Texas. Does not the gentleman think it would be well to put a time limit of three years on this, so that it will not be enacted into permanent law? After the war-fraud cases are disposed of it will be a serious matter to require witnesses to cross the continent in general civil cases. I do not see any provision made for payment to witnesses outside of the usual fees. Are they to pay anything for the extra travel of a witness coming from San Francisco?

Mr. VOLSTEAD. Oh, they have got to be paid their fees; you have to tender them the money.

Mr. JONES of Texas. You do not have to tender them mileage in advance; you do have to tender them the fees for attendance, but you are not compelled to tender them the mileage. Unless they make affidavit of their inability to pay they can not collect the mileage in advance. I think the gentleman should consent to this being limited to a three-year term. I understand the Department of Justice does not object to a time limit. I would like to see them begin on these fraud cases and prosecute them to the limit. It may be that such a limitation will cause them to begin sooner, and the sooner the better.

Mr. VOLSTEAD. What form of an amendment does the gentleman suggest? It does not seem to me that this proposition is at all dangerous, and I see no reason why we should cover it up with any such amendment.

Mr. JONES of Texas. Let me make this suggestion. After this has run along a while and it becomes a customary thing to take a witness across the country and application is made to have a witness brought from a certain place, the witness will not be there to show why he can not attend. The attorney that represents the litigant will go to the court and show that it is an important case and that here is a witness in Montana, or California, or Wyoming, or Colorado, and they would like to have him in attendance. They present one side of the case and the court makes the order and the witness is dragged clear across the continent. I am in accord with the stated purposes of the gentleman's bill, but I do think there ought to be this time limit.

Mr. VOLSTEAD. I have not heard any complaint in regard to these things.

Mr. JONES of Texas. The gentleman has heard complaints of witnesses being dragged great distances and forced to leave their business and attend court, and at any rate if he makes a permanent law, applying to all civil cases, he will hear many complaints.

Mr. HILL. Will the gentleman yield?

Mr. VOLSTEAD. Certainly.

Mr. HILL. Suppose there is an ordinary patent litigation in the district of Maryland, if this act is passed could a witness be summoned from any district in the country?

Mr. VOLSTEAD. I presume so.

Mr. BLANTON. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. BLANTON. Suppose a citizen of Minnesota was summoned to attend a Federal court to be held in El Paso, Tex., and he did not obey the subpoena. Suppose he was under a contempt charge and punished as seriously as a Federal judge can punish a witness who refuses to obey a summons. Does the gentleman from Minnesota want his constituents to be punished down in El Paso, Tex., for refusing to obey a civil subpoena?

Mr. VOLSTEAD. Oh, you can apply that to a person inside the district. You do not want him punished any more than you do a man outside. If the man has not got the money to go to Texas, he could show that and probably he could get out of it. The same argument applies to every summons, it makes no difference whether it is one district or another or the distance traveled. Mr. Speaker, I move the previous question.

The previous question was ordered.

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

Mr. BLANTON. Mr. Speaker, I move to recommit the bill to the Committee on the Judiciary.

Mr. JONES of Texas. Mr. Speaker, I offer an amendment to the motion to recommit. I move to amend the motion by recommitting it to the Committee on the Judiciary with instructions to report the same back forthwith with the following amendment: At the end of the second section insert the following:

This amendment shall be effective for a period of three years after the date of the passage of this bill, after which time section 876 of the existing law shall be and remain in full force and effect.

The SPEAKER. The Clerk will report the amendment.

Mr. JONES of Texas. I have not the amendment reduced to writing, but will do so immediately.

Mr. WINGO. Will the gentleman from Minnesota yield while the gentleman from Texas is reducing his amendment to writing?

Mr. VOLSTEAD. Yes.

Mr. WINGO. As I understand the gentleman's motion to recommit and the amendment he has offered, it is simply that this extraordinary right shall exist for a period of three years, at the expiration of which time the present existing law shall be revived and be in full force and effect?

Mr. VOLSTEAD. Yes; and I have no objection to it. I do not think it is necessary, but I have no objection.

Mr. WINGO. And the gentleman will accept the amendment?

Mr. VOLSTEAD. I will accept it.

Mr. WINGO. Will the gentleman yield for another question?

Mr. VOLSTEAD. Yes.

Mr. WINGO. This is one of the bills which the gentleman embodied in his motion to suspend the rules the other day. The other bill is S. 3918, that passed the Senate on Saturday. Is it the gentleman's intention to call that up to-morrow?

Mr. VOLSTEAD. I intend to call it up immediately.

Mr. WINGO. But it has just been reported.

Mr. VOLSTEAD. It is on the Speaker's table.

Mr. WINGO. I doubt if the gentleman can call it up to-day, but I may be in error about that.

The SPEAKER. The Clerk will report the amendment to the motion to recommit offered by the gentleman from Texas, Mr. JONES.

The Clerk read as follows:

Mr. JONES of Texas moves to recommit by inserting that the bill be recommitment to the Committee on the Judiciary, with instructions to report the same back forthwith, with the following amendment: "This amendment shall be effective for a period of three years after the date of the passage of this act, after which section 876 as it exists in the present law shall be and remain in full force and effect."

Mr. VOLSTEAD. On that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the amendment to the motion to recommit.

The amendment to the motion to recommit was agreed to.

The SPEAKER. The question is on the motion to recommit as amended.

The motion to recommit as amended was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I report the bill back with the amendment.

The SPEAKER. The Clerk will report the bill as amended.

The Clerk read the bill as amended.

Mr. HILL. Mr. Speaker, as reported is it in order to offer an amendment to this bill?

The SPEAKER. It is unless the previous question is moved.

Mr. HILL. I therefore offer the following amendment—

Mr. VOLSTEAD. Mr. Speaker, I move the previous question.

Mr. HILL. Add to the last line—

The SPEAKER. Of course the gentleman from Minnesota is entitled to prior recognition if he demands it.

Mr. HILL. I thought I was recognized.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the bill.

The SPEAKER. The Chair must always recognize the gentleman in charge of a bill if he desires it. The gentleman from Minnesota talked so low the Chair could not understand just exactly what he said.

Mr. HILL. I would like to ask the gentleman in charge of the bill if he would object to an amendment limiting it to these war-fraud cases.

Mr. VOLSTEAD. I shall object because it is impossible to distinguish between classes of cases and other cases. I move the previous question on the bill and amendment to final passage.

The previous question was ordered.



The question was taken, and the bill as amended was passed. On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, a similar House bill will lie upon the table.

There was no objection.

#### RETIREMENT OF GOVERNMENT EMPLOYEES.

Mr. FAIRFIELD. Mr. Speaker, I desire to call up the bill H. R. 11212 and ask that it be sent to conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 11212, to disagree to Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11212) 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.

The SPEAKER. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, has the gentleman consulted with the ranking member on the committee?

Mr. FAIRFIELD. I have.

Mr. WINGO. And this meets the joint wishes?

Mr. FAIRFIELD. It is the joint wish that it shall be sent to conference.

Mr. MOORE of Virginia. Mr. Speaker, still further reserving the right to object, will the gentleman state briefly what are the points of difference between the Senate and House?

Mr. FAIRFIELD. The House fixed the age at 60. The Senate fixed the age at 55 as the age at which the employee might be able to have the benefit of compensation under the retirement act.

Mr. MOORE of Virginia. As I recollect, that was the main question of the subject of debate in the House when the bill was up here.

Mr. FAIRFIELD. The bill as originally introduced contained the age of 50. The committee amended it and raised it to 60. The Senate has put the age at 55. That is the only material amendment to the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk announced the following conferees: Mr. LEHLBACH, Mr. FAIRFIELD, and Mr. BLACK.

#### VENUE IN CASES OF THE GOVERNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move to take from the Speaker's table the bill (S. 3918), the Committee on the Judiciary having reported a bill substantially the same which is now on the calendar.

The SPEAKER. The gentleman from Minnesota calls up the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 3918) to amend section 51 of chapter 4 of the Judicial Code.

Mr. WINGO. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. WINGO. I may be in error, but I understood the gentleman from Minnesota to say the bill was "substantially" the same. There is a "substantial" difference in the bills, and I am going to raise the question and state to the Speaker there is a very substantial point of difference, and if I am in error I desire the gentleman from Minnesota to correct me. In the House bill authority is given for joining the parties bringing suit in any district where the defendant or any one of the defendants may be found. That is not in the Senate bill. That is the most substantial change that is made in the law.

One of the substantial objections to the bill the Senate cut out. Now, would the Speaker hold that a Senate bill which changed in some other minor ways a law would be substantially the same as a House bill?

The SPEAKER. The gentleman from Minnesota stated they were practically the same.

Mr. WINGO. As I say, I challenge the accuracy of the judgment of the chairman. Page 2, lines 14 and 15, these are the words that are stricken out in the Senate, as I understand—or in any district wherein the defendants or any one of the defendants may be found.

And the Senate inserted this language—

being a necessary party, or being jointly, or jointly and severally, liable.

But I do not know that the latter language would make any difference. But the substantial major change that was proposed in the law, or one of them, was left out of the Senate bill.

Mr. VOLSTEAD. The entire proviso, from line 7, on page 1, down to the end is the same in the two bills. And the only change occurs in lines 13, 14, and 15. It is one of the provisions as to the place where a suit may be brought. Now, it seems to me clear that the entire purpose of this legislation is the same in both bills. Now, some years ago—quite a number of years ago—a bill was brought in for the purpose of limiting immigration, and in the Senate bill, which was put upon the Speaker's desk and was taken from the desk and considered, there were quite a number of changes; changes, it seems to me, that were very much more material than this change would be. I think it is referred to in fourth Hinds, and the Speaker can refer to it. There are quite a number of minor changes of this kind. There are three or four different provisions here as to where a suit may be brought, and we have simply stricken out one. And the object of the Speaker at that time was to advise the House as to things that would likely be brought up. Our bill advises as to all of it, every item, including the thing that was stricken out, because we put upon the calendar a bill in exactly the same form as the Senate bill, with the exception of these changes.

Mr. WINGO. Will the gentleman yield for a question? And I would like to ask the Speaker to follow me. Under the existing law it is covered by the part before the proviso:

No civil suit shall be brought in any district court against any person by any original process or proceeding in any other district than that whereof he is an inhabitant.

Now, the House bill proposed several substantial changes. One of them was that you might bring it where any one of the defendants might be found, or wherein the cause of action, or any part thereof, arose. In other words, that part of it with reference to being an inhabitant is now in existing law. The substantial change is to bring the suit wherever he may be found or where the action arises.

Mr. VOLSTEAD. In any district where one or more of the defendants may be found. Under the old law you can only bring it where he is an inhabitant.

Mr. WINGO. The House bill permits you to bring a suit where you may find either one of the several defendants that are joined, and it makes a substantial difference and leaves in the words—

any district wherein the cause of action or any part thereof arose—whether they are inhabitants there or have been in that district.

Mr. VOLSTEAD. That is in both bills.

Mr. WINGO. In the Senate bill the Senate cuts out—or in any district where the defendant or any one of the defendants may be found.

If you will examine at the desk you will find the Senate adopted the amendment of its committee. Is not that true?

Mr. VOLSTEAD. Yes.

Mr. WINGO. The amendment of the committee, on page 2, line 14, strikes out the words—

or in any district wherein the defendant or any one of the defendants may be found.

The Senate cut that out, but the House bill has it in. In the minds of some people it is the one substantial change.

Mr. VOLSTEAD. The only change that is in this bill is this, that you can bring the suit against two or more persons living in different districts. That is the real substantial change made in this bill. The Senate has only cut out a part of what our House bill provides for. We are asking to the extent at least that we have reported it.

Mr. WINGO. My contention is that that is a substantial point.

Mr. VOLSTEAD. And we ought to be permitted to take up the Senate bill and pass it, because it seems to me it is substantially the same thing.

The SPEAKER. The Chair understands that the gentleman from Minnesota [Mr. VOLSTEAD] moves to pass the Senate bill as it stands?

Mr. VOLSTEAD. Yes.

The SPEAKER. It seems to the Chair that that is in order. Speaker Reed stated that the purpose of the rule that they should be substantially the same, was in order that the House might not be taken by surprise; that a bill shall not be brought in under the guise of being the same and yet have matter in it which the House would have no reason to expect. In this case it seems to the Chair that the Senate amendment restricts instead of enlarging the operation of the bill.

Mr. WINGO. There is no doubt about that.

The SPEAKER. Therefore anybody who objected to the House bill would object less to the Senate bill. A person might oppose the House bill and support the Senate bill, but a person



could hardly oppose the Senate bill without opposing more earnestly the House bill. There can therefore be no surprise, because the Senate bill does not accomplish as much as the House bill does. It seems to the Chair that it comes within the rule that it is substantially the same.

Mr. WINGO. I never did appreciate that decision of Speaker Reed, to the effect that a party to a suit should not offer a demurrer because he was not surprised by the allegation of the complaint.

I ask for the bill to be reported in full, because it is not printed.

Mr. MOORE of Virginia. Mr. Speaker, for the sake of accuracy, the gentleman from Minnesota referred to this bill, when he called it up, as S. 3917. Should it not be S. 3918?

Mr. VOLSTEAD. Yes.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 3918) to amend section 51 of chapter 4 of the Judicial Code.

*Be it enacted, etc.,* That section 51 of chapter 4 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be amended so as to read as follows:

"SEC. 51. Except as provided in the five succeeding sections, no person shall be arrested in one district for trial in another in any civil action before a district court; and, except as provided in the six succeeding sections, no civil suit shall be brought in any district court against any person by any original process or proceeding in any other district than that whereof he is an inhabitant; but where the jurisdiction is founded only on the fact that the action is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant: *Provided, however,* That any civil suit, action, or proceeding brought by or on behalf of the United States, or by or on behalf of any officer of the United States authorized by law to sue, may be brought in any district whereof the defendant is an inhabitant, or where there be more than one defendant in any district whereof any one of the defendants is an inhabitant, or in any district wherein the defendant or any one of the defendants may be found, or in any district wherein the cause of action or any part thereof arose; and in any such suit, action, or proceeding process, summons, or subpoena against any defendant issued from the district court of the district wherein such suit is brought shall run in any other district, and service thereof upon any defendant may be made in any district within the United States or the territorial or insular possessions thereof in which any such defendant may be found with the same force and effect as if the same had been served within the district in which said suit, action, or proceeding is brought."

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. Wingo].

Mr. WINGO. Mr. Speaker, this is the companion bill I referred to in the consideration of the other bill. Now, here is what the House understands you are proposing to do. Up to 1885, I believe it was, you permitted, I think, this kind of a proceeding by either the Government or by individual citizens. It was so abused, especially by citizens, that Congress changed the law.

Now, here is what is proposed by this bill: That the Government of the United States may join two or more citizens who live in different districts in the United States in these civil actions, these war-fraud cases, for that is what it is. You by this bill authorize the Government to bring the suit, not necessarily in the district where one or both of the defendants reside or of which they may be inhabitants, not necessarily where you may find one of the defendants, but you may bring the suit in a district where the cause of action arose. That means in these war-fraud cases that the Government intends to make this litigation take place right here, under the control of the Federal Government and under the eye of the Federal Government, in a territorial jurisdiction that is strange to the citizens who will be haled into that court, and the Government, under the bill you have just passed, will have the power to bring witnesses from Maine to California, from Florida to Oregon, and keep those citizens here in the District of Columbia.

What is the necessity for that extraordinary change in the law—a permanent change? The only plea that was offered was that in these war-fraud cases the Attorney General finds himself helpless, confessing that this Government had sunk to such a low estate that it dare not sue a citizen of Philadelphia in the State of Pennsylvania; that it dare not sue a citizen of Tennessee in the city of Nashville; that it dare not sue a citizen of San Francisco in the courts of California; but the Government of the United States can trust itself only in its own courts here. Nowhere on earth can it trust itself except within the shadow of the Capitol dome and aided by the prestige and the power and the influence that go with the seat of government. That is what you propose.

You Republicans may do as you may. We Democrats do not care to be put in the attitude of standing in the way of these war-fraud cases, but I regret that you feel the necessity, and I suggest that this be limited to one or two or three years and that it be provided for the Government's use alone in these war-fraud cases. I accept the conditions, that the Attorney General says the only way that he can do anything is in this way. I agree to give him that temporary power, although it is vio-

lative of the very spirit of our institutions. He has had one excuse after another for two years past. Now his last excuse is this. You have given him hundreds of thousands of dollars. You have given him a barn full of lawyers. He has raked and scraped the highways of the country, and you have given him a special grand jury; and now, forsooth, he says you have got to give him a special jurisdiction, in which none of the defendants reside. If that is the only way for the Attorney General to commence action, much as I regret it, we will have to stand for it, but I hope you gentlemen will limit it to a specific period of years. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield to the gentleman from Texas [Mr. Jones].

Mr. JONES of Texas. Mr. Speaker, I understand the gentleman from Minnesota [Mr. Volstead] will offer an amendment limiting the time.

Another limitation, it seems to me, should be adopted, and I have drafted it in the form of an amendment, and I would like for the gentleman from Minnesota to give consideration to it. That is to provide at the end of the bill, "*Provided further,* That the provisions of this act shall not apply to income-tax levies, suits, and assessments." As the bill is drafted, the Government in an income-tax matter might force a man to cross the continent to defend a tax claim, thus entailing great expense and hardship upon him.

For instance, just to give a personal illustration, I have a cattleman living in my home town who sometimes ships his cattle to Kansas for fattening just before finally shipping them to market. He has other men to work for him there, and he finds he can get better work from them by paying them a percentage of the profit on the cattle rather than specific wages.

They are simply employed by him in Kansas. When they rendered income-tax reports the Government took the attitude that these men were all partners of this man, and it threatened to file proceedings at that time. Of course, if this bill passes, they would probably in such a case file suit in Kansas, where these men were working, whereas the real party at interest would live in Texas, and would be forced to go up in Kansas to defend the suit.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. HILL. Does the gentleman think it would be proper to add to this bill a provision to the effect that it will apply only to war-fraud cases?

Mr. JONES of Texas. I thought of offering an amendment to that effect, but the department has suggested that that would raise another question of fact requiring proof on the part of the Government and would make it very difficult. That a man prosecuting the case would not only have to prove the facts ordinarily necessary to sustain his contention but would also have to prove that it was a war-fraud case, which would be a difficult thing to do. I do not want to do anything to interfere with the prosecution of war-fraud cases. On the contrary, I want them prosecuted most vigorously. Now, I think the only other cases that the United States is likely to be interested in to a very great extent, or very extensively, are income-tax cases. Then, by saying that it will not apply to them, it will not put the burden of proof on the Government to show that it was a war-fraud case. In this particular case that I speak of, an income-tax matter, there were two men in the State of Kansas working on a commission or percentage basis. They did not share in the losses. If there were any losses, he paid the losses, and he rendered a return as an individual. When it came to reviewing the income-tax claims the Government levied an additional assessment, because they claimed he was a partner with these other men. The thing ran along for about three years and finally they held that they were not partners; but if they had held that they were partners, and this act had been in force, unamended, as I have suggested here, they could sue the man in Kansas and make him go all the way to Kansas to defend the suit. I do not think that is right. I simply wish that this shall not apply to income tax levies and assessments. This would leave the full machinery of the law as at present provided for handling income-tax matters.

Mr. GOODYKOONTZ. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. GOODYKOONTZ. In the case of the Government proceeding to collect income taxes it does so in the form of an assessment, and the process for the collection of it is placed in the hands of the marshal. The Government does not bring the suit. If the person taxed wishes to relieve himself he must invoke the law, and this statute would have no application.

Mr. JONES of Texas. Oh, no; when it comes to the final analysis, if the man refuses to pay, it practically means a suit on the part of the United States Government or on the part of



the officer. The proposed statute applies not only to an action brought by the United States, but by or on behalf of any officer in any civil suit, action, or proceeding. It is not confined to any suit. It applies to "any civil suit, action, or proceeding," and even the instance the gentleman recites would be a proceeding or an action if brought by the United States or by or on behalf of any officer of the United States. It is just as broad as the earth. I think it ought to be made broad if we are going to pass this law, in order to give the Attorney General full power, and I simply went into this by the back way so as to relieve the man of the burden of proof. In other words, I want to eliminate these tax levies and assessments from the operation and purview of the bill, thus leaving the present law intact in that regard.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. BLANTON. In the case the gentleman cited it all hinged on the question of whether the parties were partners?

Mr. JONES of Texas. Yes.

Mr. BLANTON. That was decided under the law of Kansas or Texas, was it not?

Mr. JONES of Texas. Yes.

Mr. BLANTON. In neither of those States would the parties be partners under those facts; but the gentleman realizes that in some States there are individuals who are so powerful politically and otherwise that it is hard to get a judgment against them. Now, under such a state of facts as that does not the gentleman think it would be proper for the Government to bring even income-tax suits against individuals?

Mr. JONES of Texas. Most assuredly; if a man owes a tax which he is able to pay and refuses the Government should make him pay, but I think the present law gives the Government the full power to do it in any place where it is interested. I simply do not want them to have the privilege of running all over the country and taking these men away from their homes.

Mr. HILL. I should like to ask the gentleman in charge of the bill if this bill affects any suit except suits in which the Government is a party?

Mr. VOLSTEAD. The Government has got to be a party in one form or another, either as a corporation directly or through an officer who brings a suit on behalf of the Government.

Mr. HILL. It would not affect any cases between private litigants?

Mr. VOLSTEAD. No.

Mr. BLACK. Will the gentleman yield for a question?

Mr. VOLSTEAD. Yes.

Mr. BLACK. Are there any cases now under the general law where the Government can bring a suit at the place where the cause of action arose if that place is not the residence of some one of the defendants?

Mr. VOLSTEAD. I have not examined those statutes lately, but under the law in reference to trusts and monopolies you can bring suits just about the same as they are authorized in this bill. The Government has been doing that for many years.

Mr. BLACK. But that jurisdiction is conferred specifically, is it not—in specific language?

Mr. VOLSTEAD. No; it is a general statute.

Mr. BLACK. This general statute, as I understand it, would open up the way for the Government to bring any kind of a suit upon the allegation that the cause of action in the suit arose in the jurisdiction where the Government was seeking to bring the action.

Mr. VOLSTEAD. In a criminal suit now the Government has jurisdiction to bring the action where the offense was committed, and under the trust law and under the railroad law you can bring suits in this fashion.

Mr. BLACK. Very well. Speaking of criminal cases, where the indictment alleges that the man has violated the antilobby law the Government has the choice of several jurisdictions in which to prosecute him, one where he mailed the letter and another where the letter was delivered, but that is set up specifically in the law.

Mr. VOLSTEAD. Under the conspiracy law you may be able to reach him in a good many different places.

Mr. BLACK. That is probably correct; but it occurs to me that you are going a very long distance when you open up an avenue by which the Government can bring any kind of a civil suit against any citizen, and bring it upon the allegation that the cause of action arose wherever the suit is brought.

Mr. VOLSTEAD. Of course, that is a provision in a great many States that you can bring the suit where the cause of action arose. Unless they get the power to do specifically what is provided for here a good many of these claims will fail completely. The Government is completely barred by this

statute which we seek to amend from effectively prosecuting these parties.

Mr. BLACK. The fault that I have to find with the gentleman's amendment is that it is too all-inclusive.

Mr. VOLSTEAD. It is almost impossible to make it less inclusive and still reach the situation.

Mr. BLACK. It occurs to me that it is going a very long way.

Mr. VOLSTEAD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 2, line 25, after the word "brought" and the period, add the following sentence: "The word 'District' and the words 'District of Columbia' as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 2, line 25, after the amendment just adopted, strike out the period and insert a comma and add the following: "Provided further, That this act shall be effective for a period of three years only, after which said section 51, chapter 4, as it exists in the general law shall be and remain in full force and effect."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES of Texas. Now, will the gentleman permit me to offer the amendment which I was talking about awhile ago?

Mr. VOLSTEAD. No; I am going to oppose that amendment, Mr. Speaker. I do not believe the other amendment the gentleman has suggested ought to be offered or included. It seems to me that the question whether these parties paid their income taxes or paid the excess-profits tax is a question that ought to be left open and ought to be reached if possible. My understanding is that they are going to prosecute cases of that kind. I move the previous question on the bill and all amendments to final passage.

Mr. JONES of Texas. I do not object, particularly after the three years' limitation has been put in, anyway.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the bill.

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

On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

PINEY BRANCH ROAD.

Mr. GOODYKOONTZ. Mr. Speaker, I ask unanimous consent to take up the bill (S. 1066) relating to the closing of Piney Branch Road.

The SPEAKER. The Chair has no right to recognize the gentleman for that.

LEAVE TO EXTEND REMARKS.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the coal distribution in Minnesota.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks on coal distribution in Minnesota. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Speaker, last Thursday I called the attention of the House to the report I had received to the effect that the people in the towns and villages in Kittson County, Minn., who had early last spring ordered a sufficient supply of hard coal for their needs had failed to receive any, but that right across the Canadian line they had received not only a sufficient supply for their own use but sufficient to enable them to sell at profiteering prices—\$23 per ton—to the people on this side of the line. The letter I received was from Mr. P. H. Konzen, a leading citizen of Hallock, and was as follows:

HALLOCK, MINN., September 4, 1922.

HON. H. STEENERSON,  
Washington, D. C.

DEAR SIR: I wish to call your attention to a condition that exists here and which I think ought to be investigated with a view to ascertaining the reason for its existence.



The coal shortage, as you understand, is a serious menace at this time to this section of the country. It begins to look very doubtful that we are going to get an adequate supply to prevent great suffering here the coming winter. Many carloads that were ordered by the dealers early last spring have not been furnished yet, and we are informed can not be had owing to the miners and railway employees' strike, and stress seems to be laid on the fact that if furnished at all it will be at an excessive price. This looks to me like an attempt to bolster up the price beyond the ability of all but a few to pay. At Emerson, just across the Canadian line, they apparently have an ample supply of Pennsylvania anthracite coal, and are supplying not only their own customers on that side of the line but are selling or offering to sell to St. Vincent, Pembina, Humboldt, and other near-by American towns, and only on Saturday, last, one of the dealers was here at Hallock taking, or trying to take, orders for coal and, I understand, promised any quantity desired at \$23 a ton. This coal comes to Emerson from Lake Superior ports, and the thing that is mystifying about the situation is that they are able to get it and we are not.

In the fall of 1919 we had the same situation here. We were unable to get coal here except in small quantities, from a few hundred pounds to half a ton at a time, while Emerson was supplying St. Vincent, Pembina, Humboldt, Northcote, and even some at Hallock, in any quantity desired. Now, to "a man up a tree"—and we are sadly up a tree in this section of the country regarding the coal situation—it would appear that the whole coal situation is being deliberately managed and engineered by the coal barons with a view to excessive extortion and profiteering.

Now, friend STEENERSON, if you have any explanation to offer for this situation that is compatible with honest dealing upon the part of the coal barons as well as a "square deal" to the people of this section of the country, I would be very grateful for same. If not, do you not think the situation would bear investigation?

Very sincerely yours,

P. H. KONZEN.

I immediately telegraphed Mr. Ivan Bowen, head of the Minnesota Coal Commission, as follows:

SEPTEMBER 8, 1922.

IVAN BOWEN,  
Governor's Coal Commission, St. Paul, Minn.:

P. H. Konzen, of Hallock, Kittson County, Minn., is my informant and can give you the names of those offering to sell coal at Hallock and other Minnesota points from Emerson and other Canadian points. Congressman STEENERSON.

I received this reply:

ST. PAUL, MINN., September 7, 1922.

HALVOR STEENERSON,  
Washington, D. C.:

Please supply me with names of parties selling coal in question. Need this information in order to trace the coal to source before answering your inquiry. I have been receiving reports of dock company or daily shipments, and same do not disclose hard coal shipped in any considerable quantity to Canada. Very little hard coal on dock at Duluth. Will be glad to trace shipments if given dealers' or consumers' names to start on. Can not understand what law is evaded by consigning to Canada.

IVAN BOWEN.

I also notified the Federal Fuel Administration and wrote to the Interstate Commerce Commission and got this reply:

INTERSTATE COMMERCE COMMISSION,  
BUREAU OF SERVICE,  
Washington, September 9, 1922.

HON. HALVOR STEENERSON,  
House of Representatives, Washington, D. C.

MY DEAR SIR: Replying to your letter of September 7, inclosing copy of a letter from Mr. P. H. Konzen, of Hallock, Minn., in regard to the movement of coal to Minnesota points:

As you know, the anthracite mines have not yet opened, but it is expected they will do so early next week. Arrangements are being made to distribute the anthracite coal in the most equitable manner possible. Special consideration will be given to the movement of such coal to the upper Lake Superior ports.

The information offered by Mr. Konzen will be placed in the hands of Mr. H. B. Spencer, Federal fuel distributor, for his information and consideration.

Very truly yours,

J. C. ROTH, Director.

The Minneapolis Journal for the 8th instant contains the following:

AMERICANS VICTIMIZED IN REBUYING COAL DIVERTED TO CANADA, IS CHARGE—KELLOGG READS LETTER ALLEGING FUEL SHIPPED TO LAKE PORTS IS SENT NORTH OF BOUNDARY AND RESOLD IN UNITED STATES AT PROFITEERING PRICE—BOWEN DISCREDITS REPORTS.

Hard coal shipped to Lake Superior ports is being diverted to Canada and resold to northern Minnesota counties at profiteering prices, according to a letter received by Representative HALVOR STEENERSON from P. H. Konzen, of Kittson County, dispatches from the Pioneer Press Washington bureau Thursday night disclosed.

Mr. Konzen's letter follows:

"At Emerson, just across the Canadian line, they apparently have an ample supply of Pennsylvania anthracite coal and are supplying not only their own customers on that side of the line but are selling, or offering to sell, to St. Vincent, Pembina, Humboldt, and other near-by American towns, and only on Saturday last one of the dealers was here at Hallock taking, or trying to take, orders for coal, and I understand promised any quantity desired at \$23 a ton.

CANADIANS GET COAL.

"This coal comes to Emerson from Lake Superior ports, and the thing that is mystifying about the situation is that they are able to get it and we are not."

After calling this situation to the attention of the House and the Federal authorities, Mr. STEENERSON sent the following telegram to the governor's coal committee in St. Paul:

"Complaint has been received from citizens of Kittson County that Emerson and other points across the line in Canada are receiving large supplies of anthracite coal from Duluth and that they are now offering it for sale at \$23 a ton to the near-by towns in Minnesota, such as St. Vincent, Noyes, Humboldt, and Hallock. An investigation is requested

to ascertain why coal operators are supplying the Canadian points when none can be obtained for American points. Apparently it is simply a course adopted to evade the law so as to enable them to profiteer on coal. Please investigate."

Charges made in the letter were disputed by Ivan Bowen, State fuel administrator, Thursday night.

Mr. Bowen declared that he has not heard from Representative STEENERSON directly regarding the charges, but that he will investigate them as soon as any official complaint is made.

"It does not seem reasonable that any operator would ship the coal to Canada and then try to sell it to Minnesota consumers for reshipment, standing the expense of high freight rates both ways," Mr. Bowen said.

SOME CANADIAN SHIPMENTS.

"There is nothing to prevent the dealer from selling it directly on the Minnesota market at high prices, or at least holding it for high prices."

"It may be that some small Canadian dealers have foreseen the shortage in anthracite coal and have laid in a supply which they now are trying to sell at a large profit. It also is possible that this coal was shipped to them from the Duluth docks. A great deal of coal goes to Canada from the Duluth docks annually."

ORDERS ARE RECHECKED.

A recheck of the orders filled by Minnesota dock operators in the last 30 days was made by Mr. Bowen's office, but no record could be found of shipments from the head of the Lakes to Emerson or any other Canadian town. The only Canadian shipments were of coke and coal to Winnipeg, the transactions being between operators in Minnesota and their regular customers in Winnipeg.

V. E. Smart, traffic expert of the North Dakota Railroad Commission, arrived in St. Paul Thursday to represent that State on the Northwest central coal committee. Frank Milhollan, chairman of the North Dakota commission, who has been serving on the committee, will return to his offices in Bismarck.

It will be noticed that Mr. Bowen, without waiting to investigate, questions the report and tries to explain why the Canadians might have received anthracite coal from Duluth, and says "It may be that some small Canadian dealers have foreseen the shortage in anthracite coal and have laid in a supply which they now are trying to sell at a large profit. It is also possible that the coal was shipped to them from the Duluth docks. A great deal of coal goes to Canada from the Duluth dock annually." But the fact is that the dealers on the American side also have foreseen the shortage, and ordered supply in ample time but failed to get a single pound. This is distinctly stated in the Konzen letter, and also that they had the same situation there in 1919, when the town across the line in Canada got ample coal supplies not only for their own use but sufficient to enable them to sell to the people on the American side at advanced prices. Let us hope that in the future the authorities of the United States and of the State of Minnesota will see to it that this will not occur again. This American coal should first be supplied to our own people.

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on railroad legislation.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD on railroad legislation. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. ANDREWS of Nebraska. Mr. Speaker, in 1912 the railroads of this country were furnishing the best and cheapest transportation that has ever been enjoyed by the American people. That condition had been developed under Republican legislation and administration extending through a period of nearly 50 years.

In 1913 the Republicans were retired from both legislative and executive branches of our Federal Government.

Between 1915 and 1921 the Democratic Party under the leadership of Woodrow Wilson enacted legislation and adopted executive policies that resulted in the advancement of railroad rates to the highest point ever known in American history. The peak was reached in 1920. Under those conditions the people not only paid the highest transportation charges but they have also been required to pay billions of dollars into the National Treasury through taxes and loans to discharge the financial obligations which the Wilson administration imposed upon the country by guaranteeing net returns to the railroads by the Federal control act of March 21, 1918.

According to the terms of that act, that guaranty was to extend 21 months beyond the date of the issuance of a proclamation of peace with the Central Powers. That proclamation was issued July 2, 1921. Thus the McAdoo-Shallenberger guaranty carried in the Federal control act would have extended to April 2, 1923. The transportation act of 1920, however, repealed that guaranty to take effect on September 1, 1920, 31 months earlier than the termination of the McAdoo-Shallenberger guaranty, thus releasing our National Treasury from an additional liability of \$1,937,000,000.



The Railroad Labor Board, appointed by President Wilson, advanced wages to their highest point in 1920, and in the same year the Interstate Commerce Commission, also appointed by President Wilson, advanced railroad rates to their highest point. Crown Prince McAdoo did not, however, increase railroad rates sufficiently to balance the increase of wages made by him during his control of the roads as director general. Consequently the Labor Board made a larger increase in wages in 1920 than would have been required if the crown prince had discharged the duties of director general properly.

The Republican administration at Washington has been gradually developing plans during recent months for the restoration of the transportation business of the country to a normal peace basis. The most serious difficulties encountered in that effort are results of the Democratic policies established under the former crown prince, William G. McAdoo.

Every dollar that has been taken from the National Treasury to pay those guaranties to the railroads was levied by the Wilson administration under the Federal control act of March 21, 1918.

Some critics assert, however, that the transportation act of 1920 (sometimes called the Esch-Cummins Act) originated and adopted the principle of guaranteeing railroad rates. That idea is wholly incorrect. The transportation act of 1920 repealed the rate guaranty of the Federal control act to take effect September 1, 1920. While my opponent, Mr. Shallenberger, voted for the guaranty provision of the Federal control act, I voted for its repeal.

When driven into a corner on this point they declare with gasping breath that section 15a of the transportation act of 1920 guarantees rates of 6 per cent net. That section came into the law as a Senate amendment. While I voted against that amendment, it does not do what the opposition alleges. I was confident that it would convey a false impression to the country and give the Interstate Commerce Commission an excuse to assume control of certain intrastate business that should be left exclusively with the State commissions. For this reason I am supporting an amendment to repeal that section. Of course all well-informed persons know that the so-called 6 per cent provision of that section expired on the 1st day of March, 1922, by virtue of its own limitations.

Under that section any road that earned  $5\frac{1}{2}$  per cent net was authorized to retain such net gain and apply it on stock dividends. If it earned 6 per cent net it could retain the additional one-half of 1 per cent and apply it on improvements of the road. If it earned more it was required to divide the excess over 6 per cent equally with the Federal Government. A report from the Interstate Commerce Commission, however, shows that the average net earnings of all the roads approximated 3.27 per cent annually under the terms of that section. If within that period of time a particular road earned only 1 per cent net, the Government did not make up the shortage to  $5\frac{1}{2}$  per cent or 6 per cent. Every road was left to carry its own shortage or net gain, as the case might be, within those limitations.

Thus it will appear that the Federal Treasury has not and will not be responsible for the payment of a single dollar to the roads under the terms of that section. These facts completely explode the propaganda that section 15a of the transportation act of 1920 guarantees net rates of 6 per cent from the National Treasury to the railroads of the country. Now let our opponents bring on another scarecrow.

All guaranties mentioned in the transportation act of 1920—sometimes called the Esch-Cummins act—are reproductions of like provisions of the Federal control act, and were thus allowed to continue for a period of six months to avoid a financial collapse and general strikes throughout the country.

The McAdoo-Shallenberger guaranties have cost the National Treasury over \$2,000,000,000 already, and if the law had run its course to April 2, 1923, they would have created additional liabilities approximating \$1,937,000,000.

These facts clearly demonstrate two distinct propositions, namely:

First. The principle of guaranteeing net gains to the railroads of the country was adopted and enacted into law by the Wilson administration at the expense of the taxpayers of the United States.

Second. The repeal of that legislation and the emancipation of the people of the country from those unjust burdens of taxation were secured through the wise action of the Republican Party.

Here, again, Republicanism has demonstrated its superiority over Democracy in the wise management of national affairs.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the soldiers' compensation bill.

The SPEAKER. The gentleman from Idaho asks unanimous consent to extend his remarks in the Record on the soldiers' compensation bill. Is there objection?

There was no objection.

THE McNARY AMENDMENT TO THE ADJUSTED COMPENSATION BILL.

Mr. SMITH of Idaho. Mr. Speaker, the bill providing for adjusted compensation for veterans of the World War as it passed the House contained under title 8 a provision for land settlement which was stricken out by the Senate Committee on Finance and a provision inserted in lieu thereof under the same title which simply provides for the re-enactment of existing law giving preference right of entry to men who served in the War with Germany, and 25 per cent additional of the amount of his adjusted compensation to be used in making payment on the purchase price of the land selected or for the improvement thereof. No provision whatever is made for the reclamation of land, and inasmuch as all of the public land that is susceptible of cultivation has been exhausted the provision for land settlement in the bill as it was reported to the Senate would be of little or no benefit to the returned service men who desire to secure a farm.

There are millions of acres of arid and swamp lands throughout the country which can be reclaimed for less than one-half of the actual worth by the construction of reservoirs and dams for the watering of arid land or by the building of ditches and dikes for draining swamp land which would afford the returned service men an opportunity to secure a farm home at nominal cost.

The amendment adopted by the Senate, introduced by Senator McNARY, which embodies the provisions of the Smith-McNary bill, which has been reported favorably by the Committee on Arid Lands in both the Senate and House, will make available to the returned service men in the near future millions of acres of the most fertile land in the country and which will enable the returned service men who secure homes thereon to become independent.

The proposed legislation provides for the creation of a fund to be expended under the direction of the Secretary of the Interior for the building of reclamation works, the Government to be reimbursed with interest at 5 per cent.

As an underlying capital for the building of reclamation works, Congress is asked to authorize an advance, over a period of years, of \$350,000,000, which is to be appropriated from time to time upon estimates made by the Secretary of the Interior.

The bill contemplates that the Secretary of the Interior shall contract with a reclamation district, organized under State laws, having power to contract with the Government and possessing authority to issue bonds with which to pay for reclamation works, the bonds to be a general charge upon all the land within a district. The Secretary is to investigate proposed projects, one-half of the cost of the investigation to be advanced by the district or those interested in the lands of the district and one-half by the Government, which expenditure is to form a part of the cost of the project. If a project is found feasible by the Secretary he may agree to build it, conditioned upon the district depositing its bonds with the Federal Farm Loan Board in ample amount to cover the estimated cost of the project, the bonds to bear interest at a rate not exceeding 5 per cent per annum and to run for a period not exceeding 40 years. The bonds deposited with the Federal Farm Loan Board are to be held by the board until the property within the district amounts to twice the value of the outstanding bonds, when they are to be sold at private or public sale by the board, and the proceeds used to discharge the contract between the district and the Government, or placed in the national reclamation fund, to be used by appropriation in the construction of other reclamation works, as Congress may determine. It is believed by your committee that there will be a ready sale of the district bonds and that from this source a very large sum will be derived for reclamation purposes.

Before the Secretary agrees to build a project the farm unit must be fixed by him, of sufficient size for the support of a family, ranging from 20 acres in a fruit district or one adapted to intensive cultivation to one not exceeding 160 acres in a general farming section. The lands owned by private parties in excess of the farm unit are classified as excess lands; and these lands as well as all public lands within a district may be acquired by ex-service men under a preference right of en-



try. Ex-service men are also to be given the preference right of employment on all project works.

The pending measure does not modify or interfere with the operation of the irrigation law of 1902, although it involves the general principles of that law. The purpose is that the proposed law shall operate in a broader field than the general reclamation law and provides a plan to more rapidly reclaim the waste lands of the country.

The reclamation fund under the present irrigation law is derived from special sources, namely, the sale of public lands and royalties on coal, oil, etc., taken from public domain.

There was much opposition to the passage of the irrigation law of 1902, the operation of which has proved the wisdom of its enactment. Its opponents in the committee in a minority report to the House declared, among other things, that "the scheme was unwise and improvident"; "if workable it would add millions of acres of productive land to the national possession which would diminish the value of farm lands throughout the Union"; "it would open up new areas in the far West to compete with production on the farms in the South, East, and West"; "no sane man desirous of promoting the growth and prosperity of our whole country would consent to the placing of a great sum per annum at the disposal of one man"; "in the mad scramble for the fund, corruption would run riot"; "the Secretary of the Interior has not the time to see to the honest distribution and application of the money, and the whole matter will necessarily be left to the management of irresponsible subordinates"; "the bill is unconstitutional, as Congress has no power to provide for the irrigation of the public lands"; "the plan of turning operation of projects over to the water users is impracticable and dangerous."

None of the dire predictions of the opponents of the original irrigation bill came true.

On the contrary, the prophecy of Hon. Thomas B. Reed, the able Speaker of the House of Representatives, in a speech delivered at Pittsburgh in 1894, in which he spoke as follows, has been more than fulfilled:

Mighty as has been our past, our resources have just been touched upon and there is wealth beyond the Mississippi which in the not distant future will astonish even the dwellers on the shores of Lake Michigan. From the time my eyes first rested on the great uncultivated plains which lie between the Mississippi and the Pacific Ocean my waking dreams have been filled with visions of incalculable wealth. The touch of living water will bring life to those voiceless deserts. Their wealth can only produce wealth and man, single and alone, might as well try to subdue the Himalayas as to cope with these wastes, but the hand of united and associated men is already reaching forth to grasp the great results.

The same power which wastes millions on the Mississippi can be utilized to make the desert blossom with the homes of men for whom, and for all of us, the now blighted soil will bring forth the fruit of the Garden of Eden.

The operation of that law has demonstrated that public money can be judiciously expended and that even subordinates of a department can be relied upon to act honestly and with skill.

The best possible argument in favor of the continuance and enlargement of the Government's plan to make land available for settlement is afforded by the splendid record of the United States Reclamation Service since its organization in 1902. During the 20 years the service has been in operation much has been accomplished in reclamation of the arid lands and in increasing the food supply and the national wealth.

Twenty-six projects have been undertaken in 16 different States and many of them have been completed. Nearly 2,000,000 acres of land have been placed under a permanent water supply and nearly 1,000,000 additional acres will soon be supplied with water from storage reservoirs. Forty thousand families have established homes on these lands and are happy and prosperous. Cities and towns have sprung up on these projects, and the national wealth created amounts to about \$600,000,000, nearly five times the amount expended by the Government in reclamation work. The reclamation fund which is represented by the receipts from sales of public land, leases, and repayment charges is far inadequate. Nearly \$50,000,000 is required to complete projects now under way and \$100,000,000 to construct new projects which have been approved.

Many people who have not investigated the importance to the whole country of reclaiming the waste lands appear to regard the question as a local one, and that the only people benefited are those who may make homes on the land or those living in the section of the country where the land is reclaimed. As a matter of fact, every section of the country is benefited by land reclamation. Every acre of waste land that is placed under cultivation creates a market for merchandise, building material, staple food products, clothing, and every other kind of manufactured article which generally come from the central and eastern sections of the country.

The adoption of a broad and comprehensive plan to reclaim the waste lands of the country would go far toward giving work to those out of employment in construction work on projects, or by reason of the need of labor on account of the increased demand for commodities manufactured in the industrial centers.

While the work of the Reclamation Service is of the highest order, those who have carried it forward have labored under many trying circumstances. At no time have there been sufficient funds with which to promptly complete and put into operation the irrigation projects undertaken; and this want of funds has entailed a very heavy carrying charge. And even now, for want of funds to complete projects, some of the works in which much money has been expended are unused.

There has been no disposition in the West to wholly rely upon the Federal Government for funds with which to reclaim lands. Fifteen million acres of arid land have been reclaimed in the public-land States, of which amount the Federal Government has reclaimed less than one-fifth. In the last 10 years, according to official census, the amount of arid land reclaimed by private enterprise is over 3,000,000 acres.

There is a significant factor favorably affecting the general welfare in irrigated districts which is practically absent in farming communities in humid sections. Sir William Willcocks, formerly director general of reservoir studies in Egypt and consulting engineer to the Turkish Government in Mesopotamia, outlined this factor, as follows:

The lessons of order and method are taught so thoroughly by irrigation that it is not to be surprised at that all the ancient civilizations of the world had their birth in the irrigated valleys of the great Old World rivers. Uncivilized men could live in woods and partially civilized ones on desert oases, but to exist in the country needing irrigation, men had to be disciplined and amenable to laws and regulations. When hundreds of thousands of families had at first to learn the laws of nature, then apply them, and then live in accord with one another in order to insure the irrigation and drainage of their individual holdings, true civilization took its birth.

Is it too much to assert that cooperative marketing in the far West, which the Middle West is now copying, is traceable in no small degree to the necessarily cooperative efforts of irrigationists? And who can believe that in the absence of cooperative marketing the superior pack of western fruits and western products would ever have taken place, with the result that these products, in spite of distance from the market and excessive freight rates, successfully compete with what is produced under more favorable conditions?

It may be said that now is an inopportune time in which to press legislation the result of which will be the creation of more farms. The progressive thought of the world has always acted upon the maxim "Competition is the life of trade." Running counter to this has been the voice of those who have had an abiding faith in monopoly, either partial or complete.

A survey of the activities of the Caucasian race for the hundred years immediately prior to the World War may not be amiss. It may be that we and those who follow us must look back to this hundred years as the Golden Age, the acme of human achievement. During this period the Caucasian race overran and reduced to private ownership a greater area than ever before in any 1,000 years of its history. During this time this race increased in numbers more rapidly than ever before in its existence. Strange indeed, as hundreds of millions of acres of lands in different parts of the world came under the plow, farm products not only increased in value but land values had a corresponding rise. In the United States, from 1860 to 1900, over 400,000,000 acres of land of the public domain fell into private ownership, or at a rate of 10,000,000 acres per year; and from 1875 to 1914 there was almost a continuous rise in values in every field of activity, general farm values in the United States per acre being as follows:

1800	\$11.14
1860	16.35
1870	18.26
1880	19.02
1890	21.31
1900	19.82
1910	39.60
1920	70.98

We hear a great deal about the exodus from the farm to the city, and unthoughtfully we say it is social. In the main it is not social; it is economic, and it always has been economic. We must not overlook the fact that in the growth and development of nations there has always been three stages—agriculture, manufacturing, and commerce. No new country was ever settled through either manufacturing or commerce. Pioneers first till the soil. As the population increases and produces a surplus of food and raw material, the excess laborers enter into manufacturing, the products of which are at first consumed locally and later the excess enters outside trade; thus a commerce is developed.



It would be folly to account for the movement of the Caucasian race into Australasia, South and North America by reason of a mania to leave the homeland. Migration has always been an element in human nature more developed in some races than in others. What gave it impetus with the white man was first his ability to navigate the seven seas and later the invention of the steam engine. The building of the railroads practically revolutionized economic conditions. Cheap transportation had the effect of taking manufacturing away from the farm and placing it at centers having advantages in competitive transportation facilities. It was soon discovered that plows could be made more cheaply at some centrally located competitive point than on the farm or at the four corners; and the same was found true in regard to shoes, which the farmer had been in the habit of making for members of his family; and such was the case as to cloth and the making of garments, which the housewife had been accustomed to weave and fashion for those under her care. In fact, it became apparent that the farmer and his wife and the members of the household could be more profitably employed in agricultural pursuits than in manufacturing at home. As manufacturing ceased on the farm it went to rail centers, and in going there it released men and women from the farm and they found employment at the manufacturing points. Not only this, but as transportation developed to carry the raw material from the farm to the factory and the manufactured articles from the factory to the consumer, a large number became engaged in transportation itself.

But inventive genius was not confined to transportation and communication. It reached into other fields. In a large way it reached the farm. There was a time when people spoke of the farmer and his tools. To-day it is the farmer and his machinery. By the use of machinery the farmer of to-day produces many times more than the farmer of 50 years ago, and this in turn has released laborers from the farm; and they have gone to the city for profitable employment. Had they remained upon the farm and been idlers or only partially employed, farming would present a sorry spectacle. Had they remained upon the farm and all labored assiduously, it stands to reason that there would be such a surplus of farm products that their value would be almost nil.

What shall be our national policy from now on? Shall we rely upon the betterment of the land under plow, or reclaim virgin sections? Is there not grave danger in departing from a policy which has been so successfully pursued during the last 100 years? In looking over the industrial statistics of our country we find that the products of our farms have been a wonderful factor in the creation of our national wealth. This is well stated by the Secretary of the Department of Agriculture in his report of 1912, wherein he says:

During the last 16 years the wealth production on farms, according to the census items, reached the grand total of more than \$105,000,000,000. This stream of wealth has poured out of the farmer's horn of plenty, and in 16 years has equaled about three-fourths of the present national wealth.

If we are not to reclaim our waste lands, we must, in order that our agricultural production shall keep abreast of agricultural production elsewhere, rely upon a more intensive farming of our present cultivated areas. Intensive cultivation of the soil always meant and always will mean the use of a large amount of manual labor. It almost excludes the idea of the use of machinery. In the thickly settled portions of Europe; as well as those of Asia and Africa, where intensive cultivation is practiced, there is almost a total exclusion of machinery upon the farm, and the efforts of the husbandman are largely directed to the elimination of weeds in the growing crops; and gardening as practiced in those sections is unheard of where machinery is used for harvesting. If we limit ourselves to more intensive farming, we may rest assured that such will not be the practice in the still-to-be-reclaimed areas of South America, Siberia, Canada, and Australasia. In those sections it is probable that farm machinery will be more extensively used in the future than in the past, and that cereals and other farm products from these localities will, if we lag, take the place of ours in the markets of the world.

Some of our farmers seem to be happy in the thought that when our farms shall not yield all the food that the Nation consumes they, in the nature of things, will receive more for their products. The fallacy of this idea has been demonstrated several times in the history of the world. Through its adoption Grecian husbandry failed and the glory of the State departed. Its perfect absurdity was demonstrated in Italy when Rome became the mistress of the world. The Romans insisted that they must have cheap food. The farmers of Italy did not produce it. Rome went abroad for her supplies, and agriculture in Italy decayed. England had her corn laws. The

artisans and poor of the cities cried out against them. It was asserted that England's hope was in manufacturing, not farming. The corn laws were repealed; manufacturing thrived and agriculture dwindled.

In the last few years in the United States the value of manufactured articles has far outreached the value of agricultural products. Should manufacturing reach a stage where it must depend upon raw material—not the output of mines—and food products from abroad, who can doubt but that our national policy will be to foster manufacturing rather than agriculture? Thus, is it not wise to add to the number of our farms and by degrees increase the productivity of the old ones, to the end that at all times there shall be a surplus of farm products as well as a surplus of manufactured articles to enter into our foreign trade? There is no necessity of changing from the old order of things, that there may be a surplus in many lines for export. There is to-day under plow in the United States in the neighborhood of 400,000,000 acres of land. There are yet susceptible of reclamation some 20,000,000 acres of arid and semiarid land, 80,000,000 acres of swamp land, and 200,000,000 acres of cut-over land, or a total of 300,000,000 acres. The arid and semiarid lands are very inviting in character. They have never been leached of their plant-life elements. When moistened they readily give up their properties to vegetation. They lack only one ingredient to a perfect agricultural soil. They are deficient in nitrogen. This, however, can be readily supplied by the growing of legumes. Swamp lands in the main are wonderfully productive when drained; for they have received the fertilizing properties of the centuries. If we were to place on an acre of sterile land the nutritive elements contained in an acre of arid land or an acre of swamp land, it would probably cost over \$2,000. Thus, in the reclamation of the arid and swamp lands within the country we will tap a reservoir of wealth which is almost inexhaustible.

As communication and transportation have revolutionized industrial conditions and have made all sections of our country interdependent, and what aids one district necessarily aids all, no land which is now waste can be put into a state of productivity without exciting activity in a multitude of places. Even to build an irrigation or drainage ditch, a dike, or a reservoir means the utilization of manufactured articles gathered from a great radius; and every agricultural community under present conditions draws from the manufacturing centers large quantities of products essential to the life and well-being of the farmer.

There are attached hereto data showing the extent to which the people of the reclaimed areas of the West are purchasers of articles which are not produced within such districts and are supplied in a large measure even by industrial plants several thousand miles distant.

We have spoken of the danger of manufacturing far exceeding in importance agriculture. Our political institutions are more likely to be perpetuated if a proper balance shall be maintained between manufacturing and agriculture, and let foreign commerce be a feature of each of these. The surest way of maintaining a proper relationship between manufacturing and agriculture is to increase the number of farms, and this necessarily means the reclamation of waste lands.

While the movement from the farm to the city has been economic, it involves some very serious social problems affecting the national life. When the farm was not only the seat of agriculture but of manufacturing, the members of the family as a rule remained at home until marriage separated them from the parental roof, and when this took place it only meant the establishment of other homes. There is no escaping the conclusion that not only is the family unit essential to farm life but it is here that we find it at its best, and the family in its own home is the sheet anchor of the ship of state. Those leaving the farm for the city are as a rule single people of both sexes, and too often in reaching and engaging in the activities of the city they find that the marriage state is, individually considered, less essential and less desirable than in the country, and too often a vicarious existence is the result. It is in the city rather than in the country that the girl finds employment which either postpones or defeats her marriage; and each single woman means a single man, and from this source springs much social evil and much crime, it being estimated that a very large per cent of all crime in the United States is traceable to unmarried adults. Occupation prior to commitment was reported for 374,988 male prisoners and juvenile delinquents committed in 1910, as shown by the Federal census, of which number only 28,009 were farmers and farm laborers. The necessity of rural life and the cultivation of the soil, in the growth and welfare of a nation, have been often voiced by



far-seeing men, and we quote from a recent article by O. C. Stine, Office of Farm Management, United States Department of Agriculture:

Webster said: "Let us never forget that the cultivation of the earth is the most important labor of man." By the demoralization of rural life Greece was deprived of the means of rejuvenating her city life. The farmers constituted the most prolific portion of her population, but the Hellenic element was almost entirely removed from the farms. In the city the population declined in virility. Polybius tells us that in his time Greece was suffering childlessness and general depopulation, the cities were becoming deserted, and the fields were not yielding, though they had known neither war nor plague. The people became greedy idlers. They did not care any longer to marry; if they did marry they did not care to bring up more than one or two children that they might inherit the individual fortune of their parents. The leading cities of Greece became absolutely dependent upon foreign supplies of food. Cato thought highly of a man engaged in commerce, but he says: "It is from the tillage of the soil that spring the best citizens and staunchest soldiers." Varro, in his introduction to a book on livestock husbandry, writes: "Those great men, our ancestors, did well to esteem the Romans who lived in the country above those who dwelt in town." When the barbarians from the north invaded Rome they found but a feeble resistance from the State which was dying of dry rot through the disintegration of its agricultural life. The dawn of our modern civilization came with the revival of commerce from the surplus of the products of a reorganized agriculture. Macaulay, writing to an American correspondent 50 years ago, points out in a striking way the problems that would be faced by this country when our free land was exhausted. He says: "As long as you have a boundless extent of fertile and unoccupied land your laboring population will be found more at ease than the laboring population of the Old World; but the time will come when wages will be as low and will fluctuate as much with you as they do with us. Then your institutions will be brought to the test. Distress everywhere makes the laborers mutinous and discontented and inclines them to listen with eagerness to agitators who tell them that it is a monstrous iniquity that one man should have a million and another can not get a full meal. \* \* \* The day will come when multitudes of people, none of whom has had more than half a breakfast or expects to have more than half a dinner, will choose a legislature. Is it possible to doubt what sort of legislature will be chosen? There will be, I fear, spoliation. The spoliation will increase the distress; the distress will produce fresh spoliation. Either civilization or liberty will perish. Either some Caesar or Napoleon will seize the reins of government with a strong hand, or your Republic will be as fearfully plundered and laid waste by barbarians in the twentieth century as the Roman Empire in the fifth." The importance of the country as a training ground for citizens can not be overestimated. Former President Roosevelt has said: "If there is one lesson taught by history it is that the permanent greatness of any State must ultimately depend more upon the character of its country population than upon anything else. No growth of cities, no growth of wealth, can make up for a loss in either the number or the character of the farming population." The rural birth rate of native Americans is about 40 per cent higher than the urban. Farm people marry younger than urban people. The farm home consequently has a longer life than the city home. The family is the corner stone of civilization and on the farm the family forms a stronger unit than anywhere else. Professor Warren, of Cornell University, has well said, "No higher civilization can endure that is not based on the type of citizenship on the farms." To quote James J. Hill: "It is as clear as any future event can be that the farm is the only hope of our national salvation." Abraham Lincoln, in his address to Wisconsin farmers, said, "Let us hope, rather, that by the best cultivation of the physical world, beneath and around us, and the intellectual and moral world within us, we shall secure an individual, social, and political prosperity and happiness, whose courage shall be onward and upward, and which, while the earth endures, shall not pass away."

The Aryans were the tillers of the soil. They had fixed habitations; they recognized individual rights in property, which necessitated law, order, and government. To them, and to them only, are we able to trace civilization.

We have inherited from the World War many grave problems. At the present hour the number of unemployed is between three and four million, many of whom are ex-service men. There is no economy in unemployment. Four million men out of useful employment means a tremendous national loss. If there is any way of restoring these men to useful pursuits, it should be done. Putting them to work on internal improvements, particularly in the reclamation of waste lands, will excite activity to a wonderful degree. It will cost our people as a whole less to furnish them employment than it will to support them in idleness. There is no possible way in which the lands to be reclaimed will immediately produce crops to increase the surplus of farm products already within our country.

We should not be unduly alarmed over the present surplus of farm products in the United States. As has well been said by Dr. E. D. Ball, director of scientific work, United States Department of Agriculture:

If some one possessed a magic wand that would restore the world to normal conditions we would suddenly be confronted with the fact that there is no overproduction; that what the world is suffering from is underconsumption. There is not enough food in the world at present to provide for normal consumption. If buying power could be restored to-morrow the surpluses would almost instantly disappear.

And he further states:

The peak of agricultural production per capita of population in the United States was passed in 1898, nearly a quarter of a century ago. Agricultural production almost kept pace with the population increase for some little time after that date, but in the last decade it has

steadily and even more rapidly fallen. Statisticians have estimated that our population at the close of this century will be more than 220,000,000, and have placed the probable time in which we shall begin to import the staple foods at from 15 to 30 or more years. Even if it should turn out to be the longer period, it is time we should be considering the problem not only from the national standpoint but from its effect on agriculture.

The reclamation of land by aid of the Federal Government is not a new idea. Wherever seriously considered it has been indorsed by thoughtful men. The platforms of the two national parties in the last campaign declared in favor of a Federal system of reclamation, and both candidates advocated such a policy. The Chamber of Commerce of the United States at its annual meeting at Atlantic City in July last, by unanimous vote of the whole convention of some 3,000 delegates, indorsed land settlement in aid of the war veterans. Within the last few days this chamber of commerce, through a referendum to its members—these being the leading commercial manufacturing organizations of our country—by over a two-thirds vote indorsed land settlement for soldiers. President Harding, faithful to his pre-election declarations, in his annual message to Congress strongly urged national aid for reclamation, and lately he restated his position before the farmers' conference. Organized labor is back of this great movement. Those in opposition seem to be limited to a class who fear competition; and, strangest of all, competition not foreign, but at home.

The venture of the Federal Government in 1902 into the irrigation field has been highly beneficial. The proposal to take a further step and aid in the reclamation of the swamp lands of our country is not a plunge into the dark, neither is it a character of work which has been shunned by foreign nations. Putting money into reclamation projects in our country is far less hazardous than it was for the British Empire to put millions of money into Egypt, India, and Mesopotamia in the reclamation of land there. Most European Governments have found it profitable to reclaim their waste areas.

The law under consideration is not paternalistic. It is not asking the Government to do that which can be done by the individual or group of individuals. The work is of such character and magnitude that it can only be successfully prosecuted through some governmental agency.

So far as the public-land States of the West are concerned, they find themselves financially handicapped through the withdrawals from sale and settlement of extensive areas of public land rich in timber, coal, oil, shale, phosphate, and other minerals. The Secretary of the Interior in his late report has called attention to the vast wealth of the West and of Alaska withdrawn by the Federal Government from settlement or sale for the benefit of future generations, which has an intrinsic value of \$150,000,000,000. None of this vast wealth bears any part of the expense of government of those States, and in the nature of things can not be pledged by the citizenship of those States to raise money for reclamation purposes. The people of the older States of the Union have no conception of this handicap upon western development.

Looking at our Nation as a whole, we can not cast aside the necessities of the South. There is an industrial plight there which should be remedied by Federal cooperation. The reclaiming of the great swamp districts, particularly those skirting the Atlantic Ocean from New Jersey to the southern point of Florida and then following the Gulf into Texas, is an improvement of such magnitude as to be national in character. It is only by reclamation of large tracts that the mosquito can be eradicated and malaria successfully combated. Their settlement will mean the social and political evolution of the South, and it will tend to harmonize political differences.

When our swamp and dry lands are reclaimed we will have a country far more attractive, productive, and wealthy than at the present time, and we will have a better distributed and more homogeneous people. It is the belief of your committee, based upon what has been accomplished by the present irrigation law, that in a short time after a reclamation project has been built the land within the district and the improvements thereon will have a value several times as great as the construction cost; consequently, there should be a ready sale of district bonds and a rapid turnover of the amount invested. If such proves true, it should not be many years before the dry and swamp land worth while would be reclaimed and occupied by millions of prosperous and contented citizens.

If such a great work can be accomplished it will be a crowning achievement in our national life.

This bill under consideration makes provision for service men and women. In the past those who have served us in war have been remembered in the allotment of land from the



public domain. The records of our Government show that some 75,000,000 acres of the public domain have been allotted to soldiers and sailors of wars prior to our entering into the World War. If the veterans of our late war are to receive land for homes, it must first be reclaimed, for there is scarcely a tract left for the public domain which would justify a soldier in endeavoring to make his home upon it. Already upward of 200,000 ex-service men have signified a desire to acquire land for a home. Should this bill be enacted into law and operate as your committee believes it will there will, in a reasonable length of time, be enough land reclaimed to accommodate all soldiers who may wish to become agriculturists.

Acknowledgment is hereby made to thoughts expressed in an article written by John E. Thompson, Esq., on the "Away-from-the-farm movement."

The following statistics with reference to two reclamation projects in the western country should convince the most skeptical that the benefits of the reclamation of waste lands are national in their scope and not local.

The Yakima project in Washington is a fair example of what reclamation has accomplished. This project is about 10 years old. The city of Yakima, in the center of the project, contains a population of nearly 20,000. Over 300,000 acres of the irrigated land are tributary to the city, the trade of which is dependent almost entirely upon the products of the soil, with the exception of one lumber mill.

Comparative statement of products on the Yakima project.

Products.	1917	1918	1919	1920
Fresh fruits.....	\$11,524,300	\$12,081,320	\$20,393,223	\$16,065,540
Fruit products.....	1,277,375	1,298,200	1,839,500	1,192,000
Grains.....	1,591,065	1,701,300	1,642,200	2,380,000
Hops.....	360,000	435,600	900,000	1,950,000
Vegetables.....	1,324,000	1,513,370	2,045,350	1,021,175
Hay.....	3,125,195	3,800,900	5,171,500	2,859,110
Wool hides, poultry products.....	1,225,000	2,209,000	3,230,880	1,955,000
Livestock.....	4,177,750	3,656,500	4,403,500	3,425,720
Dairy.....	1,335,000	1,493,600	1,443,625	1,159,250
Miscellaneous.....		2,090,000	1,533,292	435,000
Lumber.....	1,000,000	1,000,000	1,500,000	2,250,000
Sugar beets.....	1,145,250	1,011,500	1,324,500	1,435,000
Honey.....	88,125	184,000	175,000	190,000
Total.....	28,175,555	32,365,290	45,602,576	37,218,795

Outgoing carload shipments:

1918.....	28,105
1919.....	31,850
1920.....	35,862

Value of manufactured products received on the project.

Products.	1918	1919	1920
Automobiles, tires, and accessories.....	\$2,195,000	\$3,225,000	\$2,600,000
Hardware and building supplies.....	900,000	1,200,000	1,100,000
Mixed groceries.....	1,750,000	2,000,000	2,150,000
Farm machinery.....	600,000	750,000	500,000
Ready-to-wear clothing.....	1,600,000	2,000,000	1,500,000
Shoes.....	700,000	1,000,000	1,000,000
Furniture and household supplies.....	1,000,000	1,500,000	1,200,000
Cotton and woolen goods.....	800,000	1,200,000	1,000,000
Drugs.....	700,000	1,100,000	1,250,000
Millinery, notions, crockery, and electrical apparatus.....	800,000	1,000,000	950,000
Insurance premiums.....	2,500,000	3,000,000	3,200,000
Total.....	13,545,000	17,975,000	16,450,000

It is important that consideration should be given to the last item in the above table, that of insurance. Practically all of the insurance companies operating in this section have their headquarters in the East, and several million dollars leave this valley each year to build up eastern industry and commerce, all of which would be impossible were it not for irrigation. As a matter of fact, all of the aggregate productive wealth of this section, now amounting to above \$40,000,000 annually, with the exception of lumber as above stated, is the product of water scientifically applied to rich volcanic ash soil. The annual total lumber output does not exceed \$1,500,000.

BOISE PROJECT, IDAHO.

Boise, the capital of the State, is a city of less than 25,000 people, and is near the center of the project. The origin of many commodities which the Boise merchants receive in carload lots per annum clearly demonstrates the interdependence of far-separated districts in practically every State in the Union and indicates the market developed in one city on the Boise project is largely the result of reclamation.

Approximate number of carload lots of merchandise reaching Boise annually from various States.

State and city.	Commodity.	Number of carloads.
Alabama:		
Anniston.....	Pipe and fittings.....	4
Bessemer.....	do.....	6
Arkansas:		
Fayetteville.....	Hardwood.....	4
Fort Smith.....	Wagon wood.....	6
Colorado:		
Denver.....	Crackers.....	4
Pueblo.....	Wire fence.....	6
Do.....	Nails.....	18
Do.....	Bar iron.....	8
Do.....	Bale ties.....	12
Do.....	Barbed wire.....	6
Do.....	Bolts and spikes.....	2
Denver.....	Paper.....	2
Fort Lupton.....	Canned beans.....	4
Connecticut:		
New Britain.....	Hinges.....	2
Bridgeport.....	Ammunition.....	5
Florida, Arcadia.....	Grapefruit.....	12
Iowa:		
Cedar Rapids.....	Cereals.....	12
Newton.....	Electric washers.....	8
Clinton.....	Wire.....	1
Mount Pleasant.....	Canned corn.....	4
Davenport.....	Pumps.....	2
Dixon.....	Wire cloth.....	1
Illinois:		
Chicago.....	Furniture.....	12
Do.....	Sirup.....	26
Do.....	Pipe and fittings.....	8
Do.....	Boilers.....	1
Do.....	Oil.....	1
Galva.....	Machinery.....	1
Chicago.....	Electric washers.....	1
Do.....	Catalogues.....	3
Decatur.....	Pumps and tanks.....	1
Rock Island.....	Agricultural implements.....	4
Joliet.....	Wire fence.....	6
Chicago.....	Canned goods.....	4
Aurora.....	Grindstones.....	2
Chicago.....	Autos.....	8
Cairo.....	Wagon wood.....	4
Chicago.....	Starch.....	3
Proviso.....	Coal.....	1
Aurora.....	Barn-door hangers.....	1
Chicago.....	Paint and varnish.....	2
Granite City.....	Enamel ware.....	3
Quincy.....	Stoves.....	2
De Kalb.....	Barbed wire.....	1
Quincy.....	Cereals.....	2
Indiana:		
Kendallville.....	Windmills.....	2
Newtendon.....	Washing machines.....	1
Gary.....	Iron roofing.....	2
Indianapolis.....	Pork and beans.....	2
Do.....	Corn meal.....	1
Connersville.....	Autos.....	4
Anderson.....	Shovels.....	3
Indiana Harbor.....	Steel bars.....	1
Elwood.....	Kitchen cabinets.....	1
Kansas:		
Topeka.....	Cereals.....	2
Hutchinson.....	Salt.....	6
Wilson and Wichita.....	Flour.....	8
Wichita.....	Egg-case fillers.....	4
Do.....	Brooms.....	2
Kentucky:		
Newport.....	Iron roofing.....	4
Louisville.....	Soap.....	10
Louisiana:		
New Orleans.....	Bananas.....	8
Gretina.....	Cottolene.....	6
Harvey.....	Molasses.....	2
Crowley.....	Rice.....	4
New Orleans.....	Oyster shells.....	2
Maine, Rumford.....	Paper bags.....	4
Michigan:		
Lansing, Flint, Alma, Detroit.....	Autos.....	220
Detroit.....	Stoves.....	2
Do.....	Paint.....	3
Jackson.....	Wood handles.....	2
Do.....	Agricultural implements.....	1
Detroit.....	Salt.....	2
Adrian.....	Wire fence.....	6
Lawton.....	Grape juice.....	3
Grand Rapids.....	Cereals.....	2
Lansing.....	Concrete mixers.....	1
Minnesota:		
Minneapolis.....	Cereals.....	6
St. Paul.....	Sirup.....	4
Maryland, Baltimore.....	Oysters.....	3
Massachusetts:		
Milton.....	Chocolate.....	2
Boston.....	Sirup.....	4
Do.....	Range boilers.....	2
Missouri:		
St. Joseph.....	Pancake flour.....	1
Kansas City.....	Radiators.....	3
Do.....	Autos.....	30
St. Louis.....	Sirup.....	1
Do.....	Tinware.....	6
Do.....	Sweeping compound.....	1
Do.....	Cereal beverages.....	8



Approximate number of carload lots of merchandise, etc.—Continued.

State and city.	Commodity.	Number of carloads.
Missouri—Continued.		
St. Louis	Stoves	4
Kansas City	Soap	2
Oklahoma, Sands Springs	Fruit jars	10
Pennsylvania:		
Lebanon	Bolts and nuts	2
Chester	Toilet paper	1
Tennessee, South Pittsburg	Stoves	1
Texas, Wichita Falls	Fruit jars	12
Wisconsin:		
Racine	Wagon irons	1
Sheboygan	Bathtubs	6
La Crosse	Beverages	14
Milwaukee	Tinware	3
Superior	Salt	1
Kenosha	Furniture	2
Waupun	Canned goods	1

The foregoing data is but an index of what the manufacturers of the East and South sell to the irrigationists who are engaged in intensively farming irrigated land in the Rocky Mountain and Pacific Coast States. There are 20,000,000 acres of arid lands yet to be reclaimed.

For the past 100 years the best thought and energy of the world have been devoted to the building up of an industrial system which now seems top-heavy. It is the view of the most thoughtful minds in the world to-day that sweeping changes of far-reaching effect will have to be made in our present system in order to prevent its collapse. There are few who fail to realize the menace to our national security which results from the steadily increasing congestion of humanity in our large centers of population. Without doubt our social and economic stability could be most readily strengthened by the development of our latent land resources, converting them into living means of production. The most valuable of all our undeveloped resources is the vast acreage of now unproductive land. Its development and settlement would establish the economic independence of hundreds of thousands of our citizens, whose stability and character would be assured by their foothold on the soil.

Phoenix, Ariz., is served by two railroads—the Santa Fe and the Southern Pacific. The latter road has furnished a statement showing that the number of carloads of manufactured products received at Phoenix over its line for the calendar year 1920 amounted to 2,492 cars from Maine, Connecticut, New York, New Jersey, Pennsylvania, West Virginia, Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, and many other States. For the same year, over the same road, there were received at Phoenix manufactured products in less than carloads a total tonnage of 5,734 tons, in which the manufacturing States east of the Mississippi River shared in large part. The tables furnished by the Southern Pacific Railroad as to carload and less-than-carload lots of manufactured products received at Mesa, a city only a short distance from Phoenix, shows a volume not much less than that of Phoenix.

The Union Pacific system has furnished interesting data with reference to the number of cars of live stock and tons of commodities shipped from towns located on the Twin Falls irrigation tract in southern Idaho, one of the most successful in the entire West, and which prior to 1905 was a great expanse of desert country on which there lived but a few hundred people.

During the year 1921 there were shipped from the Twin Falls project 822 carloads of stock, 15,617 tons of potatoes, 78,672 tons of wheat and flour, 4,822 tons of fruit, and 5,905 tons of hay and straw.

There were received on this tract during the year 1921, 166 tons of automobiles, 278 tons of agricultural implements, 13,210 tons of building material, and 8,646 tons of merchandise, all of which came from the industrial centers in the central and eastern part of the United States.

Number of tons of specified commodities and the total tons of all commodities; also the number of cars of live stock forwarded, and the number of tons of specified commodities and total tons of all commodities received at stations on branch lines south of Minidoka and east of Bliss, during the year 1921.

FORWARDED.						
Origin or destination.	Live stock.	Potatoes.	Wheat and flour.	Fruit.	Hay and straw.	Total all commodities.
	Cars.	Tons.	Tons.	Tons.	Tons.	Tons.
Twin Falls	176	1,402	5,299	304	191	77,961
Filer	94	4,351	11,132	937	140	22,454
Kimberly	63	3,459	7,331	1,054	28	20,282

Number of tons of specified commodities and the total tons of all commodities, etc.—Continued.

FORWARDED—continued.						
Origin or destination.	Live stock.	Potatoes.	Wheat and flour.	Fruit.	Hay and straw.	Total all commodities.
	Cars.	Tons.	Tons.	Tons.	Tons.	Tons.
Buhl	205	1,929	23,062	1,740	4,108	44,591
Hansen	43	1,267	6,813	355	166	24,105
Murtaugh	21	116	1,840		44	6,794
Knoll	1	354	945	38	107	2,159
Godwin		37	1,093		38	1,556
Amsterdam			753		474	1,421
Curry	6	1,371	3,012	297	512	7,814
Hollister	2	2,513			26	7,716
Rogerson	205		520			3,167
Peavey	6	365	4,292	16	51	6,134
All other stations in Twin Falls County		966	5,067	81	20	20,929
Total, Twin Falls County	822	15,617	78,672	4,822	5,905	242,683

RECEIVED.					
Origin or destination.	Automobiles.	Agricultural implements.	Building material.	Merchandise.	Total all commodities.
	Tons.	Tons.	Tons.	Tons.	Tons.
Twin Falls	150	109	3,319	4,828	69,847
Filer		15	4,859	551	27,561
Kimberly			617	292	30,889
Buhl	16	118	1,998	1,505	21,908
Hansen			1,149	211	21,506
Murtaugh		10	193	250	1,496
Knoll				21	1,179
Godwin				2	92
Amsterdam				38	189
Curry			814	7	4,306
Hollister		26	20	145	934
Rogerson			171	640	2,019
Peavey			30	26	272
All other stations in Twin Falls County			40	124	78,796
Total, Twin Falls County	166	278	13,210	8,646	261,054

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the work of the Sixty-seventh Congress.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on the work of the Sixty-seventh Congress. Is there objection?

There was no objection.

#### ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles:

H. R. 12493. An act amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes;

H. R. 2866. An act authorizing the Secretary of the Interior to sell and patent to parties named herein certain lands in Louisiana;

H. R. 10361. An act authorizing the sale and patent of certain alleged public lands in Louisiana;

H. R. 1948. An act for the relief of Virgil O. McWhorter;

H. R. 1274. An act for the relief of Maude H. Mosher;

H. R. 11901. An act authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio; and

H. R. 11590. An act to amend sections 34 and 40 of the organic act of the Territory of Hawaii.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 3618. An act to amend the Judicial Code in reference to appeals and writs of error;

S. 2199. An act to provide for the marking of anchorage grounds in waters of the United States;

S. 2460. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stats., p. 437), to certain lands in Utah;

S. 3659. An act to create the White House police force, and for other purposes;

S. J. Res. 23. Joint resolution to authorize the Secretary of War to grant revocable licenses for the quarrying and removal of stone from the Mariveles Military Reservation, P. I.; and

S. J. Res. 156. Joint resolution authorizing the Secretary of War to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation in Virginia.



## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—  
 To Mr. CHANDLER of Oklahoma, indefinitely, on account of sickness in his family.  
 To Mr. ARENTZ (at the request of Mr. CABLE), on account of important business.  
 To Mr. VINSON, for 10 days, on account of important business.  
 To Mr. MCPHERSON, indefinitely, on account of severe illness in his family.  
 To Mr. ROSSDALE (at the request of Mr. SIEGEL), for five days, on account of investigation of Veterans' Hospital No. 81.  
 To Mr. LINTHICUM, for to-day, on account of important business.

## WORLD POULTRY CONGRESS.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 2251) authorizing an appropriation for the World's Poultry Congress be laid on the table. The bill provides for exhibits at the World's Poultry Congress to be held at The Hague, Holland, on September 6 to 13, 1921.

Mr. WINGO. The gentleman's purpose is merely to clear the calendar?

Mr. HAUGEN. Yes.

The SPEAKER. Without objection, it is so ordered.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House do now adjourn.

Mr. MOORE of Virginia. Pending that will the gentleman indicate as far as he can what the program is for to-morrow.

Mr. CAMPBELL of Kansas. I am unable to say what will be up to-morrow. There will be a session of the House and matters of some importance may come up.

Mr. MOORE of Virginia. What does the gentleman say will be before the House on Wednesday?

Mr. CAMPBELL of Kansas. I have no doubt that the conference report on the tariff bill will be before the House on Wednesday.

## HOUSE BILL 12356 LAID ON THE TABLE.

The SPEAKER. Without objection, the bill H. R. 12356, a similar bill to S. 3918, just passed, will lie on the table.

There was no objection.

## ADJOURNMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Tuesday, September 12, 1922, at 12 o'clock noon.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12436) granting a pension to James McDonough, and the same was referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 12576) providing for the purchase of a site and the erection of a public building thereon at Wapakoneta, Ohio, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. SEARS: A bill (H. R. 12577) to extend the market news service to certain States; to the Committee on Agriculture.

By Mr. MALONEY: A bill (H. R. 12578) to amend an act entitled "An act to authorize the association of producers of agricultural products," approved February 18, 1922, and to authorize association of producers of fishery and other sea products; to the Committee on the Judiciary.

By Mr. NORTON: A bill (H. R. 12579) to provide for the purchase of a site and the erection of a building for postal and other Federal purposes at Cleveland, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. MURPHY: A bill (H. R. 12580) to authorize the Secretary of the Interior to issue oil and gas permits and leases to persons equitably entitled thereto, and for other purposes; to the Committee on the Public Lands.

By Mr. HOCH: A bill (H. R. 12581) to establish a board of railroad adjustment for the settlement of disputes arising between carriers subject to the interstate commerce act and the employees of such carriers, to prevent the undue interruption of interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLER: Resolution (H. Res. 425) authorizing and directing the Committee on the Judiciary to inquire into the official conduct of Harry M. Daugherty, Attorney General of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. IRELAND: Resolution (H. Res. 426) appropriating \$250 for additional clerical service in the enrolling room of the House; to the Committee on Accounts.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Virginia: A bill (H. R. 12582) granting an increase of pension to Clare D. Fielding; to the Committee on Pensions.

By Mr. BROWN of Tennessee: A bill (H. R. 12583) granting a pension to Ava Pinkerton; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 12584) for the relief of Alice Loeber; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 12585) granting a pension to Hannah M. Atha; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 12586) granting a pension to Mary J. Kearns; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 12587) granting an increase of pension to Mary Ann Cross; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 12588) granting an increase of pension to John Holmes; to the Committee on Pensions.

By Mr. MCPHERSON: A bill (H. R. 12589) granting a pension to Albert E. Bishop; to the Committee on Invalid Pensions. Also, a bill (H. R. 12590) granting a pension to James H. Patterson; to the Committee on Invalid Pensions.

By Mr. MILLSPAUGH: A bill (H. R. 12591) granting a pension to Cora May Potes; to the Committee on Invalid Pensions.

By Mr. MOORE of Illinois: A bill (H. R. 12592) to correct the military record of William L. Million; to the Committee on Military Affairs.

By Mr. RIDDICK: A bill (H. R. 12593) for the relief of J. W. Cook; to the Committee on Claims.

By Mr. ROBSION: A bill (H. R. 12594) granting an increase of pension to William G. Jones; to the Committee on Pensions.

By Mr. SANDERS of Texas: A bill (H. R. 12595) for the relief of the parents of Charles James Crow, deceased; to the Committee on Claims.

By Mr. STEPHENS: A bill (H. R. 12596) for the relief of Frederick S. Easter; to the Committee on Naval Affairs.

By Mr. SWANK: A bill (H. R. 12597) for the relief of John H. McAtee; to the Committee on Military Affairs.

Also, a bill (H. R. 12598) granting a pension to Antoinette C. Constant; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12599) granting a pension to Elizabeth J. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12600) to correct the naval record of Harry Aretus Walters; to the Committee on Naval Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 12601) for the relief of Edna Mae Baird; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12602) for the relief of Edna Mae Baird; to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6283. By the SPEAKER (by request): Petition of Western Swedish Conference of Methodist Episcopal Church, in conference at Stratford, Iowa, favoring the passage of House Joint Resolution 159, proposing an amendment to the Constitution of the United States to prohibit sectarian appropriations; to the Committee on the Judiciary.

6284. By Mr. ANSORGE: Petition of Sailmakers' Union, Port of New York, favoring passage of ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

6285. By Mr. BROWN of Tennessee: Papers to accompany House bill 12583, granting a pension to Ava Pinkerton; to the Committee on Invalid Pensions.

6286. By Mr. CULLEN: Petition of Central Trades and Labor Council of New York, favoring the impeachment of Attorney General Daugherty and Federal Judge Wilkerson; to the Committee on the Judiciary.

6287. By Mr. KISSEL: Petition of Insecticide and Disinfectant Manufacturers' Association, New York City, N. Y., fa-



voring the placing of white arsenic on the free list; to the Committee on Ways and Means.

6288. Also, petition of Regant Co. (Inc.), New York City, N. Y., regarding flood waters of the Mississippi; to the Committee on Flood Control.

6289. Also, petition of Berger, Raphael & Wiles, New York City, N. Y., regarding flood waters of the Mississippi; to the Committee on Flood Control.

6290. Also, petition of William Wallace Brauer, Esq., Washington, D. C., regarding the German debt; to the Committee on Foreign Affairs.

6291. Also, petition of Chas. C. Bradley, Esq., of Brooklyn, N. Y., favoring a duty of 40 per cent on wire cloth; to the Committee on Ways and Means.

6292. By Mr. LEA of California: Petition of 13 citizens of Oakland, Calif., protesting against the enactment of pending Sunday bills; to the Committee on the District of Columbia.

6293. By Mr. SINCLAIR: Petition of A. V. Schallern and 52 others, of Mandan, N. Dak., and vicinity, for the enactment of legislation insuring a minimum price on wheat and other farm products; to the Committee on Agriculture.

6294. Also, petition of H. P. Hammer and 130 others, of Cooperstown, N. Dak., urging the enactment of a law for a set price on grain; to the Committee on Agriculture.

## SENATE.

TUESDAY, September 12, 1922.

(Legislative day of Monday, September 11, 1922.)

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

### LIBERIAN LOAN.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

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

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Edge	McCumber	Sheppard
Ball	Fletcher	McLean	Shields
Borah	France	McNary	Simmons
Broussard	Glass	Moses	Smoot
Calder	Gooding	Nelson	Sterling
Cameron	Hale	New	Sutherland
Capper	Harrell	Nicholson	Swanson
Celt	Harrison	Oddie	Trammell
Culberson	Heflin	Pepper	Walsh, Mass.
Cummins	Jones, Wash.	Phipps	Warren
Curtis	Kellogg	Ransdell	Watson, Ga.
Dillingham	King	Rawson	Watson, Ind.
du Pont	McCormick	Robinson	Willis

Mr. CURTIS. I was requested to announce that the Senator from Wisconsin [Mr. LENROOT] is detained by reason of illness in his family.

Mr. SIMMONS. I wish to announce that my colleague [Mr. OVERMAN] is absent on account of illness.

The PRESIDENT pro tempore. Fifty-two Senators having answered to their names, there is a quorum present. The question is upon the amendment proposed by the Senator from Idaho [Mr. BORAH.]

Mr. KING. Let the amendment be read.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The ASSISTANT SECRETARY. Add at the end of the joint resolution a new section, as follows:

SEC. — That to expedite the completion of Government reclamation projects heretofore begun and extensions thereof and to take up new projects under the national irrigation law, being the act of June 17, 1902 (32 Stat. p. 388), and acts amendatory thereof or supplementary thereto, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of \$20,000,000, and the Secretary of the Treasury is authorized, upon request of the Secretary of the Interior, to transfer the same or any part thereof from time to time to the credit of the reclamation fund created under the said act of June 17, 1902.

The said sum of \$20,000,000, or so much thereof as shall have been transferred to the reclamation fund, shall be reimbursed to the general funds of the Treasury by transferring annually the sum of \$1,000,000 from the reclamation fund to the general funds of the Treasury, beginning July 1, 1940.

Mr. BORAH. Mr. President, during the debate last evening some question arose as to credits which had been extended to other nations upon the same basis as the credit to the Liberian Government. I stated at the time that I was of the

opinion that a number of credits had been extended and that the moral obligation, so called, obtained with reference to those credits the same as to the Liberian credit. I find upon examining the record that there was a credit extended to Russia of \$450,000,000.

Mr. STERLING. To what record does the Senator refer?

Mr. BORAH. I am examining the hearings before the House Committee on Expenditures in the State Department and reading from the testimony of Mr. Polk, Secretary of State.

Mr. STERLING. I wonder why it is that the Secretary of the Treasury in two reports has stated that a credit of only \$187,000,000 was extended.

Mr. BORAH. There were some withdrawals afterwards which I presume justified the Secretary of the Treasury in stating what he did, but those withdrawals were no different from the withdrawal under the Liberian loan.

Mr. STERLING. The question then is, What was the net credit given to that Government?

Mr. BORAH. Then, the fact is that there was no credit given to Liberia beyond the \$26,000 to enable the Liberian representatives to take a junketing trip to Paris.

According to Mr. Polk, this was a complete Treasury statement. The statement referred to was set out in the hearings, and it discloses the following facts: Credits established, May 16, 1917, \$100,000,000; May 17, 1917, \$75,000,000; August 23, 1917, \$100,000,000; October 12, 1917, \$50,000,000; all of which make \$325,000,000.

Mr. STERLING. The Senator is reading the credits extended to Russia?

Mr. BORAH. Yes. Then, on page 19 of those hearings, Mr. McFADDEN said:

Mr. Polk, as I understand, the total credits established amounted to \$450,000,000?

Mr. POLK. Yes.

Mr. McFADDEN. And out of that we paid in money how much?

Mr. POLK. \$187,729,750.

Mr. McFADDEN. That was the amount of the advances in cash by this Government to Russia?

Mr. POLK. Yes, sir.

Mr. McFADDEN. The balance of the credits have been turned back?

Mr. POLK. Turned back into the Treasury.

Mr. McFADDEN. You say that \$187,000,000 was paid to Russia?

Mr. POLK. It was paid in installments, as I have them here, from July 6, 1917—

And so forth.

What took place was precisely the same thing that took place in the instance of Liberia. At a certain time Russia was notified that the credits were withdrawn, as in this case Liberia was notified that the credits were withdrawn; but Liberia was notified that the credits were withdrawn before Liberia had complied with the conditions which were prerequisite to the obtaining of the loan.

Mr. STERLING. Mr. President, there is this difference between the two reports of the Secretary of the Treasury in regard to Liberia and Russia, and especially is the report different in regard to Liberia: The first report of the Secretary of the Treasury, that of 1920, gives the entire credit established for Liberia, namely, \$5,000,000, with a withdrawal, I think, then of \$26,000; but the two reports give the credit established for Russia as being \$187,000,000.

Mr. BORAH. Mr. President, that is true so far as the reports are concerned; but in order to know what was done we must go back to the correspondence, and the correspondence of the Secretary of State was to the effect that Liberia had a credit of \$5,000,000 provided she complied with certain conditions. Those conditions were specified in the notice of the credit, but the conditions were not complied with. Later, however, the entire credit was withdrawn. So, Mr. President, while a greater space of time was occupied in the transaction as to Liberia, the transaction was precisely similar in the one case as in the other.

Mr. President, I also find from the record, according to my calculation, that the following credits were made: To Czechoslovakia of \$61,000,000, that is in excess of any amounts paid. These credits all rest upon the same moral obligation at the time that the war ceased. Nobody regarded them as binding upon the Government after the cessation of war except with reference to Liberia, and there different circumstances and conditions arose, matters to which we shall come later. A credit was due to Czechoslovakia of \$61,000,000; to Serbia of \$14,000,000; to England still of \$330,000,000; to Rumania of \$20,000,000; to Italy of \$45,000,000; and to Greece of \$48,000,000. The nations named had been notified that they had those credits in excess of the amounts drawn. Any claim to those credits, according to the figures which I have given here, if my investigation of the record be accurate and correct, rests precisely upon the same basis as the claim of Liberia, except that the basis of the Liberian loan is weaker by reason of the