3582. Also, petition of the New York Clothing Trade Association, urging the elimination of the proposed double duty on importation of raw wool; to the Committee on Ways and Means.

3583. By Mr. BARBOUR: Petition of the members of the Progress Club of Stevens Point, Wis., urging the passage of the Roosevelt-Sequoia National Park bill (H. R. 7452); to the Committee on the Public Lands.

3584. By Mr. GALLIVAN: Petition of the Department of Massachusetts, Veterans of Foreign Wars of the United States, John L. MacDonald, State commander, urging the assignment of the U. S. S. *Leviathan* to the Boston Navy Yard for reconditioning; to the Committee on the Merchant Marine and Fisheries.

3585. By Mr. KAHN: Petitions of 1,225 citizens and residents of St. Louis, Washington, and Franklin Counties, Mo., in favor of the modification of the Volstead law on prohibition, so as to allow the manufacture and sale of light wines and beer; to the Committee on the Judiciary.

3586. Also, petitions of 246 citizens and residents of St. Louis, Washington, and Franklin Counties, Mo., in favor of the modification of the Volstead law on prohibition, so as to allow the manufacture and sale of light wines and beer; to the Committee on the Judiciary.

3587. By Mr. KINDRED: Resolutions adopted by the Society of American Foresters at Toronto, Canada, on December 28, 1921, relative to the protection of forests, etc.; to the Committee on Agriculture.

3588. By Mr. KING: Petition from Mrs. E. C. Shields and 25 other citizens of Lewistown, Ill., urging passage of House resolution 244; to the Committee on Foreign Affairs.

3589. By Mr. KISSEL: Petition of Bush-Sulzer Bros. and the Diesel Engine Co., of St. Louis, Mo., relative to engines and motor ships; to the Committee on the Merchant Marine and Fisheries.

3590. By Mr. MERRITT: Papers to accompany House bill 551, for the relief of Charles A. Frid; to the Committe on Military Affairs.

3591. Also, papers to accompany House bill 5393, for the relief of George Rutherford; to the Committee on Military Affairs.

3592. By Mr. RIDDICK: Petition of farmers of Raymond, Myers, Carlyle, Wibaux, Culbertson, Fergus County, and Dodson, all in the State of Montana, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

3593. Also, petition of farmers of Sioux Pass, Mont., for revival of the United States Grain Corporation; to the Committee on Agriculture.

3594. By Mr. WATSON: Resolutions passed at a mass meeting on January 13, 1922, under the auspices of the Women's Economic Club and the Women's International League for Peace and Freedom; to the Committee on Military Affairs.

SENATE.

SATURDAY, *January 21, 1922.*

(Legislative day of Friday, January 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ball	Harris	Nelson	Sheppard
Cameron	Harrison	Newberry	Simmons
Capper	Heflin	Nicholson	Smith
Caraway	Johnson	Norris	Sutherland
Colt	Jones, N. Mex.	Oddie	Swanson
Cummins	Jones, Wash.	Overman	Trammell
Curtis	Kellogg	Page	Walsh, Mont.
Dial	Keyes	Phipps	Watson, Ga.
du Pont	Ladd	Poindexter	Willis
Fernald	McKellar	Pomerene	
Gooding	McNary	Ransdell	
Hale	Moses	Robinson	

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

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

Bursum	Lenroot	Townsend	Watson, Ind.

The following Senators entered the Chamber and answered to their names:

Ashurst	Culberson	King	Warren
Brandegee	Fletcher	Pittman	Williams
Broussard	Harreld	Walsh, Mass.	

Mr. CURTIS. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from New York [Mr. CALDER], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from Connecticut [Mr. McLEAN] are delayed on official business.

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present.

SUPPLEMENTAL ESTIMATES, POST OFFICE DEPARTMENT, 1923 (S. DOC. NO. 118).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting estimates of appropriation for the Post Office Department for the fiscal year 1923, supplemental to the estimates transmitted in the Budget—pneumatic-tube service, $534,747; Post Office inspectors, salaries, 1923, $235,000; Post Office inspectors, traveling expenses, 1923, $87,600; manufacture of stamped envelopes and newspaper wrappers, 1923, $585,000; indemnities, domestic mail, 1923, $635,000; total, $2,077,347—together with a letter from the Director of the Bureau of the Budget relative thereto, which, with the accompanying papers, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

PETITIONS.

The VICE PRESIDENT laid before the Senate a communication from the Baltimore Quarterly Meeting of Friends (Orthodox), dated January 14, 1922, expressing hearty appreciation of the action of the President in recommending, and of Congress in approving, the appropriation of $20,000,000 for the relief of the suffering people in Russia, which was ordered to lie on the table.

Mr. LADD presented 20 petitions of sundry citizens of Edmore and vicinity, Pekin, McVille, Newburg, Antler, Coulee, Sherwood, Glenburn, Landa, Kramer, Souris, Plaza, Buxton, Oriska, Taylor, Wing, Fessenden, Maddock, and Brocket, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation, so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF THE COMMITTEE ON MILITARY AFFAIRS.

Mr. SUTHERLAND, from the Committee on Military Affairs, to which was referred the bill (S. 2035) to amend section 3 of the act entitled "An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children," approved June 30, 1921, and for other purposes, reported it without amendment and submitted a report (No. 445) thereon.

Mr. LENROOT, from the Committee on Military Affairs, to which was referred the bill (S. 2380) for the relief of Henry P. Collins, alias Patrick Collins, reported it without amendment and submitted a report (No. 446) thereon.

Mr. LENROOT. From the Committee on Military Affairs I report back adversely the bill (S. 2654) for the relief of Almond S. Root, and I ask that it be placed on the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar, with the adverse report of the committee.

OLYMPIC FOREST RESERVE—CHANGE OF REFERENCE.

Mr. JONES of Washington. The bill (S. 1776) authorizing the adjustment of the boundaries of the Olympic National Forest, in the State of Washington, and for other purposes, was referred to the Committee on Agriculture and Forestry. I find that the Public Lands Committee has always been dealing with measures of this kind. I have spoken with the chairman of the Committee on Agriculture and Forestry, and he has no objection to a rereference of the bill. So I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from the further consideration of the bill and that the same be referred to the Committee on Public Lands and Surveys.

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

BILLS INTRODUCED.

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

By Mr. WILLIS:

A bill (S. 3046) to donate the gates at the head of West Executive Avenue, in the city of Washington, D. C., to the Hayes Memorial Museum, Fremont, Ohio; to the Committee on Military Affairs.

By Mr. TOWNSEND:

A bill (S. 3047) conferring jurisdiction upon the Court of Claims to hear, consider, adjudicate, and render final judgment in claims that the Chippewa or the Ottawa and Chippewa Indians may have against the United States; to the Committee on Indian Affairs.

By Mr. McKELLAR:

A bill (S. 3048) for the relief of L. D. Riddell and George W. Hardin, trustees of Milligan College, Tenn. (with accompanying papers); to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 3049) to survey and locate a military and post road from St. Louis, Mo., to Puget Sound, Wash., and for other purposes; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 3050) to extend the provisions of section 2455, United States Revised Statutes, to the lands within the Fort Fetterman abandoned military reservation, in the State of Wyoming; to the Committee on Public Lands and Surveys.

REPORT OF JOINT COMMISSION OF AGRICULTURAL INQUIRY.

The VICE PRESIDENT. The Chair lays before the Senate part 2 of the report of the Joint Commission of Agricultural Inquiry in regard to credits.

Mr. LENROOT. This is the second section of the report of the Joint Commission of Agricultural Inquiry. Inasmuch as it relates to the subject of credits, I ask that it be referred to the Committee on Banking and Currency.

The VICE PRESIDENT. Without objection, it will be so referred.

Mr. LENROOT. As to the first section of the report, I think that part 1 of the report lies on the table and has never been referred. I ask that it be referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. It will be so referred.

Mr. SHEPPARD. I desire to ask a question of the Senator from Wisconsin in this connection. Will the two sections of the report be embodied in a document, so that Senators may have an opportunity to read the report?

Mr. LENROOT. By concurrent resolution already passed by both Houses, 50,000 copies have been ordered printed, and the report will be available.

Mr. SHEPPARD. The report containing both sections?

Mr. LENROOT. Yes; both sections.

Mr. President, the report which has just been made recommends definite legislation, and the commission have prepared a bill covering their recommendations. I introduce the bill and ask that it be referred to the Committee on Banking and Currency.

The bill (S. 3051) to amend the Federal farm loan act by establishing a farm credits department in each Federal land bank was read twice by its title and referred to the Committee on Banking and Currency.

ANGLO-JAPANESE ALLIANCE AND FRANCO-JAPANESE ALLIANCE (S. DOC. NO. 117).

Mr. MOSES. I ask unanimous consent to present for printing in the RECORD in eight-point type and as a Senate document two documents, one being the Anglo-Japanese alliance signed at London, July 15, 1911, which alliance is to be abrogated by the four-power pact now being formulated by the Disarmament Conference, and the second document the Franco-Japanese alliance entered into June 10, 1907, and concerning the fate of which we have no information.

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

The documents referred to are as follows:

Agreement between the United Kingdom and Japan, signed at London July 13, 1911.

PREAMBLE.

The Government of Great Britain and the Government of Japan, having in view the important changes which have taken place in the situation since the conclusion of the Anglo-Japanese agreement of the 12th August, 1905, and believing that a revision of that agreement responding to such changes would contribute to general stability and repose, having agreed upon the following stipulations to replace the agreement above mentioned, such stipulations having the same object as the said agreement, namely:

(a) The consolidation and maintenance of the general peace in the regions of eastern Asia and of India;

(b) The preservation of the common interests of all powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China;

(c) The maintenance of the territorial rights of the high contracting parties in the regions of eastern Asia and of India, and the defense of their special interests in the said regions.

ARTICLE I.

It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this agreement are in jeopardy, the two Governments will communicate with one another fully and frankly, and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

ARTICLE II.

If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any power or powers, either high contracting party should be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement, the other high contracting party will at once come to the assistance of its ally, and will conduct the war in common, and make peace in mutual agreement with it.

ARTICLE III.

The high contracting parties agree that neither of them will, without consulting the other, enter into separate arrangements with another power to the prejudice of the objects described in the preamble of this agreement.

ARTICLE IV.

Should either high contracting party conclude a treaty of general arbitration with a third power, it is agreed that nothing in this agreement shall entail upon such contracting party an obligation to go to war with the power with whom such treaty of arbitration is in force.

ARTICLE V.

The conditions under which armed assistance shall be afforded by either power to the other in the circumstances mentioned in the present agreement, and the means by which such assistance is to be made available, will be arranged by the naval and military authorities of the high contracting parties, who will from time to time consult one another fully and freely upon all questions of mutual interest.

ARTICLE VI.

The present agreement shall come into effect immediately after the date of its signature, and remain in force for 10 years from that date.

In case neither of the high contracting parties should have notified 12 months before the expiration of the said 10 years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the high contracting parties shall have denounced it. But if, when the date fixed for its expiration arrives, either ally is actually engaged in war, the alliance shall, ipso facto, continue until peace is concluded.

In faith whereof the undersigned, duly authorized by their respective Governments, have signed this agreement, and have affixed thereto their seals.

Done in duplicate at London, the 13th day of July, 1911.

E. GREY,
His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

TAKAAKI KATO,
Ambassador Extraordinary and Plenipotentiary of His Majesty the Emperor of Japan at the Court of St. James.

FRANCE AND JAPAN.

Agreement in regard to the Continent of Asia, June 10, 1907.

[Translation from the French text as printed in Traites et Conventions, p. 376. Printed also in Foreign Relations, 1907, p. 754; American International Law Journal, supplement, 1910, p. 313; Hertslet, p. 618.]

The Government of His Majesty the Emperor of Japan and the Government of the French Republic, animated by the desire to strengthen the relations of amity existing between them and to remove from those relations all cause of misunderstanding for the future, have decided to conclude the following agreement:

"The Governments of Japan and France, being agreed to respect the independence and integrity of China, as well as the principle of equal treatment in that country for the commerce and subjects or citizens (i. e., ressortissants) of all nations, and having a special interest in having order and a pacific state of things guaranteed, especially in the regions of the Chinese Empire adjacent to the territories where they have the rights of sovereignty, protection, or occupation, engage to support each other for assuring the peace and security in those regions, with a view to maintaining the respective situation and the territorial rights of the two contracting parties in the continent of Asia."

In witness whereof, the undersigned, His Excellency Monsieur Kurino, ambassador extraordinary and plenipotentiary of His Majesty, the Emperor of Japan, to the President of the French Republic, and His Excellency Monsieur Stephen Pichon, senator, minister for foreign affairs, authorized by their re-

spective Governments, have signed this agreement and have affixed thereto their seals.

Done at Paris, the 10th of June, 1907.

[L. S.] S. KURINO.
[L. S.] S. PICHON.

Simultaneously with the conclusion of this agreement was signed a declaration, of which the following is the translation:

DECLARATION REGARDING MUTUAL MOST-FAVORED-NATION TREATMENT AS BETWEEN JAPAN AND FRENCH INDO-CHINA, JUNE 10, 1907.

The two Governments of Japan and France, while reserving the negotiations for the conclusion of a convention of commerce in regard to the relations between Japan and French Indo-China, agree as follows:

The treatment of the most favored nation shall be accorded to the officers and subjects of Japan in French Indo-China in all that concerns their persons and the protection of their property, and the same treatment shall be applied to the subjects and protéges of French Indo-China in the Empire of Japan until the expiration of the treaty of commerce and navigation signed between Japan and France on the 4th of August, 1896.

Paris, the 10th of June, 1907.

[L. S.] S. KURINO.
[L. S.] S. PICHON.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on January 20, 1922, the President had approved and signed the bill (S. 2708) to authorize the President to transfer certain medical supplies for the relief of the distressed and famine-stricken people of Russia.

INTERCHANGEABLE MILEAGE TICKETS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 848) to amend section 22 of the interstate commerce act by permitting the issuance of interchangeable mileage tickets on railroads, and for other purposes.

Mr. KELLOGG obtained the floor.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Arkansas?

Mr. ROBINSON. I desire to make a brief statement.

Mr. KELLOGG. I yield to the Senator in order that he may make a statement.

Mr. ROBINSON. Mr. President, under the unanimous-consent order entered into yesterday no amendments to the pending bill may be offered after the hour of 12 o'clock arrives. I think Senators should be afforded an opportunity to offer amendments. I desire to submit an amendment to the amendment of the Senator from Iowa [Mr. CUMMINS], which I ask the Secretary to state.

The VICE PRESIDENT. The amendment intended to be proposed by the Senator from Arkansas to the amendment of the Senator from Iowa will be stated.

The READING CLERK. In the amendment offered by the Senator from Iowa, on page 1, line 6, it is proposed to strike out the word "empowered" and to insert in lieu thereof the word "directed."

Mr. ROBINSON. Mr. President, with the indulgence of the Senator from Minnesota [Mr. KELLOGG], I shall claim the attention of the Senate for a few moments. I have proposed an amendment to the amendment of the Senator from Iowa [Mr. CUMMINS] striking out the word "empowered," in line 6, on page 1, and inserting the word "directed."

Under the amendment of the Senator from Iowa as it now stands authority is given the Interstate Commerce Commission to require the railroads to issue mileage books, and the commission is left to determine the rate at which the books shall be issued. Under the pending bill railroads are required to issue mileage books at a rate of 2½ cents per mile, the commission being authorized to readjust or to change the rate at any time it may find it necessary so to do.

It has been suggested that the adoption of the amendment which I have offered to the amendment of the Senator from Iowa will render that amendment much less objectionable but not entirely satisfactory to the proponents of the bill. Under the bill which the Senate is now considering the rate of 2½ cents a mile is to go into effect upon the passage of the bill, unless its enforcement be enjoined by a court of competent jurisdiction upon the complaint of the carrier alleging that the rate is confiscatory; that, under the Constitution of the United States, it constitutes a denial of due process of law.

In this connection I desire to say in regard to the constitutional question which has been raised that I think the pending bill may readily be distinguished from the law, which was held unconstitutional in the Michigan case. If the correct construction of the Michigan case is that no distinction may be made as between wholesale and retail sales of transportation, then the constitutional objection would, in my opinion, apply as much to the amendment which the Senator from Iowa has offered as to the bill which is now presented. Congress can not empower the commission to perform any act which the Congress itself may not do.

I do not think, however, that a proper application of the decision in the case of the Lake Shore Railway Co. against Smith, in One hundred and seventy-third United States, which was quoted from by the Senator from Iowa, can have the effect of precluding the constitutionality of this act. In my opinion, the true application of the decision is that in the particular case tested under the Michigan statute the rate was held confiscatory and to be an unreasonable and unjust regulation. My opinion is that the legal question to be determined upon the passage of this proposed act is whether the rate fixed by Congress is confiscatory, unfair, unreasonable, and unjust, and is a proper exercise of the legislative power. Mr. President, in so far as I am concerned, I shall somewhat reluctantly accept the Cummins amendment if the amendment which I have proposed to that amendment be agreed to by the Senate.

It has been stated during the course of the debate that the objection to relegating the matter to the Interstate Commerce Commission grows in part out of the fact that delay will result. I myself have felt that that is a material and a substantial objection. On the other hand, the power of the commission to readjust the rate which is fixed in the bill is recognized by the bill itself, and there is no purpose on the part of any advocate of the bill to change that provision; so, after the passage of the bill, if it should become a law, upon the application of any carrier alleging that the rate fixed in the law is too low, the commission could hear and determine the question and readjust the rate. In the meantime, in all probability, if the carriers elected to do so, they could, by order of a court of competent jurisdiction, enjoin the enforcement of the 2½-cent rate until the question of its validity might be determined. So, in my opinion, with the modfication of the Cummins amendment which I have suggested, there is not enough left in the controversy to justify the Senate in prolonging the contest.

Mr. POMERENE. Mr. President, will the Senator yield for a question?

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

Mr. POMERENE. I want to direct the question which I am about to ask both to the pending bill and to the amendment, and before asking the question I want to make a brief statement, if I may.

I think, of course, Senators concede that what might be a reasonable rate in one section of the country, let us say western Ohio, Indiana, Illinois, and Iowa, might not be a reasonable rate in the intermountain regions. I was told on yesterday by one of the Senators from Colorado that the rate in the intermountain regions ran from 3 cents per mile up to almost 5 cents per mile. I have not the exact figures; but, assuming such rates to be reasonable in the intermountain regions, then it must follow that the rate of 2½ cents per mile, if adopted, would be confiscatory.

My question is this: Assume that either the original bill or the substitute offered by the Senator from Iowa is enacted into law, would it be within the power of the commission to say that the proposed mileage books could be used in one section of the country and not be required in another, if they should find that the rate might be confiscatory in one section and not in another? In other words, would either of these measures, if adopted, give to the commission that latitude and allow them to establish one rate in one section and another rate in another section?

Mr. CUMMINS. Mr. President——

Mr. ROBINSON. I yield to the Senator from Iowa.

Mr. CUMMINS. The rate fixed by the Interstate Commerce Commission for passenger travel is 3.6 cents per mile. As I said on yesterday, that rate applies to every State in the Union except three, the three exceptions being Arizona, Utah, and Nevada. In Arizona the rate fixed by the commission is 4.8 cents, in Utah it is 4.8 cents, and in Nevada it is the same. I have assumed—and I have no doubt that it is the true construction of the amendment I have offered—that suitable rules and regulations can be made that will provide for the use of the mileage books which might be issued in these three States. Mark you, the amendment which I have proposed does not make the mileage books good for intrastate travel, and I understand the Senator from Arkansas intends to offer an amendment, if we shall ever come to a vote, striking out that feature of the bill introduced by the Senator from Indiana.

for I think none of us want directly to prescribe rates for intrastate travel.

Mr. POMERENE. Mr. President, may I make a suggestion?

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

Mr. ROBINSON. I yield.

Mr. POMERENE. The amendment offered by the Senator from Iowa provides that the interchangeable mileage books shall be "good for interstate passenger carriage upon the passenger trains of any and all other carriers by rail." That being an affirmative provision of the bill, I feared that whatever rule might be adopted would have to be consistent with the provisions of the bill which would require these interchangeable tickets to be used on all roads. That is my difficulty.

Mr. CUMMINS. The bill also provides that the commission shall prescribe the rate at which the books shall be issued and that the rate shall be fair and just and reasonable.

Mr. POMERENE. Yes; but that means the same rate, I take it.

Mr. CUMMINS. I do not think that is a necessary construction of the amendment at least.

Mr. POMERENE. My thought about it was this, and this is what I feared with both bills—that if the Interstate Commerce Commission saw fit either to raise or to lower this rate they would have to raise it or lower it in the same proportion throughout the entire country.

Mr. CUMMINS. That is true of the bill that is before the Senate. It is not true, in my opinion, of the amendment or substitute.

Mr. POMERENE. I am afraid the same objection lies to both. I hope I am wrong about it.

Mr. KELLOGG. Mr. President, I yielded to the Senator from Arkansas to make a statement, and I want to give him all the time necessary. I only wish to say that there is a very short time left. I do not want to interfere with the statement, but I would rather Senators would not get into a general discussion.

Mr. ROBINSON. In reply to the question of the Senator from Ohio [Mr. POMERENE], I think the language of the amendment, giving the Interstate Commerce Commission liberal authority to make rules and regulations for the execution of the act and to determine its application, would perhaps cover the point that he has raised. I want to direct my remarks, however, in the brief time for which I feel justified in claiming the further attention of the Senate, to other propositions.

I have said that I thought the true constitutional question involved is whether the legislative rate is confiscatory, and that if the bill should pass the burden of proof would be upon the complaining carrier to establish that fact. If the Cummins amendment, as modified by my amendment thereto, is agreed to, the commission will be directed to require the issuance of mileage books, but will have authority to fix whatever rate the commission finds to be just and reasonable. If the bill passes, as I have already explained, the authority of the commission in that particular is limited to a readjustment of the rates in order to coordinate them with other rates in force, and avoid injustice and undue discrimination. This case, as I have already said, is easily distinguishable from the Michigan case. Upon that point I shall detain the Senate only a moment or two.

In the Michigan case the statute authorized the issuance of books in blocks of 1,000 miles, made them good for two years, provided that the family of the purchaser might use them, and made the books redeemable. Under this bill the limitation is 5,000 miles, although I have repeatedly said that I think that it ought to be reduced to 2,000 miles. The books are to be good for only one year, can be used only by the purchaser, and are nonredeemable. In the Michigan case the charter of the railroad company authorized it to exact 3 cents per mile as a passenger rate, and while there are expressions in the opinion in the Lake Shore case which might form the basis of an argument that the decision goes much further than I assert that it does, in my opinion the gist of the decision is that the rate in the Michigan case was unreasonable and unjust because it was confiscatory and unduly discriminatory, and the courts have repeatedly declined to expand the doctrine of that case. They have announced that it is their purpose not to do so.

Statutes and municipal ordinances requiring street railways and railroads to carry school children and soldiers at half fare have been uniformly held constitutional, on other grounds, however, than that involved in the decision in the Lake Shore case. It must be apparent that if an act requiring school children or soldiers to be transported at half the maximum passenger fare does not constitute a violation of the due-process clause of the Constitution such an act as this could readily stand the constitutional test.

I have said, and I repeat, that in my opinion, if the amendment that I have suggested to the Cummins amendment is agreed to, the difference that will then exist between the two propositions would not justify the proponents of the bill in further contesting the adoption of the Cummins amendment, especially in view of the risk the friends of the bill would take in having the Cummins amendment as originally proposed adopted by the Senate.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. The Senator from Minnesota.

Mr. TOWNSEND. Mr. President——

Mr. KELLOGG. I yield to any Senator who wishes to introduce an amendment.

Mr. TOWNSEND. I desire to offer the amendment which I send to the desk in case the amendment of the Senator from Iowa [Mr. CUMMINS] does not prevail.

Mr. HARRIS. I offer an amendment to the bill, which I send to the desk.

Mr. POMERENE. Mr. President, may I ask, in view of the fact that these amendments must all be voted upon, that they be read at the desk as they are presented.

The VICE PRESIDENT. The amendments will be stated for the information of the Senate.

The READING CLERK. The Senator from Michigan [Mr. TOWNSEND] proposes the following amendment:

Amend said bill by striking out from lines 3 and 4, on page 2 of the bill as printed, the comma following the word "carrier" in said line 3, and the words "without regard as to whether the points of origin and destination for any single journey are within the same State."

The ASSISTANT SECRETARY. The Senator from Georgia [Mr. HARRIS] proposes the following:

That two years after the passage of this act it shall be unlawful for a common carrier to use a passenger car in any train used in whole or in part for the transportation of passengers for hire unless such car is constructed of steel, and that the use in passenger trains of wooden cars between or in front of steel cars is prohibited.

Mr. CUMMINS. I give notice that I shall raise a point of order upon that amendment.

Mr. KELLOGG. Mr. President, I had intended to discuss this bill thoroughly, but the time allowed for discussion is so short that I shall confine my remarks principally to one feature.

Do I understand that the Senator from Iowa [Mr. CUMMINS] is willing to accept the amendment of the Senator from Arkansas [Mr. ROBINSON]? If so, it will make some difference in my remarks.

Mr. CUMMINS. Mr. President, I am willing to accept the amendment offered by the Senator from Arkansas; and, if I may be permitted, I will state in a word why I am willing to modify my substitute in that way.

My objection to the bill under consideration, as so often stated, is that we ought not to withdraw from the Interstate Commerce Commission the power we have given that body to fix fair and reasonable rates, and we are not qualified to do that work. I am in sympathy with the desire of many people that there shall be interchangeable mileage tickets, and therefore I regard the amendment as substantially in accord with the principles I have urged; and I intend to accept it so far as I can.

Mr. KELLOGG. Mr. President, I shall not undertake to discuss the constitutional question involved in this bill, but it is perfectly evident to anyone that at least it is a very serious question. In my opinion, the law as introduced is unconstitutional; but the acceptance of the amendment by the Senator from Iowa [Mr. CUMMINS] will render it unnecessary to discuss that question, because the question can be raised before the commission, and raised on the enforcement of an order, without tying up all the rates in the country, as would be necessary if an injunction were brought against the enforcement of the law itself. Then we would have no law.

I am heartily in favor of the bill as finally agreed to by the Senator from Arkansas and the Senator from Iowa, for the reason, among others, that the commission now has not the power to require a uniform mileage book. I shall state only one reason. I am not going into the general argument. I have not the time.

When we conferred upon the commission the power to make joint passenger and freight rates and routes, we provided, by section 4, that—

In establishing any such through route the commission shall not * * * require any carrier by railroad, without its consent, to embrace in such route substantially less than the entire length of its railroad and of any intermediate railroad operated in conjunction and under a common management or control therewith which lies between the termini of such proposed through route, unless such inclusion of lines would make the through route unreasonably long—

And so forth. So the commission could not to-day require a completely interchangeable mileage book, and that is a com-

plete answer to the claim that the commission have neglected to consider and take up the subject.

Suppose a mileage book were to be made over the Union Pacific Railroad from Omaha to Ogden. The Union Pacific could object to the mileage book reaching Ogden by way of the Denver & Rio Grande. It is perfectly reasonable, in making a joint freight route, that that should be a provision of the law, because the carload of freight does not need to stop off at any intermediate station. In passenger rates I think the mileage book must be uniform all over the United States, so far as requiring all railroads to honor it is concerned, if it is going to be of any benefit to the traveling public.

I am heartily in favor of such a mileage book. I believe that it will be a great convenience to the traveling public. There are objections, of course, to issuing a 5,000-mile mileage book for a cent a mile less than the general public has to pay. It would be in the interest of a class of people who are able to buy the ticket; but I shall not stop to discuss that question, because it is not involved in the amendment which the Senator from Arkansas has made to the amendment of the Senator from Iowa.

Mr. President, one word more upon this general subject.

The commission have not neglected to consider passenger rates. Immediately after the commission made the reduction of from 12 to 16 per cent in grain, grain products, and hay in December, it made an order of its own motion and started in on an investigation of all passenger and freight rates in order to determine whether the high rates of freight and passengers were justified in view of the general commercial and economic conditions. That investigation involves the very question which has been argued upon this floor, and the contention made—in which I think there is much weight and reason—that the present high rates are discouraging transportation and business.

I know that the commission believed, when they made the reduction in the rate on farm products from 12 to 16 per cent, that such was the case. There have also been reductions in the rates on various other articles of about 10 per cent, and more than 500 reductions have been made over the country in the rates on different commodities and articles, because the general percentage of the rise in rates all over the country threw them out of line. You can not raise and lower all the rates in the country on a percentage basis without throwing them so out of line that one community will be discriminated against, or one individual industry will be discriminated against, in favor of another. It can not be done wthout that result. I might say that that is the best illustration of why Congress should not enter into the details of fixing rates.

Mr. President, I have been somewhat familiar with the rate question ever since the Granger cases of 1873, 1874, and 1875. It is true that the first laws passed fixing rates were passed by the States, but it was soon found that the fixing of rates involved questions of discrimination between communities and sections of the country, and between industries; involved the question of how much certain traffic could stand; involved so many elements that must be technically studied by a commission that it was necessary to create commissions, and nearly all the States have created commissions. I wish to say that Minnesota was one of the first States to create such a commission; my colleague will bear me out. I think we created our commission in 1891 and gave it authority to fix rates, and that authority has been exercised ever since. The authority thus given to commissions over the country has been of very great benefit.

Then Congress came along and established the Interstate Commerce Commission in 1887, and some time later, in 1902 or 1904, I have forgotten which, we gave the commission power to fix rates, both passenger and freight.

Mr. President, I do not object to the mileage-book proposition. I want to accomplish its authorization in the constitutional and most efficient way. I believe it to be absolutely impossible for Congress to enter into the subject of itself fixing rates.

Let me illustrate. I think the discussion of this bill within the last few days has illustrated the absolute impossibility of it being done without a careful study and technical knowledge. During the very able speeches of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Iowa [Mr. CUMMINS] there never were over 15 Senators, and most of the time not over 6 or 8 Senators, on the floor listening to them.

Mr. ROBINSON. Mr. President, the Senator might observe with equal propriety that not exceeding that number is present to hear his own remarks.

Mr. KELLOGG. I was going to remark that I do not claim to attract any more Senators than the very able and distinguished Senator from Arkansas and the Senator from Iowa, but the subject of fixing rates over this country is very technical and requires an extensive study of economic conditions, questions of discrimination, and questions of what the traffic will bear; for I say that to-day it is a serious question whether traffic in many articles will bear these rates, especially those on lumber, coal, and farm products; I mean the large staple products.

Let me illustrate: Take the question of merchandise. I do not mean heavy merchandise; I mean dry goods. Really, it does not make much difference what the rate is on some of those articles, but on stock, grain, coal, and lumber the rates are so high to-day as to be a tremendous burden upon the public.

But, Senators, that is a question which ought to be settled by the Interstate Commerce Commission. We ought to give them the power on this question of mileage books, and I have no objection to giving them a direction.

Mr. President, ought we to depart now from a policy which has been established in this country since 1888; from a policy which the Congress has frequently refused to depart from; from a policy which was adopted by the States of laying down the general rules and committing the details of rates to the Interstate Commerce Commission and to the commissions of the various States?

Let me illustrate. When the Director General made his order for a 25 per cent increase in rates all over the country it was made, of course, in a hurry, without investigation by the Interstate Commerce Commission or any technical body. Immediately it was found that when those rates were raised a percentage they were greatly out of line with each other, not only as between communities but as between commodities.

What does discrimination mean? A half cent a hundred pounds on heavy products between competing communities may control the traffic. There are questions as to what the raw material in bulk should pay as compared with the manufactured article, and when you add 25 per cent to a light merchandise rate it does not amount to much. When you add it to the rate on cattle, coal, and lumber, great commodities, it amounts to a great deal.

A 25 per cent increase in a local rate which is higher on account of the short haul, as compared with a 25 per cent rate on a through haul reaching 2,000 miles over the country, throws one absolutely and entirely out of line with the other, and the commission found in a very short time, Mr. President, that the Director General's order had so thrown the rates of this country out of line that the commission had to go to work under the order of the Director General and remodel many of the rates of the country in order that one community would not be discriminated against in favor of another.

Does anyone believe that if a bill was introduced in the Senate to increase the rate on one commodity it would ever get through the Senate without Senators tacking onto it or discussing practically every commodity of the United States and every rate in the United States? The Congress could not go over the subject in three months.

Mr. President, there are actually thousands of changes in rates every year, because of changes in commercial, economic, and competitive conditions in the country, and especially has that been true since the percentage raise which was made by the Director General and the percentage raise which was made by the Interstate Commerce Commission. The Interstate Commerce Commission did to some extent apply temporarily a percentage raise on a great many articles, but not on all. They did that because the law required them to increase rates within a certain length of time, and immediately they went to work, and they have informed me that a great deal of their time has been taken going through individual cases, and my recollection is that between 500 and 1,000 reductions in rates on commodities and articles throughout the country have been made within the last six months in order that the rates should not be excessive and should not be discriminatory as between communities, individuals, enterprises, businesses, and commodities.

I realize that at best the question is a difficult one. I believe, however, that the most crying need to-day is for a reduction in farm products, in building materials, including coal and lumber, which are necessary, of course, not only to building but to manufacturing throughout the country. I believe that the first thing which should be done by the commission—although they are considering, and should consider, the passenger rates at the same time—is to relieve the business interests, the farmers, the manufacturers, and the builders of the great burden placed upon them by these rates, and that must of necessity involve an examination of the incomes of the roads. It must also involve an examination of what steps have been taken, and are being taken, for the reduction of operating expenses.

I am glad to say that the operating expenses last year were very greatly reduced over 1920. The reports of the Interstate

Commerce Commission for the years 1920 and 1921 show that 93.59 cents of every dollar received in 1920 by the railroads was paid out for operating expenses. In 1921 only 82.67 cents of every dollar was paid out for operating expenses. That shows a gratifying reduction, but the reduction in operating expenses must go further. I can not, in the time I have, discuss the details of that.

I am very glad that the Senator from Arkansas and the Senator from Iowa have agreed on a form of amendment, and I shall heartily support it.

Mr. DIAL. Mr. President, I, too, am glad that an agreement has been reached upon this amendment. There is no question that both freight rates and passenger rates are too high. The real question is the proper way to get at the problem. The bill in its original form, to my mind, would entail a great deal of uncertainty, and perhaps would prove a very dangerous precedent for us to establish. Therefore I am glad an agreement has been reached upon an apparently satisfactory solution of it.

The objection I have to the present method, however, is as to the slowness with which the Interstate Commerce Commission acts. I am very much persuaded to believe that our governmental agencies spend too much time in investigation. It has been something like two years since the Government turned the railroads back to the private owners, and it would seem to me that sufficient time has elapsed in which to have gotten the situation more nearly back to normal.

It is my impression that those representing the ownership of the railroads, and perhaps certain other elements in the country, have been harboring the idea of Government ownership. So far as I am concerned, and so far as my vote can affect the matter, I want those people and anyone else in the United States who may have any such lingering idea to dismiss it from their minds, because we do not want Government ownership in business any more in this country and, so far as my vote will help to prevent it, will not have it.

The Interstate Commerce Commission is composed of 11 members. I rather incline to the belief that it is a little cumbersome as a body, although I know they have a great deal of work to do. I am very much in favor of smaller bodies, and a little more rapidity of action. They could well pattern after a man down in my county, Jim Harris. Jim is a fine fellow, but always in a hurry. His motto is, "Go ahead and do something, even if you do it wrong." I rather believe that some of our governmental agencies could profit, in part at least, by following Jim's advice, to "go ahead and do something."

When we sit down now to make a study of these matters, the mass of figures that is presented is such as to cause us to become bewildered, and we hardly know what to do. I presume everyone in the United States over 15 years of age outside of Congress knows the reason why passenger and freight rates are not reduced.

The VICE PRESIDENT. The Senator will suspend a moment. The hour of 12 o'clock having arrived, the unanimous-consent agreement goes into effect, which provides that no Senator shall speak more than once or longer than five minutes upon the bill, or more than once or longer than five minutes upon any amendment offered thereto. The pending amendment is that offered by the Senator from Florida [Mr. TRAMMELL].

Mr. DIAL. I will hasten along. I had forgotten about the time limit.

I am a little bit afraid that the Congress will stumble around for another year or two, and we will only then discover the reason why we do not reduce the rates, but I still have a little hope in that direction.

We have two boards or governmental agencies in control of this matter, one the Interstate Commerce Commission and the other the Labor Board. I am delighted that I fought the Esch-Cummins bill with all the power that was in me. I had been in the Senate only a few months, was a "baby" Senator, but I had the temerity to make a few remarks against that bill and have been proud of them every day since.

The idea of creating a Labor Board to fix wages and at the same time giving the Interstate Commerce Commission power to fix rates was contrary to all business principles, from my viewpoint.

Not only that, but the idea of a Labor Board, composed of three men representing labor, three men representing the railroads, and three men representing the public, was absolutely wrong. That is letting the parties involved, the plaintiff and the defendant, as it were, sit as members of the jury. We never get anywhere with an arrangement of that kind.

I am in hope that the Interstate Commerce Commission will get right down to business and revise a whole lot of our railroad laws. What the Congress should do is to repeal the Labor Board act and, if we need any such agency, give that authority to the Interstate Commerce Commission, and then if the 11 members of the Interstate Commerce Commission can not take care of that work, reduce the number to five and perhaps they can do it then; or we could repeal that authority altogether.

We must get back to a business basis. There are rules and regulations governing the railroads of the country that are absolutely inconsistent with present conditions. So far as the men who operate the trains are concerned, I believe they should have good pay, extra good pay, but there are many railroad employees, common labor on the railroads, enjoying two or three times the amount of pay that is given for similar work in the same territory in other lines of business.

I believe that the best interests of the railroads and the best interests of the country generally require that the railroads be permited to employ their own help in their own way. They should be unrestricted. Their hands should be untied and free in order that they may negotiate themselves with their own people. It is absolutely inconsistent with efficiency and good business, in my opinion, to have labor and capital antagonistic. They should get together; talk their problems over. I believe they can make better terms and get along better, not only in their own interest but in the interest of the public, if we untie their hands in this respect. Let them work and live in harmony, taking an interest in each other's welfare. Rates must come down else all industry will continue to languish to the injury of everyone.

The VICE PRESIDENT. The Senator's time has expired.

Mr. TRAMMELL. Mr. President, I believe the bill presented by the committee should be preferred by the Senate to the substitute proposed by the Senator from Iowa. The substitute will no doubt, in the first place, result in a long-drawn-out delay before any action is taken by the Interstate Commerce Commission. By the time the commission gives due notice, carries on formal hearings, and then reaches a decision, I prophesy this, that it will be one year at least before we will get any action upon the part of the Interstate Commerce Commission looking to any relief whatever.

Even when that relief finally does come it is very uncertain whether it will be of any real benefit in the way of a reduction of passenger rates. I am more inclined to the opinion that it will not result in any benefit or any relief to the traveling public. I doubt seriously if the Interstate Commerce Commission will require any reduction. They will probably issue an order that mileage tickets, as a matter of convenience, shall be issued at a rate similar to that charged for the ordinary ticket.

We have upon the statute books at the present time a provision giving a guaranteed earning to the railroads of at least 5½ per cent; that is, they have the privilege of earning sufficient to result in their having a net return of 5½ per cent. With that provision still upon the statute books, which a number of us have urged should be repealed, the Interstate Commerce Commission probably would have its hands tied by legislative enactment, even if it desired to make the reduction.

I think the time has come——

Mr. POMERENE. Mr. President——

Mr. TRAMMELL I have only five minutes. I wish to be courteous, but I only have five minutes and can not yield.

I think the time has come when Congress should express itself upon the subject emphatically, and that we should enact the measure now pending providing for the issuance of mileage books at 2½ cents a mile, and that we should not adopt any substitute measure which in all probability would defeat the purpose of the public having any such relief as proposed by the bill having the approval of the committee.

I proposed an amendment to make the mileage tickets for 1,000 miles instead of 5,000 miles, believing that if we place the amount of mileage at 5,000 it will be a discrimination very largely against those who are not of sufficient financial means and who do not do sufficient traveling to purchase a 5,000-mile book. Of course, a 5,000-mile book is better than none at all, and I heartily favor this if we can not get the mileage reduced to 1,000 miles, or, say, 2,000.

The policy of having mileage tickets from 1,000 to 5,000 miles is recognized in the substitute offered by the Senator from Iowa. His substitute provides that the mileage ticket shall be from 1,000 to 5,000 miles. When the railroads formerly sold mileage books they also sold them in books of 1,000 miles. I hope my amendment will be adopted, so that if the Senate in its wisdom sees proper to accept the committee bill instead of the substitute offered by the Senator from Iowa, we will then have a provision that requires the issuance of mileage books of 1,000 miles and in a larger amount of mileage.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Florida.

Mr. CUMMINS. I ask that the pending amendment be stated.

The VICE PRESIDENT. It will be stated.

The ASSISTANT SECRETARY. In the reported bill, on page 1, line 4, after the word "nontransferable," it is proposed to strike out "five" and insert "one," so it will read "shall issue interchangeable nontransferable 1,000-mile tickets.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment is that proposed by the Senator from Michigan [Mr. TOWNSEND], which the Secretary will report.

The ASSISTANT SECRETARY. Amend the bill by striking from lines 2, 3, and 4, on page 2, the comma after the word "carrier" and the words "without regard as to whether the points of origin and destination for any single journey or within the same State."

The amendment was agreed to.

The VICE PRESIDENT. The next amendment is that offered by the Senator from Georgia [Mr. HARRIS].

Mr. POMERENE. Mr. President, I am very glad that the Senator from Iowa [Mr. CUMMINS], who is the chairman of the Interstate Commerce Committee, and the Senator from Arkansas [Mr. ROBINSON] have reconciled their differences so far as the substitute amendment is concerned. I wish to say that in the form in which the bill was presented originally I would feel compelled to vote against it.

The distinguished Senator from South Carolina [Mr. SMITH], in opening his address on yesterday, spoke of the chaotic condition of the railroads and of substantially everything pertaining to them. The bill as it is presented here would make conditions even more chaotic, viewing them from the financial standpoint. It may or may not be that the Interstate Commerce Commission is not functioning properly. I have very great respect for the commission and I have very great sympathy for them in the great burden of work that is placed upon them. That burden was increased tenfold by the actions of the Directors General of Railroads during Government operation and control.

If this bill as it was originally presented is to pass, then we shall have the Interstate Commerce Commission functioning upon the subject of rates, and we shall have the Congress of the United States trying to deprive them of a part of their powers and legislating with respect to rates, when I am quite sure no Senator thus far has indicated that he is clear in his own mind that many of the railroads could continue to operate if this bill were to pass.

I am in sympathy with the general proposition that all rates, passenger and freight, should go down, but I am not prepared to say that I have sufficient knowledge to decide whether 2½ cents per mile is a sufficient rate in Florida or in the plains of the interior of the country, or is sufficient in the intermountain regions. A rate which might permit the roads of the Middle West to prosper would impoverish the roads of the intermountain regions. Are we to become so reckless in our Federal legislation that we shall care nothing for the railroads in the mountain regions? Those sections are a part of this country, just the same as Ohio and Indiana and Illinois and Iowa are a part of it. I want to get a maximum of efficiency from the roads, and I want them to be reasonably encouraged.

Senators, I do not believe we appreciate what we are doing when it is attempted to provide by legislative act that one rate shall apply to all the railroads wherever they may be. If this bill shall pass, then to-morrow or the next day some one will want a special rate for watermelons, another man for cabbage, and another man for brick. I have felt all the while that many of the existing rail rates have discouraged shipments. Let me give an illustration.

The VICE PRESIDENT. The Senator's time has expired.

Mr. POMERENE. I submit.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. HARRIS], which will be stated.

The ASSISTANT SECRETARY. At the end of the bill it is proposed to add a new subdivision, as follows:

(4) That two years after the passage of this act it shall be unlawful for a common carrier to use a passenger car in any train used in whole or in part for the transportation of passengers for hire unless such car is constructed of steel and that the use in passenger trains of wooden cars between or in front of steel cars is prohibited.

Mr. CUMMINS. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. CUMMINS. The unanimous-consent agreement under which we are acting provides as follows:

That no amendment not germane shall be considered.

The amendment proposed by the Senator from Georgia is not germane to the subject matter of the bill under consideration. When we all agreed to submit to the limitation provided in the agreement, this part of the agreement was inserted for the very reason that it was known that if every amendment possible under the general rules of the Senate were to be submitted it would be impossible to consider such amendments and debate them within the time fixed by the agreement.

The VICE PRESIDENT. Does the Senator from Georgia contest the point of order?

Mr. HARRIS. Mr. President, I am not so familiar with parliamentary rules as are other Senators; but if a provision relative to the character of passenger cars which may be used is not germane to legislation proposing to fix passenger rates, then I can not understand why that is not so. In this connection I desire to call the attention of the Senate to the last annual report of the Interstate Commerce Commission. I read from their recommendations to Congress as follows:

That the use of steel cars in passenger-train service be required, and that the use in passenger trains of wooden cars between or in front of steel cars be prohibited.

Mr. President, the Interstate Commerce Commission are more familiar with the railroads and the finances of the railroads than is anyone else. They are certainly in a position to know the necessity for the recommendations which they make and whether or not the financial condition of the roads is such as to enable them to arrange to substitute steel cars for the the wooden cars which may now be in use.

My amendment provides that the requirement as to steel cars shall take effect two years from the date of the passage of the act. When Congress compelled the adoption of automatic car couplers it was found that some of the roads were not financially able to install them and that some of the roads could not meet the requirement for other reasons; so the time for their compliance was extended. If some of the roads are not in such financial condition that they can provide steel cars within two years, Congress can extend the time within which they shall do so. Congress has always been reasonable in reference to such matters, and the railroads, I may add, have always had plenty of friends in Congress.

Mr. President, while it is important that we should reduce passenger fares, we should also not delay longer giving protection to the lives of passengers and employees. Experience shows that accidents to passengers and employees in steel cars are much less than in wooden cars.

The VICE PRESIDENT. The Chair is ready to rule on the point of order, and rules that the amendment offered by the Senator from Georgia is not germane. Therefore, the point of order raised by the Senator from Iowa is well taken. The question now recurs on the amendment in the nature of a substitute offered by the Senator from Iowa.

Mr. TRAMMELL. I move to reconsider the vote by which the amendment offered by the Senator from Michigan [Mr. TOWNSEND] was adopted.

The VICE PRESIDENT. The question is on the motion of the Senator from Florida that the Senate reconsider the vote by which the amendment offered by the Senator from Michigan was adopted. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On motion of the Senator from Michigan [Mr. TOWNSEND] the Senate, as in Committee of the Whole, struck out of the bill as reported on page 2, lines 3, 4, and 5, the words "without regard as to whether the points of origin and destination for any single journey are within the same State."

Mr. TRAMMELL. Mr. President, I was under some misapprehension when that amendment was proposed; in fact, I did not quite understand its reading from the desk. If the proposed benefits under this measure are to be participated in or realized at all by commercial travelers whose travels are exclusively within a particular State or largely so, then, with the provision stricken out, as proposed by the amendment of the Senator from Michigan [Mr. TOWNSEND], they will not enjoy the privileges proposed to be extended to commercial travelers and others under the original bill.

Of course I know there is some constitutional question involved as to whether or not under the law the Interstate Commerce Commission, if this bill is enacted, could issue an order that would require the sale of mileage books for use by local travelers within a State; and it is doubtless on account of that constitutional question that the amendment was proposed; but I believe, Mr. President, that the bill should be allowed to stand as originally drafted, and then subsequently the question may be settled and determined as to whether or not the privilege of the use of mileage books will be extended to include intrastate travel in the respective States.

The original bill provided that mileage books should be issued regardless of whether the point of origin and destination were within the State where the ticket was sold. With that provision stricken out, when the Interstate Commerce Commission comes to issue rules and regulations for the enforcement of the law we know of course that there will be no opportunity or chance whatever for commercial travelers representing firms within a given State and confining their travels within that State and for the citizens of a given State traveling within that State to participate in the benefits of the law.

I hope that the amendment will be reconsidered and that the bill will be allowed to stand as it originally came from the committee. Then this question may be subsequently determined, and, if possible, traveling salesmen whose labors are restricted within the borders of a particular State and the traveling public whose travels are largely within a particular State may obtain some benefit under the bill. If the amendment stands as adopted, there is no question that they will receive no benefit whatever under this measure. I desire for the bill to retain the provision under which the people of my State—commercial salesmen or others—may have the privilege of obtaining mileage tickets that can be used in traveling within Florida. The amendment of the Senator from Michigan strikes this paragraph from the bill. I am opposed to his amendment. It should be reconsidered and defeated.

Mr. ROBINSON. Mr. President, it is to be hoped, if the Cummins amendment as amended is agreed to by the Senate and passes the body at the other end of the Capitol and becomes law, that the mileage or mileage scrip books which will be issued under the direction of the Interstate Commerce Commission may obviate the difficulties which manifestly exist in an effort upon the part of Congress to prescribe a rate to be fixed according to which mileage or mileage scrip books may be issued and may be made applicable to journeys entirely intrastate.

It is true, as suggested by the Senator from Florida, that the friends of this bill, including the legislative representatives of some of the commercial travelers' associations interested in its passage, regard the provision of the bill which has been stricken out by the amendment of the Senator from Michigan as of such doubtful validity that they approve of the elimination of that language, although we all realize that it may occasion inconvenience to those who are to become the beneficiaries of the proposed legislation if the pending bill should become law; but I think, in view of all the circumstances, that the action of the Senate in adopting the Townsend amendment is justified, and I shall reluctantly vote against the motion to reconsider.

The VICE PRESIDENT. The question is on the motion of the Senator from Florida to reconsider the vote by which the amendment offered by the Senator from Michigan [Mr. TOWNSEND] was agreed to.

The motion to reconsider was rejected.

Mr. CUMMINS. I renew now my parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. CUMMINS. Has the amendment which I have proposed by way of a substitute been modified in accordance with the suggestion or amendment offered by the Senator from Arkansas? I am willing to accept that amendment and modify the amendment which I have offered accordingly.

The VICE PRESIDENT. The Secretary will state the modification of the amendment offered by the Senator from Iowa.

The ASSISTANT SECRETARY. In the amendment proposed by the Senator from Iowa, on page 1, line 6, after the word "is," it is proposed to strike out "empowered" and to insert "directed," so as to read:

> The commission is directed to require, after notice and hearing, each carrier by rail subject to this act to issue at such offices as may be prescribed by the commission joint interchangeable mileage tickets—

And so forth.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. CUMMINS] in the nature of a substitute, as modified. [Putting the question.]

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

The yeas and nays were not ordered.

The amendment as modified was agreed to.

Mr. NELSON. Mr. President, it has been my lot to see the beginning and the evolution of all the legislation that has been passed to regulate and control railroad transportation. I was a Member of the House in 1887 when the first interstate commerce act was enacted. That law gave relief in one direction only. It aimed to prevent discriminations, but it left the commission entirely without any power to regulate rates. In 1906 we first equipped the Interstate Commerce Commission with the right to fix rates, and that rule has continued until the present day; but in the last railroad law we injected a new condition. Before that it was in all cases left to the discretion of the Interstate Commerce Commission to fix the rate, governed only by the rule of what was just and reasonable. In the last railroad law a new rule was enacted—not, as many supposed, a guaranty of rates, but practically a direction to the Interstate Commerce Commission that they must be governed by the 6 per cent profit rule; that is, they must make such rates that the carrier would secure a return of at least 6 per cent.

Mr. President, that rule by itself, under present conditions, works unjustly.

Mr. POMERENE. Mr. President, may I suggest to the Senator that that rule expires by its own limitation on March 1.

Mr. NELSON. I am glad it does. I want to call attention to that now. That is the only attempt of which I know in the law to aid capital in securing an income. I venture to say that there is not a farmer in this country, if you take into account his overhead expenses, his depreciation, and small wages for himself and his family, who has earned the operating expenses of his farm in the last year; and there is nothing in the interstate commerce law that states or even intimates that the Interstate Commerce Commission shall give consideration to those facts.

Mr. President, the one great relief that is needed by the American people to-day is the reduction of transportation rates in respect to the products and necessities of the agricultural interests of this country. Unless relief is given in that direction, most of the relief that we attempt to give by legislation will be a failure. If the capitalists and the manufacturers and the railroad magnates could realize how our farmers are handicapped and ground down to-day by these high rates, they would surely be ready to give us relief.

I realize that one great handicap and drawback, and the worst of all, in reference to the reduction of railroad rates, is the high cost of living. The railroad men are still insisting upon war-time wages; and until there is a reduction in those wages, until railroad wages come down to more reasonable levels, it is hard to get the reduction in railroad rates that we ought to have.

If there is any one thing that is needed at this moment, it is a reduction in railroad rates on agricultural products, coal, and lumber. I sincerely trust that the Interstate Commerce Commission will take up that question and dispose of it as speedily as possible. Unless our agricultural interests can be put on their feet again and given an opportunity to regain their old-time prosperity, we shall never have prosperity in this country as we had it in the days before the war.

I sincerely trust that the Interstate Commerce Commission will speed up in this matter and not dilly-dally as they did with the last 10 or 12 per cent reduction that they made. My recollection is that they made a reduction of 10 per cent and then held it up after they had made the order for more than a month, God knows for what.

The VICE PRESIDENT. The time of the Senator from Minnesota has expired. The bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended.

Mr. LENROOT. Mr. President, just a word before the vote is taken with reference to the remarks just made by the Senator from Minnesota [Mr. NELSON]. The Senator has stated this, but I wish to emphasize it:

Referring to the provision of the present law with regard to a 5½ or 6 per cent return, while it has been stated throughout the country that it operates as a guaranty to the railroads of that return, of course every Senator in this Chamber knows that it was not a guaranty; but, as the Senator from Iowa [Mr. CUMMINS] stated yesterday, even upon a valuation of $12,000,000,000 the returns of the railroads during the past year have not been more than 5 per cent, or have fallen short of the 5½ or 6 per cent directed. If the condition of the country had remained as it existed at the time this law was passed, the railroads would have been entitled to have the same return that this law directed the Interstate Commerce Commission in fixing rates to give them if there had not been a word on the subject in the law, because under the Constitution of the United States a railroad is entitled to a reasonable return upon the actual value of the property devoted to transportation uses, and at that time there was no man in the United States who could urge that 5½ or 6 per cent was an unreasonable return; but conditions have changed. I agree with the Senator from Minnesota that under existing conditions, where the farmer, the manufacturer, and, in fact, nearly everybody in the United States, has to suffer losses, or a very low return, there is no reason why the owners of railroad properties ought not to bear

their share of the burden of this financial depression. This direction expires on the 1st day of March, as has been stated, and after that time it will no longer be in the law.

Now, just a word in reference to the pending bill.

I have long been interested in the subject of securing interchangeable mileage books. I have introduced a bill upon the subject; but I am satisfied that under existing conditions the compromise that has been reached is the best that can be obtained. Under it, if the House will agree, it is assured that interchangeable mileage books will be issued, will be compelled by the Interstate Commerce Commission to be issued, and at a substantial reduction, because there can be a substantial reduction without loss of revenue from the existing single-fare rates.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

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

Be it enacted, etc., That section 22 of the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, is hereby amended by inserting "(1)" after the section number at the beginning of such section and by adding to the section two new paragraphs, as follows, to wit:

"(2) The commission is directed to require, after notice and hearing, each carrier by rail, subject to this act, to issue at such offices as may be prescribed by the commission joint interchangeable mileage tickets at a just and reasonable rate per mile, good for interstate passenger carriage upon the passenger trains of any and all other carriers by rail subject to this act. Such tickets may be required to be issued for any distance not exceeding 5,000 miles nor less than 1,000 miles. Before making any order requiring the issuance of any such tickets the commission shall make and publish such reasonable rules and regulations for their issuance and use as in its judgment the public interest demands; and especially it shall prescribe whether such tickets are transferable or nontransferable, and if the latter, what identification may be required; and especially, also to what baggage privileges the lawful holders of such tickets are entitled.

"(3) Any carrier which, through the act of any agent or employee, willfully refuses to issue or accept any such ticket demanded or presented under the lawful requirements of this act, or willfully refuses to conform to the rules and regulations lawfully made and published by the commission hereunder, or any person who shall willfully offer for carriage any such ticket contrary to the said rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed $1,000."

The title was amended so as to read: "A bill to amend section 22 of the act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended."

TREASURY DEPARTMENT APPROPRIATIONS.

Mr. WARREN. I move that the Senate resume the consideration of House bill 9724, the Treasury Department appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes.

The reading of the bill was resumed, beginning on line 9 of page 12, and the reading clerk read to the bottom of page 13.

Mr. WARREN. Mr. President, I observe that the Senator from Utah [Mr. KING] is now in the Chamber, and I recall that just before the bill was laid aside yesterday the Senator asked a question with regard to the reduction of the number of employees in the departments.

Mr. KING. In the Treasury Department.

Mr. WARREN. The question was a general one, because the Senator spoke of 37,000, and so forth.

Mr. KING. Yes.

Mr. WARREN. I stated that at the moment I might not be fully informed, but I thought we had reduced the number in one department, meaning the War Department, some 20,000 or so. I have looked up the facts this morning; and I find that in the case of the War Department, where, for instance, on Armistice Day there were 37,403 employees in the department and in the field, on the 19th day of January there were 5,863. So that in the War Department, here in Washington and in the field, the reduction has been slightly over 84 per cent.

Mr. KING. Mr. President, the Senator will recall that before the war the War Department did not have 5,000 clerks; and when the War Department was swelled until there were 4,000,000 men or more in the service, and there were hundreds of camps and billions of dollars' worth of property which was in the custody of employees of the Government who were in the War Department, obviously the number would be greatly increased. It was promised that when the property was sold there would be very great reductions.

Mr. WARREN. Let me say to the Senator that there will be further reductions. I am reporting only the progress thus far. The responsibilities of the War Department because of the war are still very large. For instance, one branch of the War Department is going over war claims. It is reconsidering claims, some of which have been already settled, and where there is evidence of fraud or mistake they are reopened. In one case, I remember, where we collected nearly $200,000, there was a fault in material that was furnished on the part of the contractors, and a pursuit of that firm brought about the settlement. There are nearly 500 men employed there. That branch of the department will almost go out of existence in a short time, probably.

Mr. KING. I notice in one part of this bill, I am not sure of the page, provision is made for caring for a large amount of material. We have been trying for years, as the Senator knows, to get rid of this material, and, as I recall, although we passed peremptory statutes directing the sale of the enormous war supplies, the War Department seems to have failed to discharge its duty, and failed to carry out the mandates of the Congress. I am not sure how far they are now carrying out the wishes of Congress, but more than three years after the war we still have, I am advised, hundreds of millions of dollars worth of surplus supplies.

Mr. WARREN. There is a great deal of property, but it is being disposed of continually, and some delay is essential in order that we may get the best prices for the property. The percentage of the prices in most lines has been very large. Of course in the case of landed property, cantonments, and so forth, the loss has been extremely heavy, but in the matter of the commodities which are movable the percentage has been, considering all the circumstances, large, partly due to the fact of their taking advantage of the market and not undertaking to slaughter. It will be closed out in due time.

Mr. KING. Of course the Senator knows that if there had been reasonable diligence in disposing of the commodities and supplies left over immediately following the war the Government would have saved tens of millions of dollars in expenses, and could have sold the commodities and the supplies for hundreds of millions of dollars more than will be received. I think the former administration was at fault in failing to prosecute with diligence the sale of this property.

The reading of the bill was continued to line 14, page 14, in the items under the heading "Public debt service."

Mr. KING. Mr. President, I am unable to understand why so much is required—$3,700,000—for clerk hire for that rather small division of the Treasury Department—the public debt service. Of course I have not had the advantage of reading all the testimony that was taken by the committee.

Mr. WARREN. I hardly think the Senator wants to minimize that department.

Mr. KING. It is important, of course.

Mr. WARREN. We have something like twenty-odd billions of securities out, and many of them have to be exchanged. For instance, last year there was $4,560,000 appropriated for that service. This year they estimated $4,000,000, and we have given them $3,700,000.

Mr. KING. It seems to me that is entirely too much, Mr. President. I do not like this provision, either, which says that the Secretary of the Treasury may employ as many as he may deem necessary. There seems to be no restriction on the number or on the compensation to be allowed.

Mr. WARREN. The amount of money is restricted.

Mr. KING. He may utilize the entire fund and hire as many as he pleases up to the amount of $3,700,000. The Senator knows that deficits are often brought in when the appropriations made by Congress for a given purpose are exceeded.

Mr. WARREN. Very seldom in connection with this service. Another thing, as the Senator will see as we go further along, the salaries are restricted. They can go to only $1,800.

The reading of the bill was continued to line 19, page 18, the last paragraph read being as follows:

For collecting the revenue from customs, including not exceeding $200,000 for the detection and prevention of frauds upon the customs revenue, $11,300,000.

Mr. KING. May I inquire of the Senator how much is carried in the bill for the enforcement of law and for the detection of violations of law? I notice this item, $11,300,000. Then I presume there is a very large sum appropriated for the enforcement of various laws, including the Volstead Act. Does the Senator know what the aggregate is?

Mr. WARREN. This is probably the largest single item, and this is $250,000 less than the estimate, and is the same as last year's appropriation for this purpose, although the responsibilities of the Customs Service are almost bound to be greater. As to the whisky part of it, if the Senator means that, the prohibition enforcement, there is proposed to be appropriated about $10,000,000 altogether; but the committee amendments,

if adopted, will reduce that some hundreds of thousands of dollars, but less than a million. It will be probably in the neighborhood of $9,000,000, even should the amendments be adopted.

Mr. KING. Does the Senator think that $11,300,000 is necessary for the enforcement of the law? The Senator will remember that the amount collected will be less for the coming year than during the past year. The machinery is presumed to be very much less in volume and in character than heretofore. It seems to me there would be a gradual reduction in this tremendous amount for detecting fraud and for enforcing the law.

Mr. WARREN. The Senator's argument is good along one line, but there are other lines which cross it. In the first place, I scarcely think there will be money enough. We are dependent, in the estimates made this year, very largely upon collections of taxes. In the last appropriation bill we added 600 inspectors; we had a large number before, and I think they have collected some hundreds of millions of dollars. I have seen it stated that they estimate that they propose to collect as high as three or four hundred millions more. They are now working, as I have very regrettable knowledge, having heard from them on the year 1917. Then there are the years 1918, 1919, 1920, and 1921 yet to be inspected, and that will take some of the money. While the Senator may say in his remarks that he would wish it otherwise, yet I imagine that in his heart he will not feel so bad when he considers that there will probably be a tariff enacted within the next 12 months which will require some attention. But I hardly believe that the appropriations are asked for with that in view. They are based upon the duties as they are now.

Mr. KING. The Senator knows there has been a very large army of inspectors and employees in the past who have been making investigations of the income-tax returns.

Mr. WARREN. Not so large in that branch of the service, when you come to consider the vast amount of business they have to handle. We have been very wickedly slow in giving them the appropriations they have asked for, and the number of men they have asked for. I remember as long as four or five years ago, we provided for a thousand less examiners. They have had perhaps only a hundred or less, and we have held back. At the time when we gave them these 600 there were more asked for, and I think to-day the estimate will show that they still require more. But it has been the opinion of the committee that with what operatives they have, if they speed them up to the limit, they can make all proper examinations.

Mr. KING. Does the Senator know whether or not these new men who will be put on will be under the Civil Service?

Mr. WARREN. They will be.

Mr. KING. This is not, then, merely a plan for the purpose of filling a number of positions with politicians?

Mr. WARREN. It is not. I wish to say that even in the prohibition enforcement work they started to divide in the matter, and it was necessary, of course, in prohibition cases to have some who were near to the men in charge, as we always do with Cabinet officers—allow them to have one or two near them as their own particular secretaries.

There has been an order just issued releasing perhaps one or two out of 40 or 50 that may be from any given State, but there is not the faintest suspicion of the matter of political preference in it. It is merely so they can have experts along lines that are not very easily examined by the Civil Service Commission in their examinations.

Mr. KING. May I inquire of the Senator whether the bill contemplates that additional collection districts will be created?

Mr. WARREN. Not to my knowledge.

Mr. KING. There is no estimate, then, for additional districts. The Senator knows that an effort has been made along that line.

Mr. WARREN. I think it would require legislation for that. I believe they now have the full complement they are allowed by law.

The reading clerk continued the reading of the bill.

The next amendment was, on page 19, line 3, to increase the appropriation for compensation in lieu of moieties in certain cases under the customs laws from $10,000 to $50,000.

The amendment was agreed to.

The next amendment was, under the head "Bureau of the Budget," on page 19, line 5, after the words "Director, $10,000," to insert the following proviso:

Provided, That section 2 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, approved July 31, 1894, shall not be construed as having application to retired officers of the Army, Navy, Marine Corps, or Coast Guard who may be appointed to the offices created by section 207 of the Budget and accounting act, 1921, approved June 10, 1921, within the meaning of precluding payment to such officers of the difference in pay prescribed for such offices and their retired pay.

Mr. KING. Mr. President, may I inquire of the Senator from Wyoming if it is the object of this amendment to enable the Budget branch of the service to employ officers of the Army or Navy or Marine Corps?

Mr. WARREN. It is in order that an officer of the Army, Navy, or Marine Corps could retire and, if employed in this position, instead of drawing $10,000, he would draw the difference between his retired pay and the $10,000. It is a matter of economy. It is necessary to introduce the amendment in order to cover that point.

Mr. KING. It is not for the purpose of enabling officers who because of physical or mental defects have been retired to be put into the service of the Government at advanced pay?

Mr. WARREN. Oh, no; not at all. I will state to the Senator the present condition of things. I think the papers have demonstrated it sufficiently so that I may say that the present Budget officer took the place at great personal loss himself and under an agreement to keep it one year. We have a man trained for that character of service, who has a lifetime training, formerly one of the paymasters of the Army, a man who has demonstrated unusual ability in the War Department in the settling and handling of claims.

If the President should desire to appoint that man and he wishes to retire, the President can retire him because he has served years enough to entitle him to retirement, and this is for the purpose of enabling the President to appoint him to take up this work if he so desires. There is no reason why he should not have the same pay altogether that others would have, as he is a very experienced and able man. I do not mean that the language is personal in its terms, because the President can take any man out of the Navy or Army or Marine Corps who may be fitted for the purpose.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The question is on agreeing to the amendment.

The amendment was agreed to.

The reading clerk continued the reading of the bill to the bottom of page 20, the end of the item relating to the Federal Farm Loan Bureau.

Mr. HARRISON. Mr. President, may I ask the chairman of the committee if there is any reduction at all in this item?

Mr. WARREN. I will say to the Senator that that entire item and all referring to the Federal Farm Loan Bureau is the present law. The appropriations are the same as heretofore.

Mr. HARRISON. I have not examined it. Does it include officers throughout the country?

Mr. WARREN. Oh, no; those are institutions entirely separate and apart from the Farm Loan Bureau. While the Washington office in a way controls them, yet they are like the Federal reserve banks in the different places.

Mr. HARRISON. They pay their own help?

Mr. WARREN. Entirely. The capital is loaned and the business is handled entirely by the branches.

The reading clerk continued the reading of the bill.

The next amendment was, on page 25, line 12, to reduce the appropriation for salaries and expenses of collectors of internal revenue, deputy collectors, gaugers, storekeepers, and storekeeper-gaugers, clerks, messengers, and janitors in internal-revenue offices, rent of offices outside of the District of Columbia, telephone service, etc., from $4,288,000 to $4,000,000, and to add the following proviso:

Provided, That upon application of the owner or upon the initiation of the commissioner and under regulations prescribed by the Commissioner of Internal Revenue, distilled spirits may be removed from any internal-revenue bonded warehouse to any other such warehouse, and may be bottled in bond in any such warehouse before or after payment of the tax, and the commissioner shall prescribe the form and penal sums of bond covering distilled spirits in internal-revenue bonded warehouse and in transit between such warehouses.

Mr. KING. Mr. President, I confess that I am not very familiar with this matter, but I offer an amendment rather in behalf of another Senator, who is more familiar with it, than in my own behalf. I move to amend the amendment by inserting on page 25, line 13, after the word "That," the words "for purpose of concentration"; and as a necessary part of the amendment the words "application of the owner or upon" in line 13 should be stricken out, so that it will read:

That for purpose of concentration upon the initiation of the commissioner—

And so forth.

Mr. WARREN. I am willing to accept that amendment.

The PRESIDING OFFICER. The Senator from Utah offers the following amendment to the committee amendment, which will be stated.

The READING CLERK. On page 25, line 13, strike out the words "application of the owner or upon" and insert in lieu thereof the words "for purpose of concentration."

The amendment to the amendment was agreed to.

Mr. KING. I submit another amendment to the committee amendment. In line 16, after the words "internal revenue," I move to insert the word "distillery," so it would read:

Distilled spirits may be removed from any internal-revenue distillery—

And so forth.

Mr. WARREN. I would not be able to accept that amendment. That will perhaps prevent the concentration that we desire. I will ask the Senator not to press that, as I could not accept it.

Mr. KING. Would not the Senator be willing to accept it and let it go to conference, so that, with full information which may be obtained in the meantime, the conferees would then be able to dispose of it in a way that would be entirely just to the Government and to all individuals? There seems to be a controversy, I admit.

Mr. WARREN. It is a matter which the committee has examined very thoroughly. I would not be authorized to accept the proposed amendment, because the committee was not willing to accept it, for no other reason than that we would thus in a way undertake to defeat in one part what we attempt to accomplish in another part. It would require then the accumulation only in distilleries. There are very large quantities involved. We have bonded warehouses which are owned and handled entirely by the United States and which would be under the same surveillance as the distilleries. However, the distilleries were not constructed with the intention of accumulating great quantities of liquors for storage. Hence we would be unable to accumulate these whiskies in the quantities that it is now intended, in order to cut off this tremendous expense for guards.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. JONES of Washington. I want to suggest also to the Senator that the committee went into this matter pretty fully. We had before us briefs in favor of the amendment and the representatives of persons who own from 75 to 85 per cent of these liquors through warehouse receipts, and so on. The principal effect, as I see it, of this amendment will be to continue the monopoly which the distillers have upon the bottling of the liquor. The testimony goes to show that their charges are very exorbitant in that respect, and the committee did not feel that we ought to continue the monopoly that they apparently have under the law, under which they can charge practically anything they wish for the bottling of the liquors.

Mr. KING. Mr. President, I am as much opposed as any Senator can be to monopolies.

Mr. JONES of Washington. I knew that, and that is the reason I made the suggestion which I have to the Senator.

Mr. KING. Mr. President, I have always opposed monopolies and combinations in restraint of trade, and since coming to the Senate have frequently denounced trusts and combinations which I believed to be operating in the United States. I would not knowingly support any proposition which looked toward a monopoly, and the amendment which I have offered, as I am advised, is not intended to create or foster a monopoly. Permit me to state that the question under discussion is terra incognita to me. I have only a superficial knowledge of existing laws relative to bonded warehouses, distilleries, and questions relating to the withdrawal of liquors therefrom. I am offering this amendment because I understood that a Senator who is compelled to be absent desired to have it presented for the consideration of the Senate.

Undoubtedly there are two sides to the question, but in fairness to both sides and out of consideration for the absent Senator I have offered the amendment just submitted. I am advised that this amendment deals with a matter which is not considered of importance by those who are earnestly in favor of enforcing existing laws. In other words, the amendment does not weaken present laws and affects only the interests of the owners of liquors now in warehouses and distilleries. Whatever controversy there is is between distillers who have the custody and possession of liquors owned by others and such owners as desire to remove the same to other warehouses.

As I understand, it is in the interest of law enforcement to concentrate in as few places as possible the liquors now on hand in the distilleries and warehouses. If most of the liquors are in distilleries, it would seem that they should remain there until they are bottled ready for sale. At any rate, if they are removed to various warehouses and scattered and diffused throughout the country, it is claimed that there is greater danger of theft and evasions of the law than if the liquors remained in the present distilleries and were there bottled ready for withdrawal under the provisions of existing statute. However, as stated, I know but little about this question, and can not express any fixed conviction as to what is the best course to pursue.

Mr. WARREN. Mr. President, I will say to the Senator from Utah that I presume we are in possession of all the information which is available in reference to the matter. We gave audience to all those who wished to address the committee on the question; we held the matter open for two weeks; and the committee rejected the proposition.

Mr. KING. My understanding is that those who are interested in the amendment which I have just suggested did not have full opportunity—and I am not saying that the committee denied them a hearing—to be heard, but, perhaps, that was the result of misunderstanding.

Mr. WARREN. I think it was because the witness who desired to make a statement with reference to the matter was himself too busy, for he submitted a brief in reference to the subject at the time, although when other witnesses were being examined he was invited to come before the committee if he desired to do so.

Although it may not be strictly apropos, one of the briefs which were presented to the committee was prepared against the bill which has been introduced in the other House. However, as to the main question, I do not think that any witness or anyone who desired to testify will accuse the committee of having been otherwise than considerate of their wishes.

Mr. SHIELDS. Mr. President——

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

Mr. SHIELDS. The Senator from Utah indicates his lack of familiarity with the facts concerning this matter.

Mr. KING. What I have stated is based upon information conveyed to me. I have made no personal examination, and have only such general interest in this matter as any Senator would have.

Mr. SHIELDS. I am not very much more informed than is the Senator in reference to the subject, but I received a letter this morning from a very highly reputable firm, who were formerly wholesale distillers of whisky in Memphis, Tenn., a very old house, in whose statements I have absolute confidence. The writer of the letter gives me some of the details of the situation, and states that the charges of the present bonded warehouse are four times what they formerly were; that they are taking advantage of the situation and absolutely ruining the men who still have some money invested in whiskies and who are awaiting an opportunity for a proper, legal disposition of them. Furthermore, liquor is not so safe in the private warehouses as it would be in Government warehouses. Fraudulent withdrawals of liquor have occurred largely because of the lack of Government protection. According to the statement of the letter to which I refer, this is a very beneficial provision, and I hope it may be retained in the bill.

Mr. KING. May I inquire of the Senator from Tennessee what is the fact in reference to the liquors which are in the warehouses of distillers? Are they not protected just as much as if they were in Government warehouses?

Mr. SHIELDS. I am not familiar with that matter; and I do not know whether or not the Government maintains guards at such warehouses.

Mr. JONES of Washington. Will the Senator allow me to say a word?

Mr. KING. Yes.

Mr. JONES of Washington. It is stated by those who claim to have investigated the matter and who claim to know, that there has not been a single theft from the Government warehouses; that all of the thefts of record have been from the warehouses of distillers.

Mr. KING. This, of course, is general legislation, and my information is that the subject is now receiving consideration in the other House; that a bill is there being considered—known as the Green bill—which deals with the entire subject of taxation of liquors, the manner of their storage, and the method by which they may be withdrawn from warehouses and sold. It deals with the liquors in distilleries as well as that in all classes of warehouses. The bill treats the entire matter as if it was an original proposition, while we are now proposing to change existing law and to engraft on an appropriation bill provisions which modify existing statutes.

Mr. WARREN. If the Senator will permit me to make a suggestion right there, I desire to say that the Senator keeps himself well advised as to these matters, and I think can have no possible difference with the committee about this subject. This item is in the nature of a reduction of an appropriation. While we never have specifically adopted the Holman rule, which is the rule in the other House, this item would come in under that kind of a rule, which, I think, perhaps would be a

good rule to be adopted by the Senate, in accordance with which we might consider items, even though they may carry certain legislation, if thereby expenses may be reduced.

I have only to say, not as an excuse for, but as the reason for our considering a provision like this which borders upon legislation, that it saves large expenses. It is not the intention of the committee, and certainly it is not the intention of the chairman of the committee, to invade the territory of legislation any further than is strictly necessary in recommending these appropriations. In fact, it is our intention not to invade the domain of legislation at all except when it becomes permissible, because there are excellent reasons for doing so.

Mr. KING. If it is economy which the Senator from Wyoming seeks, and I pay tribute to his desire for economy, I suggest to him a recommendation which was submitted by one who is familiar with this subject. His position was that in view of the fact that the great bulk of liquors are now in the possession of distillers and in their warehouses—and thus concentration is substantially accomplished—the Government should require the distillers and all others holding liquors in storage to give to the Government bonds in large amounts conditioned upon the secure keeping of the liquor and the prevention of its being withdrawn except in conformity with law. The suggestion was further made that if the present custodians were charged with the responsibility of securely keeping the liquors the Government would be relieved of the cost, which is very great. This plan contemplated that the Government would make frequent inspections to see that the liquor was secure and that there were no withdrawals except in the manner provided by law. A statute could be passed which would impose severe penalties for failing to properly care for the liquors thus impounded—statutes containing penal provisions; and, at the same time, the bonds executed, conditioned upon the observance of the law and the security of the liquors, could also contain such provisions as to make the monetary liability very great.

At the present time the Government, as I understand, has to pay to guard the liquor in warehouses and in distilleries. I express no opinion as to the wisdom of this course, but it has been recommended, as I have been advised, by some who are deeply interested in the enforcement of the law and would not support any proposition which in any manner relaxed rules and regulations formulated to prevent the illicit sale of intoxicating liquors.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. JONES of Washington. I have not looked up the law with reference to the proposition the Senator has just presented. I think there is some law on the statute books along those lines, but just how far it goes I do not know. However, I desired to interrupt the Senator to say, in regard to his suggestion, that there is a bill pending in the other body covering this same subject; that a few days ago I examined the Green bill, to which he has referred, and, although I have not a copy of it at hand at the present moment, it is a bill that levies taxes of various kinds and specifies the rates under certain conditions. It is a bill embodying four or five pages, and contains provisions very different from those now under consideration in the pending bill. I think it embodies one provision practically similar to the provision now before us, but the Green bill is very much broader, and goes into the matter of levying taxes, and all that sort of thing.

The committee proceeded on the theory largely that this proposition is germane to this bill in that it tends to affect the appropriation by way of reducing expenses, and so on. I believe that under the rules of the Senate it is very proper, if it be thought necessary, to submit to the Senate the question of germaneness. I merely wish to add that we believe it will involve a considerable economy and will save the Government possibly several hundred thousand dollars.

Mr. KING. Mr. President, I should like to read from a memorandum which I have a few words on the subject of these amendments.

The effect of this insertion—

That is, the amendment that is now before us—

is to concentrate in distilleries, and to restrict bottling in bond to distillery bonded warehouses under the terms of the existing statute with respect to the bottling of distilled spirits in bond, being the bottling in bond act of March 3, 1897.

These amendments will prevent indiscriminate removals in bond, the entire operation being subject to the management of the Commissioner of Internal Revenue. They will prevent indiscriminate bottling of distilled spirits in bond at general bonded warehouses, where all kinds of liquors and other merchandise are mixed in storage, and without making sweeping changes in general statutes will enable the Commissioner of Internal Revenue to order and supervise removals of distilled spirits in bond for the purpose of economical concentration and reduced expense of supervision.

As I have said, my knowledge of this matter is limited, but it seems to me that the argument suggested possesses merit. I commend it to the committee and to the Senate.

The PRESIDING OFFICER. Does the Senator from Utah offer the amendment?

Mr. KING. I do.

The PRESIDING OFFICER. The Senator from Utah offers an amendment, which the Secretary will state.

The READING CLERK. On page 25, in line 16, after the words "internal revenue," it is proposed to insert the word "distillery."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

Mr. WILLIAMS. Mr. President, if I understand this amendment, it may all be reduced to a sentence. If the amendment shall be adopted, all the bottling in bond will be done in distillers' warehouses and not in any other sort of warehouse.

As to the claim that liquor is subject to theft and depredation in other warehouses, there is nothing in it. The whisky in Government warehouses is not stored indiscriminately with other things; it is stored in a separate place, doubly locked and barred with guards over it, and hitherto such depredation as has taken place has taken place in distillers' warehouses.

The distillers control the distillers' warehouses and the charges for bottling. It is claimed they are charging entirely too much. Whether that claim be true or not is another matter; but it would seem that the evidence shows it to be true. However, Mr. President, something between 75 and 85 per cent, as the Senator from Washington said, of all this liquor is owned, not by distillers but by banks and trust companies and various people with whom the certificates have been deposited as collateral security or into whose hands the liquor has come by way of foreclosure. To leave the distillers a monopoly of the entire bottling-in-bond business, to permit them to charge the present exorbitant prices, and to refuse to allow bottling in bond to go on in other Government warehouses not under the control and managament of the distillers and subject to their charges, seems to me to be a rather indefensible proposition.

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

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. WILLIAMS. Yes.

Mr. KING. I suggest to the Senator that if it is desirable to concentrate these liquors in as few warehouses as possible—and I am advised that is conceded by all—and a large portion of them are now in the warehouses of distillers, and it is charged that they constitute a monopoly and that their charges are exorbitant, it occurs to me that the Government would have the power to fix reasonable charges for bottling and storage. This course would prevent any monopoly and would prevent the liquors being scattered throughout the land and stored in a multitude of warehouses.

Mr. WILLIAMS. Mr. President, that would make the legislation subject to just the objection that the Senator was attempting to make a moment ago. It would be new legislation.

Mr. KING. The Senator misunderstands me. I am not making that objection at all.

Mr. WILLIAMS. It would be an objection, nevertheless. It would be new legislation.

Mr. KING. The same as this.

Mr. WILLIAMS. This is new le[illegible]ation only in one sense; not in that sense.

Mr. President, I want to make one point quite plain, and that is that as far as loss from theft or other depredation is concerned, or from unlawful removal, it would be greater and has been greater in the distillers' warehouses, bonded warehouses, than in the others.

Every man knows that at present the only way in which any of this liquor can be disposed of in bonded warehouses is after it is bottled. The physicians will not prescribe it except as bottled, and the druggists neither will nor can sell it except as bottled. If we are going to leave the bottling business entirely in the hands of the distillers they will control the bottling business, and these men owning 75 per cent or 80 per cent of the certificates entitling them to ownership, or which would have entitled them to ownership and disposition without prohibition, are left helpless, and they can not sell what they own to the druggists nor upon physicians' prescriptions. If the sole object of the legislation were to concentrate this liquor, it would be very much better to take it all out of the distillers' warehouses altogether, and put it in the other Government warehouses—much better.

Mr. KING. Except for the reason that it is in the distilleries now.

Mr. WILLIAMS. Except that it is there now; but if the Senator says the object was to concentrate it, that requires removal anyhow, and concentration at some other place; and if that removal is contemplated at all, it would be better to remove it from the distillers' warehouses and cut off the distillers entirely from the management.

It seems to me that the amendment—while that, of course, is not its intention—can have but one effect, and that is to perpetuate a quasi monopoly which is not of much good to anybody except the man who collects the fee for bottling.

Mr. KING. If this amendment would have that effect, I should regard it as very objectionable. As I said to the Senator from Washington a few moments ago, perhaps no Senator, at least since I have been here, has inveighed as much against monopolies and trusts and combines as I have; and if the result of this amendment would be to create a monopoly, I should be very much opposed to it.

Mr. WILLIAMS. Or to continue it.

Mr. KING. Or to continue a monopoly. I suggest, however, for the consideration of the members of the committee that if the object is concentration—and I am told by those who desire the enforcement of the Volstead Act, as I desire it to be enforced, that concentration is desirable—it is easier to prevent the unlawful disposition of liquors if the stock on hand is in a few places and can be carefully guarded and inspected. If that is desirable, then it occurs to me that if the greater part of the liquors are now in the warehouses of the distillers, legislation would be wise that left them there, but subjected the distillers to rather drastic regulations with respect to bottling, costs of storage, and particularly guarding and protecting the same. In this manner any possible monopoly could be prevented and the owners of the liquors could be fully protected. I agree that it would be unjust and unfair for distillers who have the liquors of others in their possession to charge unconscionable prices for bottling or for storage; but that could be regulated by the Government.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. KING. I yield.

Mr. WILLIAMS. When this liquor was deposited it was the property of the distiller, it belonged to the distiller, and therefore very naturally it went to the distillery warehouses. Since that time the property in it has passed, to the tune of 75 to 85 per cent, to other people from whom the distiller borrowed money. So long as the distillers paid the prices of bottling their own liquor among themselves, and the warehouse got the money, and the individual distiller paid it, it was not such a horrible thing in its practical operation as it is now, when the interest of the owners of 85 per cent of the product is affected. It seems to me it is perfectly right to give everybody the opportunity to have the liquor bottled, and perfectly right to let them bottle it wherever it happens to be, whether in a distiller's warehouse or in another Government bonded warehouse. That is all that this legislation does. What the Senator's amendment would do would be to enforce its bottling in bond only in distillers' warehouses.

Mr. JONES of Washington. Mr. President, right in that connection I wish to suggest to the Senator that under the language of the amendment as it is submitted by the committee this liquor could be bottled and it could be concentrated in distillery warehouses. It is left to the discretion of the Commissioner of Internal Revenue, but if the Senator's amendment is adopted, then it can only be sent to the distillery warehouses. The amendment submitted by the committee is broad in its scope, leaving the discretion to the Commissioner of Internal Revenue. If he finds it advisable to concentrate part of this in a warehouse, he can do it under this amendment, but if he thinks it is not advisable to do that, then he can put it in the others; but under the Senator's amendment he is absolutely limited to the distillery warehouses.

Mr. FLETCHER. Mr. President, may I interrupt the Senator? In that case the inevitable effect is to create a monopoly in the hands of the distillers.

Mr. JONES of Washington. Absolutely.

Mr. FLETCHER. They can charge what they please.

Mr. JONES of Washington. Yes.

Mr. FLETCHER. I think that is very clear.

Mr. KING. Mr. President, as stated, I have no interest in this matter, and but limited information concerning it.

I have submitted the amendment, at the request of others, in the absence of a Senator, for the consideration of the Senate. My only interest is to see that the question is fairly presented and that both sides of the matter may be fairly considered. I am, of course, interested in seeing the law enforced. Under the eighteenth amendment authority to deal with the manufacture and sale of intoxicating liquors for beverage purposes is committed to the Federal Government. Congress, pursuant to this granted authority, has enacted the Volstead Act, and I am in favor of enforcing that act. I favor ample appropriations for the purpose of carrying out the provisions of the law.

If the amendments which I have suggested at the request of others are in the interest of the proper enforcement of the law and are consonant with justice and the property rights of those concerned, they should be adopted. If not, they should be rejected.

The first amendment, it is conceded, is desirable from every standpoint. It is conceded, as I am told, by those who are most zealous in seeking the enforcement of the Volstead Act that it is desirable to concentrate these liquors in as few warehouses as possible. It occurred to me that if these liquors, or a large part of them, are now in distilleries, it would be in the interest of the enforcement of the Volstead Act to retain the liquors there until they are withdrawn pursuant to law, and such a course would not injure those who own the liquors. It is known that in removing liquors from warehouses and in taking them throughout the country and depositing them in other warehouses the risks resulting from theft and loss are very much greater than if they remain in secure warehouses. If the objection to their being retained in the distilleries is that the distillers are charging extortionate prices for storage and bottling, then Congress can very quickly regulate that matter by appropriate law. It can authorize the Internal Revenue Department to promulgate such reasonable rules and regulations respecting bottling, storage, and so forth, as would prevent any form of monopoly or any injustice to the owners of the liquors.

Mr. President, I have submitted the amendment to the Senate, and shall content myself with asking for a vote.

Mr. WILLIAMS. Mr. President, just one word. The suggestion is made by those seeking to change the committee amendment that the stuff would be safer from depredation in the distillers' warehouses than in the other Government bonded warehouses. I want to read a statement which I believe to be true—it is true as far as I have been able to verify it—in connection with that suggestion. It is to this effect:

> This suggestion is wholly untrue. The whisky so stored—

That is, in the other Government warehouses, not the distillers' warehouses—

> is in compartments wholly apart from all other merchandise. The walls are of brick or concrete; the windows are barred; the doors are of double iron, and only the representatives of the Government have keys.

Only the representatives of the Government. No distiller has any keys there, and therefore there can not be any underground complicity between the distiller's key and a man who wants to take the whisky out of the warehouse. So it is safer in the other Government warehouses than it is in the distillers' warehouses.

The PRESIDING OFFICER. The question is upon the amendment proposed by the Senator from Utah [Mr. KING] to the committee amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is upon agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

Mr. KING. Mr. President, may I inquire of the Senator from Wyoming whether he would be willing, as I am compelled to leave the Chamber in a moment, to refer to an item on page 47, to which I desire to call the attention of the Senate?

Mr. WARREN. I shall be glad to accommodate the Senator.

Mr. KING. It reads:

> National archives building: For site of building, including $25,000 for technical services, $500,000.

I oppose that item, Mr. President, and I am anxious to know whether the committee is going to press it. The Senator will remember that when the matter was up for consideration a year ago the Senator from Alabama [Mr. UNDERWOOD] opposed the proposition then pending to utilize two parcels of ground on either side of Ohio Avenue, and then bridge the Avenue, practically thus closing the Avenue. He insisted that the Government had ample ground of its own in other places, and I think he made most convincing arguments. Indeed, they were so convincing that the Senate accepted his view.

I have been told by a great number of persons, some in Government employ and some outside, who are familiar with the subject, that the Government has ample ground of its own more suitable for this archives building than the place which

I am told some persons have in view. We all desire that the Government shall have an archives building. There is no controversy over that matter; but I am opposed to expending $500,000 to enrich some real estate men, and to help the owners of some part of the town where they have real estate, when the Government itself has ample ground suitable for this building.

Mr. WARREN. Mr. President, I will say to the Senator that as to the locality which was under consideration a year ago, to which the Senator from Alabama objected, there is no intention to use that site. It is used for another purpose. This provision for an archives building is an old provision of law. We are in very close circumstances about it. Even with all the temporary buildings the Government has, and in spite of all the care we are exercising, we are paying hundreds of thousands of dollars yearly for rent. By providing this archives building, and taking out of the great buildings, like the State, War, and Navy Building, and equally good buildings, tons and tons of the archives and papers, and permitting the rooms which are occupied by that material to be used by the officers and clerks, we will save all of this rental.

I do not know that one-half of the $500,000 would be used. The proposition is to put it where those representing the Government can provide a suitable site. As the Senator said, you might say the Government has land enough to build a town of archives buildings, but in a great many places where the Government owns property there are little pieces, lots and parts of lots and blocks, which belong to individuals, and they must be purchased or condemned, and, as I understand it, it is proposed in this case to use land which would probably cost, if we had to buy it, two or three or four times that amount of money, but we would buy only that which would complete the lots and blocks sought to be used, and not have to close the thoroughfares of the city. As the Senator knows, there are some blocks, so called, in the city, which are four times the size of some other blocks. I hope the Senator will not oppose this. We may lose it in conference, but it certainly is of great importance, and we would like to have it included.

Mr. FLETCHER. May I ask if the committee has in mind a definite location for the building contemplated by this appropriation?

Mr. WARREN. There is, in general terms, one contemplated. Of course, the Senator knows that it is a little injudicious to speak of sites in view when an appropriation of this kind is being made.

Mr. FLETCHER. I realize that.

Mr. WARREN. But it is now contemplated to put the building at a point which I am sure will be entirely satisfactory to both the Senator from Florida and the Senator from Utah.

Mr. FLETCHER. It looks like a pity to spend $500,000 for a site if we already have the ground and can utilize our own land.

Mr. WARREN. If the Senator would examine these sites, as I, with some others, have done, he would discover we are rather restricted within the radius of convenience as to some pieces we would have to obtain. If we put this at the outside limits of our ownership, of course a great deal of transportation would be required, clerks going back and forth, taking their time. So that has to be considered, together with the other facilities and the expenses of running it.

Mr. FLETCHER. I recall the discussion when the Senator from Alabama opposed a certain definite tract, and I remember favoring that at the time. I understand the Senator to say now that that is out of the question?

Mr. WARREN. It is not under consideration in any way.

Mr. FLETCHER. It is being used for some other purpose?

Mr. WARREN. Yes.

Mr. FLETCHER. I think at that time it was said there were some temporary buildings on it, but that it was expected those temporary buildings would be removed and that the site would be available by the time we were ready to proceed with this building. I thought that site was a very well-chosen place and would be convenient to all the departments.

Mr. KING. Mr. President, I send to the desk a letter on this general subject which I would like to have read without the signature. If Senators desire, they may have the signature.

The PRESIDING OFFICER. The Secretary will read as requested.

The reading clerk read as follows:

THE NEW WILLARD,
Washington, D. C., January 17, 1922.

The Hon. WILLIAM H. KING.
Senate Office Building, Washington, D. C.

DEAR SIR: I venture to write you in reference to the proposed archives building site covered by a committee amendment to the Treasury appropriation bill. I was in a discussion of this matter with some District engineers, and as an outsider as well as an engineer, interested in town planning in the West, I beg to submit some comments on the matter.

It appears that 15 or 20 years ago the triangular area between Pennsylvania Avenue and the Mall was planned out in detail for future Government buildings by a commission, and in 1908 a start was made by the purchase of the blocks on Fifteenth Street to be used under the plan for the State, Justice, and Commerce Departments, squares Nos. 226 to 230, together with the inclosed streets. In 1913, an archives building being needed, a commission reported the designation by the Secretary of the Treasury of the blocks between Twelfth and Thirteenth, B and C Streets, consisting of squares 294, 295, and the portion of Ohio Avenue between them, in accord with the general plan. The purchase of this site is now contemplated.

Before 1913 there was no doubt little objection to this site; Ohio Avenue was paved with grass-grown cobbles and Washington's traffic problem was in its infancy. The elimination of Ohio Avenue would make the buildings more regularly rectangular and would save some purchase money. To-day there is a material change in two respects: First, in the unexpected expansion of certain departments; and, second, in the even less-expected increase of street traffic.

As originally planned, the State Department was to have a new building on lower Fifteenth Street, leaving the State, War, and Navy Building to the military branches, but as a result of the war the War and Navy Departments withdrew, and the State Department is occupying, and will no doubt indefinitely occupy, the entire building. In view of the modern complexity of our foreign relations, it seems that its present quarters opposite the White House offices will be always its logical location. In consequence the block allocated to the State Department will eventually be used for other purposes.

Washington is, of course, fortunately equipped as regards broad streets and avenues, but its one-sided growth toward the northwest and the increase in automobile traffic (which the youth of to-day will see trebled) have produced great congestion in the business center of the city, with a maximum density in vehicles per minute on Pennsylvania Avenue from Fifteenth to Seventh Streets. The residential center of gravity is steadily moving northwest, while industrial development is southeastward, below the Mall and east of Fourteenth Street. In consequence, the avenues from northwest to southeast bear the heavy burden, while those from southwest to northeast, like New Hampshire, Rhode Island, and New York, are comparatively lightly used.

Inevitably the congestion on Pennsylvania Avenue will grow. Relief is obtainable only by paralleling the traffic, and for that purpose only Ohio Avenue is available. Since it was paved about three years ago it has been increasingly used as a through route, and by minor rectifications of the park roads below the Treasury, the market sheds at Twelfth Street, and the north line of the Mall between Sixth and Seventh it would attract a large fraction of the traffic now crowding Pennsylvania Avenue. Being the same width (160 feet) as Pennsylvania Avenue but having no street cars or dense pedestrian traffic, it already furnishes the quickest route from the Treasury to the Capitol during rush hours, and will eventually sustain an equal traffic.

The grave objection to closing Ohio Avenue by the Archives Building at Twelfth Street or elsewhere is thus apparent. I understand that the site of the War Industries Building at Fifteenth and B Streets, a two-story frame and stucco building now used by the Treasury Department for the excess profits tax division, has been suggested, and might prove an effective solution. It appears, however, that the Twelfth Street site having been designated for the purpose in 1913 under authority from Congress and the Fifteenth Street blocks having been similarly allocated in 1908, the interested officials are estopped from considering or suggesting a revision, and can only continue to request funds to carry out the purchase, as directed in 1913, until Congress directs them otherwise.

A general restudy of the problem would seem to be the logical proceeding. If a commission were appointed to include, for example, the Secretary of the Treasury, the Engineer Commissioner of the District, and other proper officials of the Government, with specific instructions to consider all previous designations or allocations as suspended, the problem would be solved satisfactorily both as regards governmental housing and traffic expansion.

I have roughly sketched out a traffic map which I inclose, which will, I think, help to show the importance of keeping Ohio Avenue open to traffic.

It will be noted that E Street is blocked by the District Building, D Street and C Street are less than half the width of Ohio Avenue and are blockaded by car tracks and also, in common with B Street, do not lead southeastward, and would, consequently, not attract any traffic from Pennsylvania Avenue, where relief is needed. Traffic conditions have grown so serious that the District Commissioners are contemplating drastic changes, but are finding great difficulty in working out regulations that will make a satisfactory improvement.

For the Government's own convenience facility of ingress to this triangular area when it is finally filled with Government buildings will be highly important, and the closing of the only broad thoroughfare in the area would appear to be a very short-sighted policy. Some irregularity, as witness the Senate and House Office Buildings, makes for a pleasant architectural contrast, rather than have narrow and dark streets for the only frontages. Building over streets may offer present economy, but will ultimately be highly expensive, and savors of "penny wisdom."

Yours, very truly, ——— ———.

Mr. SMOOT. Mr. President, I want to say to the Senate that your building commission must know whether we are going to have an archives building or not, and we have to know very quickly. If we build the archives building, we can take papers which are not called for perhaps once in a year, or once in two, and perhaps once in five years, and put them in the archives building, and by so doing we can obtain space which to-day, if we rented it outside, would cost $2.50 a square foot. Your commission has done everything in its power to utilize every foot of space in the public buildings in the District of Columbia, but still we have rents to pay outside.

I may add, Mr. President, that the Attorney General's office is in a rented building, the lease on which expires on the 15th day of June of this year, as I remember. The owners of the building are asking for an increase in the rent of some four or five hundred per cent.

Mr. KING. They had better go to the rent commission.

Mr. SMOOT. I will say to my colleague that we are not going to pay it unless the Supreme Court of the United States say we must.

What your commission wants, and it is the unanimous view of the commission, is that we erect an archives building, not a temporary building but one that will take care of all the documents and records of the Government, many of which are not needed very often, and also an archives building that will take care of all records of every kind. In order that that may be done it must be located near the buildings in which the different departments are located. I hope Senators will not at this time, for obvious reasons, ask me the proposed location of the building; but if anyone will ask me at the close of my remarks, I will gladly tell him.

I wish to assure the Senate that your commission wants to save every single dollar that it is possible to save. I want you to have confidence in your commission and to believe that we are going to do that. The only question to decide is whether we are going to have an archives building. I say now without a moment's hesitation that if I had the power of the Government of the United States I would construct an archives building just as quickly as it would be possible to do it. We have records stored in all the basements of all the buildings of the Government, valuable papers that could not be replaced, papers of untold value to the American people, and yet we have no place to put them to make them safe.

Mr. FLETCHER. I might refer to the fire which took place not long ago in the Commerce Department Building, where some very valuable papers were lost that could not be replaced. I had occasion to look up recently some records from Georgia and Alabama, running back to 1812, that were lost and can never be replaced. I realize that we ought to have such a building, and that there is no question about it.

Mr. SMOOT. If Senators desire to know how crowded we are for storage space, let them go down to the Arlington Building and look in the basement and the floor above to see the valuable space that is occupied there by records. I do not ask for any elaborate building. I do not ask for marble and carved statues, and all the pillars of ancient Greece and Rome to be duplicated in this building. I want a large building, a fireproof building, a substantial building, that will serve the purpose of the Government of the United States for 100 years at least.

It would pay the Government 10 per cent upon its value in the release of space in Government buildings which we can use for better purposes and for office purposes, instead of paying exorbitant rents in the District of Columbia, as we are doing to-day, for other office space. I would not ask for 1 cent in the pending bill if it were not for the conditions which exist. There is not a Senator or a Congressman, if he will go down and make an investigation, who would not say that it is only good common business sense to erect an archives building. Now is the time to do it, too. There will never be a better time.

If we are not going to erect such a building, the commission will have to go out and rent space wherever we can. Records are piling up everywhere. We have records of the recent war piled up in New York. We have them piled up in Philadelphia. We have them scattered all over the United States. We can not bring them to the District because we have not any place here in which to put them. The only way to solve the difficulty is to construct an archives building.

Mr. HARRIS. Mr. President, can the Senator from Utah give us this information? Will not the archives building, when constructed, make a great saving to the United States, because we will then not have to pay the high rent we are now paying for office space, and, in addition, the building will be much safer for the storage of our records?

Mr. SMOOT. That is very true. We will make 10 per cent on our money to begin with, without a question of doubt. As soon as the building is erected and we can get into it we shall make more than 10 per cent upon the amount invested by the saving in office rent paid elsewhere, and as the years pass we shall make even more. I can not see why there should be any objection. I know there would not and could not be if the matter were fully understood.

Mr. KING. Mr. President, I have not learned of any objection whatever to the erection of a suitable archives building. I know when the subject was under discussion a year ago there was a proposition which contemplated the closing of Ohio Avenue for the purpose of utilizing a portion of that avenue and two pieces of ground upon either side for the archives building. The Senator from Alabama [Mr. UNDERWOOD] made a vigorous protest against that proposal, and it was defeated, but those of us who supported Mr. UNDERWOOD expressed the hope that an archives building would be speedily erected.

The controversy was as to whether the Government would be justified in spending money to purchase additional ground in view of the fact that a number of years ago the Government acquired territory, at a cost of millions of dollars, which many Senators believed was suitable upon which to erect an archives building.

Mr. SMOOT. I wish to say to my colleague that I was heartily in favor, of course, of putting the building on the block mentioned by my colleague and closing up Eighteenth Street. At the time the discussion was going on I did not know that under the existing law Eighteenth Street, just where we wanted it to be closed, is to be closed. There will have to be action by Congress to the contrary if it is not closed. I did make a proposition to the Senator from Alabama afterwards that we should erect the building, and I had a plan drafted by the Treasury Department showing how it might be erected over the street, leaving a space the width of the street beneath the upper stories of the building so that people and vehicles could pass under, but that was not agreed to.

If we locate the building too far away from the offices which must store records in it, the time that will be expended in going to and from the archives building and the inconvenience of it will not justify us in its erection. It must not be located too far away from the center of the offices that will use it. Therefore, I want my colleague to know that there is a movement on foot to get the ground upon which to erect the building so it will be in a proper place and will not cost any more than if we had purchased the land as originally intended, and perhaps not as much.

Mr. KING. I understand that the Senator from Alabama opposed the construction of the building on blocks 295 and 294 and the closing of Ohio Avenue, and advocated the erection of the building upon the block known as 230 and possibly 229. It seems to me that the position of the Senator from Alabama, upon the occasion to which I have referred, was correct, and that the Government ought to utilize ground which it owns for the purpose of constructing the archives building.

Mr. SMOOT. May I say to my colleague that I know the commission is going to do what is best for the Government, and unless we can save money by the plan which is now under consideration there is no question that we will report here to the Senate and ask for further instructions.

Mr. KING. I would be entirely willing, and I wish the committee had reported an amendment of that character, to authorize either the building commission or the heads of the various departments together with the Public Buildings Commission, to select a suitable place, preferably upon ground owned by the Government, but if they were unable to find a suitable site for the erection of a proper building that they should be authorized to acquire sufficient ground whenever it was proper. I would be willing to vote for a provision of that kind.

Mr. SMOOT. That is the policy which will be followed. I wish the situation were otherwise, because I would like to tell my colleague the details it will involve, but I think he can take my word for it that the commission will not do anything except what it believes to be for the best interest of the Government financially and otherwise.

Mr. KING. In view of the very reassuring statement of my colleague, I shall not press my motion, but I desire to admonish him now in the utmost kindness that if the commission does not make a suitable selection, and if it shall impose a burden upon the United States, my colleague and the commission will be criticized, and I shall be frank in criticizing them.

Mr. SMOOT. I shall not object if my colleague does it in that event.

Mr. KING. We all agree that we must have an archives building. It is very unfortunate that Congress did not construct it years ago. It is very unfortunate that a year ago, when the importance of the building was brought to the attention of Congress, we did not make a sufficient appropriation and authorize the construction of the building. I agree with all my colleague has said about the necessity of the building and the importance of withdrawing these precious papers and archives from insecure places and putting them into some building where they will be preserved.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 28, line 13, after the numerals "$12,000,000," at the end of line 12, to strike out "of which not to exceed $4,000,000 may be used for the payment of such claims accruing prior to July 1, 1920, without special authorization and appropriation by Congress in each individual case," so as to read:

For refunding taxes illegally collected under the provisions of sections 3220 and 3689, Revised Statutes, as amended by the act of February 24, 1919, $12,000,000: *Provided*, That a report shall be made to Congress of the disbursements hereunder as required by the act of February 24, 1919.

The amendment was agreed to.

Mr. WARREN. I send to the desk an amendment, which I move to insert at the end of line 18, on page 28.

The VICE PRESIDENT. The amendment proposed by the Senator from Wyoming will be stated.

The READING CLERK. On page 28, line 18, after the numerals "1919," it is proposed to insert "including the payment of claims accruing prior to July 1, 1920."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 37, line 5, after the word "examinations," to insert "including the amount necessary for the medical inspection of aliens, as required by section 16 of the act of February 5, 1917," so as to read:

For medical examinations, including the amount necessary for the medical inspection of aliens, as required by section 16 of the act of February 5, 1917, medical, surgical, and hospital services and supplies for beneficiaries (other than patients of the United States Veterans' Bureau) of the Public Health Service, including necessary personnel, regular and reserve commissioned officers of the Public Health Service, personal services in the District of Columbia and elsewhere, maintenance, equipment, leases, fuel, lights, water, printing, freight, transportation and travel, maintenance and operation of motor trucks and passenger motor vehicles, transportation, care, maintenance, and treatment of lepers, court costs, and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, and reasonable burial expenses (not exceeding $100 for any patient dying in hospital), $5,627,394.

The amendment was agreed to.

The next amendment was, under the subhead "New Orleans, La., Mint," on page 41, line 18, after the numerals "$2,500," to strike out "assistant assayer, $1,500; in all, $4,000," so as to read:

NEW ORLEANS, LA., MINT.

Salaries: Assayer in charge, who shall also perform the duties of melter, $2,500.

Mr. WARREN. Mr. President, the matter involved in the amendment which has just been stated, being one of the amendments relative to certain assay offices and mints, is one which is of long standing. In the development of the mines of the country it was found necessary to establish assay offices at various points in Territories which have since become States, as well as the one at St. Louis, Mo. The great corporations which are engaged in the larger quartz-mining operations, as well as in other kinds of mining operations, send their product to the larger assay offices of the East, but the man who is in the field, who takes his sack of flour and his chunk of bacon and goes out and sleeps on the ground, delving about to discover whether he may not find gold and silver or other minerals, in my judgment, is always entitled to the best accommodations which we can give him. Therefore, I think that so long as there may be minerals to be discovered we should maintain these assay offices for the benefit of the man who is seeking to uncover them.

The question arose in the committee, however, as to whether in such cases both an assayer and an assistant assayer are needed, where we have already reduced the salary of the assayer perhaps to $1,800 a year, or not to exceed $2,500 a year, and where the assistant assayer might not be accorded a salary of more than $1,200; but I find upon an investigation of the matter—and I believe the other members of the committee agree with me in that finding—that in many cases, although the senior assayer, who has perhaps devoted almost a lifetime to the work, is not able physically to do all the work, yet because of his knowledge he is indispensable; and that the assistant assayers are also necessary, in order to supplement the lack of physical ability on the part of the principal assayer, to perform all of the duties of the office.

Therefore, I am going to ask that the amendments which have been reported by the committee which are contained in the clauses referring to the several assay offices be disagreed to.

Mr. FLETCHER. I desire to ask the chairman of the committee whether he refers to the amendments which have been reported by the committee proposing to strike out the provision for an assistant assayer?

Mr. WARREN. Yes.

Mr. FLETCHER. And, as I understand, the Senator on behalf of the committee now asks that such amendments be disagreed to.

Mr. WARREN. That is my request.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations which has just been stated.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Boise, Idaho, assay office," on page 43, line 9, after the numerals "$1,800," to strike out "assistant assayer, $1,200; in all, $3,000," so as to read:

BOISE, IDAHO, ASSAY OFFICE.

Salaries: Assayer in charge, who shall also perform the duties of melter, $1,800.

The amendment was rejected.

The next amendment was, under subhead "Deadwood, S. Dak., assay office," on page 43, line 15, after the numerals "$1,800," to strike out "assistant assayer, $1,200; in all, $3,000," so as to read:

DEADWOOD, S. DAK., ASSAY OFFICE.

Salaries: Assayer in charge, who shall also perform the duties of melter, $1,800.

The amendment was rejected.

The next amendment was, on page 43, after line 16, to insert:

For wages of workmen and other employees, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "Helena, Mont., assay office," on page 43, line 21, after the numerals "$1,800," to strike out "assistant assayer, $1,200; in all, $3,000," so as to read:

HELENA, MONT., ASSAY OFFICE.

Salaries: Assayer in charge, who shall also perform the duties of melter, $1,800.

The amendment was rejected.

The next amendment was, on page 43, line 24, to increase the appropriation for wages of workmen and other employees at the Helena, Mont., assay office from "$900" to "$2,000."

The amendment was agreed to.

The next amendment was, on page 46, after line 9, to insert:

Boston, Mass., immigrant station: For protection of site and building and approach work, $73,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 16, to insert:

New York, N. Y., barge office: For constructing pent house on bridge, $2,000.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, in connection with the appropriations for public buildings, I desire to ask the chairman of the committee a question. In a number of instances sites for public buildings were chosen and appropriations were made for the construction of the buildings as far back as 1913. I know of two instances in the State of Florida, for example, where the appropriations have been made for the purchase of sites and for the erection of buildings for post offices and to accommodate the Federal court. The plans for the buildings were drawn, bids were called for by proper advertisement, but it was found that none of the bidders would construct the buildings for the amount of money which was provided in the appropriations for such buildings. There the matter has rested; from 1913 to 1922 nothing has been done in reference to those buildings, the department simply saying that it can not have them constructed for the amount of the appropriations originally made.

One of two things ought to happen: Either the department ought to change the plans of those buildings so as to enable them to be constructed within the appropriation, and proceed to erect them and utilize the appropriation, or they ought to come to Congress and ask for additional appropriations sufficient to meet the conditions which exist to-day.

It probably costs more to construct a public building now than it did in 1914, and it seems for that reason action is suspended, and yet Congress does not supply the additional amount required to proceed with the work. We have said we want a certain site and a certain building erected upon it, and have appropriated money which we thought at the time was sufficient to construct the building, but the department find that the building can not be constructed for the amount of money provided. They have not said, so far as I am aware, exactly how much more is needed in each instance, although from correspondence I am advised that there ought to be a certain sum added to each of these appropriations. I do not know, however, whether the department have ever recommended to Congress or to any committee of Congress that the amount originally appropriated ought to be added to. If they have, the proper committee, it seems to me, ought to provide for those deficiencies.

I wish to ask the chairman of the committee if there is not a possibility of taking care of the situation by appropriating a sufficient amount to complete the buildings which have been authorized?

Mr. WARREN. Mr. President, I wish to say to the Senator that he is exactly right in his premises. This, however, is the condition which confronts us: We took rather rapid strides in enacting the so-called omnibus bills providing for the erection

of public buildings. As the Senator knows, there were three or more such bills passed containing authorizations and appropriations for a large number of buildings which, evidently, after due consideration, it was deemed proper to construct. Appropriations were asked for from year to year and plans were drawn for many such buildings, and the money stands to-day appropriated in full; in fact, in every instance, I think, an appropriation has been made up to the limit of cost. So it is entirely a question whether the department can go ahead and erect the buildings under the limit of cost prescribed, and whether they will do it.

Before many of these buildings were begun the European war broke out, and subsequently the United States entered the war, and from the beginning of that conflict the price of materials and labor and all the elements of construction began to advance. It was soon discovered that, even though it was desired to erect those buildings, additional appropriations would have to be made. The administration then in power asked us to forbear on account of the war. It was not a time to enter upon such undertakings in any large way; and so the matter went on. A year after the conclusion of the war prices were probably at the highest notch they had ever reached, and it was deemed unwise to go ahead with the construction of the buildings. To-day, more than three years after the war, the department still says, to use the ordinary phrase, that the amounts provided are not "within gunshot" of being sufficient to erect the buildings, and the reports which have been submitted indicated that that is a correct estimate of the situation.

When the new administration came into power and the matter was taken up with them—and I may say it has been taken up by me repeatedly with the Treasury Department—the refusal to proceed with the work was based on the ground that prices were still too high and that costs continued to be in excess of the amounts appropriated. I know that in my own State, for instance, there are three buildings which are very badly needed. The records of the United States Land Office and other records are housed in very poor wooden buildings, but the appropriation in each case lacks $10,000 or $15,000 of being sufficient to construct the new building.

Under the methods we have pursued here—in fact, in accordance with what might be termed the unwritten law—no additional amount can be expended beyond those already authorized by legislation without further legislation; in other words, under the rules which we have followed so long we can not appropriate to enlarge a building in the State of the Senator from Florida or in the State of Wyoming, for instance, without further authorization.

I will be glad to join the Senator in an effort to have the Committee on Public Buildings and Grounds, which is the proper committee to consider the matter, take up the question of completing all the buildings which we have authorized and appropriated for, and ascertain how much it will require to finish them, and in some omnibus bill to undertake to cover that ground. It will not require a large amount to complete this work; in fact, the amount will be small compared with the great claims that we have to meet from time to time; and yet the convenience throughout the various States of providing adequate public buildings would be immeasurable, and it is likewise essential that better protection be afforded the public records.

I happen to be a member of the Committee on Public Buildings and Grounds, and I shall be glad at the first opportunity, as I have already done for that matter, to take up the matter with the committee and request that a movement of the kind indicated be initiated.

Mr. FLETCHER. Mr. President, I am glad to have the chairman of the committee make that statement. It quite clears up the situation, in my mind, at least, to a considerable extent. The people have been waiting very patiently now for a good many years, and it seems to me that they ought to be served.

It appears to me that this matter stands in rather a different attitude than the case where it is desired to make an addition to or an extension of a building or something of that sort. In such a case I can see that there might be required a new authorization and additional legislation; but in the instances which I have in mind it is not proposed to make any additions to the original building at all; but it is simply necessary to secure an additional appropriation to construct the building which was originally contemplated and designed. It seems to me that the committee could insert such items in this kind of a bill without anything further being necessary than a statement from the Treasury Department that they find that a given building can not be erected for the original appropriation, and that $10,000 or $15,000 more will be required because of the increase in the cost of material, labor, and so forth.

I repeat, it seems to me as if all such cases could be taken care of in a bill such as that now pending without reference to further legislation concerning a change in the plans or anything along that line. I hope the chairman of the committee will see to it that those matters are taken care of, because the Congress intended in 1913 that the work should be proceeded with at once, and for nine years to elapse and nothing to be done is almost inexcusable. Of course the war intervened, and under Democratic administration, with their ideas of economy in every direction, a public buildings bill was never passed; in fact, the last public buildings bill passed by Congress was signed by President Taft in March, 1913, the Democratic Congress never having succeeded in passing a public buildings bill at all. Nine years have gone by since these appropriations were made.

Perhaps it would not be feasible now to put these items in this bill by way of an amendment; but while I have the floor I want to call the attention of the committee to another situation. There are two items in this bill, at page 17, for printing and binding for the Treasury Department, carrying an appropriation of $500,000. There is an item under the head of Bureau of Engraving and Printing carrying a large appropriation, amounting to something like $1,292,265.

Mr. WARREN. The Senator will understand that those items, as large as they seem, are strictly necessary for the credit and good faith of the country. For instance, here is the matter of the Bureau of Engraving and Printing. They have the making of all the bonds and currency. We have approaching within two or three months the issuing of new paper of some kind to take up all of the Victory bonds, and probably some portion of the other bonds; but we have cut down the appropriation quite materially this year from last year, and last year we cut it down to some extent from the year before. We consider that we are doing pretty well in that.

Take it here under one class, for instance: Last year the appropriation was $214,000; it is now $160,000. Under another one last year it was $750,000, and now it is $500,000. That is the printing and binding for the Treasury Department, including printing required by the Federal farm loan act. There is another place where last year they had an appropriation of $125,000, and this year it is $116,000, and so on. Those are the necessary and unavoidable expenses of the Government under the condition in which we find ourselves after the war.

Mr. FLETCHER. Of course, this is not itemized, and I can not tell about the reasonableness of the appropriation, but I have no doubt the committee has gone into that subject. What I was proceeding to say was this:

The item of printing and binding in these days has become of very great consequence. It is costing the Government to-day $14,000,000 to do the printing and binding here in Washington. It is costing $2,000,000 a year under private contracts to do Government printing in Washington. It is costing $2,000,000 a year more in plants outside of Washington; so that we are actually spending to-day $18,000,000 to do the printing for the Government.

Mr. WARREN. And, if the Senator will permit me, we rise here every morning and ask for the printing of every kind of material and stuff in the RECORD and in documents, and forget, for the time being, that there is any such thing as economy in printing.

Mr. FLETCHER. Yes. I have been for some time endeavoring to check that as far as possible; but what I want to call the Senator's attention to now is that this item of printing and binding, instead of going into one general bill each year, is parceled out to various departments. The bill affecting the Treasury Department carries its item for printing and binding amounting to $500,000. The bill affecting the Interior Department will carry the item of printing for that department, and the same way with the Department of Commerce, the Department of Agriculture, the Department of Labor, the Department of State, the War Department, the Navy Department, and so forth.

The committee, therefore, will not grasp the enormous aggregate of the various appropriations in these various bills unless they sit down and figure them all up, because, as I say, the item of printing and binding is parceled out in the various bills; but when you go to foot them up you will find, as I have stated, that the total cost to-day is about $18,000,000 a year for doing the Government printing.

What I want to ask the committee to do when these bills come before the committee is to scrutinize carefully the item of printing and binding in each bill, and I am quite sure that if they will do that they will be able to hold down the departments

to a reasonable limit in the expenditure of public funds for the enormous amount of printing that each department is doing. I think a lot of it is wholly unnecessary. In the Joint Committee on Printing we are trying as hard as we can to control the element of waste in that connection; but when the head of a department certifies that a certain publication is desirable and needed for administration purposes, and that sort of thing, the Public Printer is usually disposed, of course, to print it. If the law allows him to do it he will do it without any question; but the printing in the various departments can be very largely controlled through the Committee on Appropriations if they will only analyze the different requests and see that money is not wasted in useless publications.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 46, after line 18, to insert:

New York, N. Y., post office: For shelter over driveway, in addition to the amount of $5,000 appropriated in the sundry civil appropriation act approved June 12, 1917, $50,000.

The amendment was agreed to.

The next amendment was, at the top of page 47, to insert:

Richmond, Va., post office, courthouse, and customhouse: For installation of lift and construction of driveway, including alterations of buildings on land recently acquired, $40,000, and the sum of $15,000, appropriated in the sundry civil appropriation act approved July 1, 1918, for alterations, etc., is hereby reappropriated and made available hereunder.

The amendment was agreed to.

The next amendment was, on page 47, after line 7, to insert:

Washington, D. C., Auditors' Building: For repairing or renewing roof, $20,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 9, to insert:

Washington, D. C., national archives building: For site of building, including $25,000 for technical services, $500,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 12, to insert:

Washington, D. C., Treasury Building vaults: For the construction of a three-story structure in the north court of the Treasury Building, consisting of a two-story vault with office space above, including all necessary mechanical and vault equipment for the same, and all incidental changes required to the Treasury Building in connection therewith, $1,000,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 19, to insert:

Columbia River (Astoria), Oreg., Quarantine Station: For repairs to wharf, $11,000.

The amendment was agreed to.

The next amendment was, on page 49, line 2, to increase the appropriation for Port Townsend, Wash., quarantine station, from "$25,000" to "$26,000."

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings, repairs, equipment, and general expenses," on page 52, line 21, after the words "not to exceed," to strike out "$125,000" and to insert "$142,500," so as to read:

General expenses: To enable the Secretary of the Treasury to execute and give effect to the provisions of section 6 of the act of May 30, 1908 (35 Stat., p. 537): For foremen draftsmen, architectural draftsmen, and apprentice draftsmen, at rates of pay from $840 to $2,500 per annum; structural engineers and draftsmen, at rates of pay from $840 to $2,500 per annum; mechanical, sanitary, electrical, heating and ventilating, and illuminating engineers and draftsmen, at rates of pay from $1,200 to $2,400 per annum; computers and estimators, at rates of pay from $1,000 to $2,500 per annum; the expenditures under all the foregoing classes for which a minimum and maximum rate of compensation is stated, not to exceed $142,500.

The amendment was agreed to.

The next amendment was, on page 54, line 14, to strike out "$424,000" and insert "$442,100," so as to read:

Provided, That no expenditures shall be made hereunder for transportation of operating supplies for public buildings; not to exceed $6,000 for stationery; not to exceed $1,000 for books of reference, law books, technical periodicals and journals; ground rent at Salamanca, N. Y.; contingencies of every kind and description, traveling expenses of site agents, recording deeds and other evidences of title, photographic instruments, chemicals, plates, and photographic materials, and such other articles and supplies and such minor and incidental expenses not enumerated, connected solely with work on public buildings, the acquisition of sites, and the administrative work connected with the annual appropriations under the Supervising Architect's Office as the Secretary of the Treasury may deem necessary and specially order or approve, but not including heat, light, janitor service, awnings, curtains, or any expenses for the general maintenance of the Treasury Building, or surveys, plaster models, progress photographs, test pit borings, or mill and shop inspections, $442,100.

THE AGRICULTURAL BLOC.

Mr. HARRISON. Mr. President, for the past few weeks there has been displayed upon the part of the administration much activity to block the efforts and destroy the influence of the group of Senators who have been trying to obtain the passage of beneficent legislation for the agricultural interests of the country. That activity has been shown in every way, and has been concerted and most persistent. We saw it first show its head in a message delivered by the President of the United States at the beginning of this Congress, when he spoke for party unity and pleaded with Republican Members of Congress not to ally themselves with groups or blocs. There was no mistaking the fact, and no one doubted it who heard or read that message, that he was aiming from start to finish at the agricultural bloc of the Senate.

A few days later the Secretary of War, evidently as the spokesman and mouthpiece on this question of President Harding and the administration, delivered a speech in the city of New York. I imagine that his audience was composed of manufacturers and bankers, patrons of Wall Street. In that speech, which was published from one end of the country to the other, he criticized the agricultural group, made light of their efforts, found fault with their achievements, and pleaded with the country to discredit and destroy them.

I desire to insert at the beginning of my brief remarks part of the President's message touching the agricultural group, and also parts of the speech of Secretary of War Weeks, made in New York at that time. I shall also insert, by way of analysis, a very eloquent speech made by a very eloquent Senator from New England only a few nights ago, when speaking in the city of New York. It seems that when these spokesmen of the present administration criticize and condemn this group of patriotic Senators, whose hearts are with the farmers and who are trying to pass beneficent legislation for them, they always choose New York City as the most appropriate place for making their speeches. I suppose it is because the environment there is better and their remarks when delivered there are more enthusiastically received.

President Harding in his address to the Congress on December 6, 1921, in part said:

Ours is a popular Government through political parties. We divide along political lines, and I would ever have it so.

Granting that we are fundamentally a representative popular Government, with political parties the governing agencies, I believe the political party in power should assume responsibility, determine upon policies in the conference which supplements conventions and election campaigns, and then strive for achievement through adherence to the accepted policy.

There is vastly greater security, immensely more of the national viewpoint, much larger and prompter accomplishment where our divisions are along party lines, in the broad and loftier sense, than to divide geographically, or according to pursuits, or personal following.

From the New York Times of Friday, December 9, 1921, I quote:

Secretary Weeks's sharp criticism of the congressional "blocs" was regarded by many of those who heard his address as a warning of a fight against the system by the Republican Party leaders. Declaring that it was "impossible to get the type of legislative action which comes from party regularity and responsibility," Secretary Weeks harked back to "the days of so-called Cannonism," when, he said, "the Speaker found ways, perfectly legitimate under the rules, to prevent the enactment of a vast amount of personal and irresponsible legislation." * * *

"I shall not take the time to criticize the legislation Congress has enacted for the farmer," he continued. "It was brought about by a combination of Members of the two great political parties which had sufficient votes to obtain the result desired. Some of this legislation may benefit those for whom it was enacted. Much of it is unsound, however, from an economical standpoint, and I very much doubt if it will be of any benefit even to the farmer. But the so-called agricultural bloc was in control, honestly believing, in all probability, that the legislation enacted was desirable, and that they can return to their constituencies and point out what has been done in their behalf. * * *

"This brought about the farm-loan legislation of a few years ago, which, if limited to the original purposes of the law—that is, to help the farmer under conditions described at that time and which I will not discuss—might have been wise; but under the present law, as I see it, the Government is financing the farmer and is producing a vast volume of nontaxable securities, so that, in effect, the farmer is borrowing his money at a much lower rate than the current market warrants. Encouraged by its success, the agricultural bloc has in contemplation a further legislative program."

Mr. Weeks then reviewed the further program, characterizing as "unwise" the so-called pure wool bill, declaring that the proposed law to regulate cold storage would "make the price of many articles of food higher," and describing the Federal highway bill as a proposal to construct "roads purely local in character" for the benefit of "one or, at best, a few individuals." * * *

"The provision first adopted by the House making the maximum rate 32 per cent would have been infinitely wiser, not only from the standpoint of the taxpayer but the Government itself, which, at that rate would, in my opinion, obtain a much larger return than it will with the rate imposed in the law. However, in this case there can be held directly responsible this organization known as the agricultural bloc, which, united with a solid minority party, had sufficient votes to so raise the rates that for those who have incomes from $5,000 to $100,000 the reduction in the rates imposed by the present law are only nominal. So when we modify laws or even congressional procedure in an effort to get rid of what some people term an evil, we frequently substitute therefor a supplemental list of troubles, any one of which may be infinitely greater than the original one, the removal of which was demanded, even assuming that it possessed all of the

bad qualities its critics claimed. The elector can not be assured that when he votes for the declarations made by a political party that he can get responsible action as a result.

Mr. President, the Senator from New Hampshire, GEORGE H. MOSES, has been the apostle and mouthpiece in this body of another bloc, better oiled and more greedy than the agricultural bloc. It does not make so much noise, perhaps, as the agricultural bloc; but the manufacturers' bloc has had its influence here and has exerted it most powerfully for a long, long time. The Senator from New Hampshire has taken offense at the action of the agricultural group, and he makes this speech, from which I quote in part:

The so-called farm bloc of the Senate which controls that body is made up of 20 lawyers, 1 newspaper editor, and a well digger. The only three farmers in the Senate—one from Maine—

I do not know whether he is speaking of the distinguished junior Senator from Maine [Mr. HALE] or the senior Senator from Maine [Mr. FERNALD]. Anybody can look at either of them and tell that he never worked on a farm in his life, and I doubt whether he ever saw a real farmer in his life; but the Senator from New Hampshire says:

Another from New Hampshire—

Referring to his colleague, Mr. KEYES, I wonder what the real farmers of the great West or the far South would think if they could see one of these New England farmers or gaze upon the placid countenance of these anointed New England Senatorial farmers.

And a third from New York—

I do not know whether he is talking about the junior Senator from New York [Mr. CALDER] or the senior Senator from New York [Mr. WADSWORTH]. At any rate, when it comes down to voting to pass legislation for the real benefit of the farmers, neither of them, so far as I recall, ever arrayed himself on the side of the farmers where other interests were involved. But these are the three Senators whom the Senator from New Hampshire holds up as the "real farmers" of the Senate, and I doubt whether Mr. MOSES or the three Senators he names know the difference between a "clevis" and an "axletree" or could distinguish a rake from a mowing machine.

Mr. SIMMONS. Mr. President, they are the kind of farmers——

Mr. HARRISON. That farm the farmers.

Mr. SIMMONS. That, according to my information, have been invited to attend the farmers' conferences to be held here that there has been so much talk about.

Mr. HARRISON. The Senator is right. I continue reading from the speech of the Senator from New Hampshire [Mr. MOSES] in New York:

The only three farmers in the Senate—one from Maine, another from New Hampshire, and another from New York—have never been invited to a meeting of the farm bloc, where they set up ruthless, selfish legislation.

So we have it that this distinguished spokesman for the manufacturing interests of the country says that the legislation proposed by the agricultural group is of a "ruthless, selfish" nature. To continue reading:

The bloc does not know that a farm exists north of the Mason and Dixon line or east of the Mississippi River, and they give no consideration to the truck farmers in that territory. All they know is hogs, corn, wheat, and cotton.

Mr. President, those few Senators who met and discussed legislation in behalf of the agricultural interests of the country did it without respect to party or geographical lines. They came from every part of the country and from both political parties, and it was not selfish legislation and it was not ruthless legislation that they suggested should be passed by the Congress. Why is it, Mr. President, that the agricultural group should be heralded as a selfish lot of freebooters, ruthlessly trying to destroy the Constitution and bent upon passing legislation inimical to the general welfare? Have they not a right to be heard in the Congress of the United States? Are the agricultural interests of this country not great enough and important enough to have a voice in this Chamber and to be considered in some degree at least by the administration? The farmers only cultivate the land, produce the men and women who govern the cities and run the country, feed and clothe the world, and compose the cornerstone of our national life.

May I suggest to the Senate that from 1870 to 1920 the value of the land of farms and farm buildings increased from $7,444,000,000 to $66,316,000,000. That is quite an amount invested in farms in this country and should to some extent merit consideration by this Congress.

May I suggest also, in considering the interests represented by this agricultural group, that from 1870 to 1920 the rural population, outside of the corporations of over 2,500 people, showed a decrease from 71.4 per cent to 48.6 per cent. Is that fact in itself not sufficient to cause the administration to give some consideration to the needs of the farmers that the movement from country to city be checked?

Let me suggest, too, that from 1899 to 1909 the quantity output of farms increased 10.5 per cent, while population increased 21.5 per cent. From 1909 to 1919 the quantity output of products of the farm increased only 10.5 per cent, while population increased 14.5 per cent.

The facts, as revealed by the investigation of the Joint Commission on Agriculture, show that the rural population is decreasing year by year, and that the farm output is not keeping pace with the increase of population in this country. It carries with it problems which must be solved, but the interest is so vast, and it is so important, that it deserves the most careful consideration and heartiest sympathy of everyone connected with this administration.

Mr. President, all will admit that the agricultural interest is one of the most important in this country, and those who will study the facts must know that it has not been treated as fairly as have other interests in America. We have seen legislation passed for this class and that class. The President who appeared in the other House and delivered this message, saying that he did not believe in classes and groups, has seen his party prosper and develop through class legislation. The protective tariff, one of the most beloved of Republican principles, gives advantages to some at the expense of others—robbing the many for the benefit of the few—a species of class or group legislation that is as unjustifiable as it is inexcusable.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. HARRISON. I yield.

Mr. HEFLIN. In its platform of 1908, when Mr. Taft was the nominee for President, the Republican Party said:

We guarantee unto the manufacturer a reasonable profit.

It said nothing about the farmer, merchant, or anybody else. If that was not a guaranty of class legislation, what was it?

Mr. HARRISON. Yes. But in the campaign recently closed not only did President Harding but every other Republican leader, through the press and on the stump, express his undying love for the farmers and advocated legislation in their behalf. The distinguished leader of the majority party in this Chamber [Mr. LODGE], as the temporary chairman of the last Republican convention, spoke loudly and eloquently, and with some apparent sincerity, in behalf of the farmers of the country. They were then in his mind a most important class of our citizenship. But as soon as these gentlemen are inducted into office and take control of the affairs of the country, the influence of other interests becomes more powerful—they disregard their promises, forget their pretended love, and turn their backs upon the farmers' interest.

Why is there opposition to the agricultural group? The country may not know it, but those who were here when the tax bill was being considered in this body and know the discussion touching the amendments which were adopted, that they were adopted through the united efforts of this side of the Chamber, backed by certain Senators on the other side belonging to the agricultural group. They know, and we know, that it aroused the ire of the President and those men who control the destinies of the Republican Party to-day, and that is the reason, and the sole reason, why they are now trying to destroy the agricultural group.

Why do not the President, the Secretary of War, and other leaders of the Republican Party who desire united party action inveigh against the tariff bloc which has been formed and is flourishing in this Chamber? It is composed of more Republicans than is the agricultural group. Its purposes might be said to be inimical to certain interests of this country, and yet that tariff bloc meets regularly, presents its views to the committee, sends forth its threats, and we never hear anything against it. I will tell you. It is working along Republican lines of granting special favors to special interests. The agricultural group is only trying to obtain fair treatment and justice for a class of citizens whose condition is deplorable and whose shoulders are almost giving way under the burden that you have placed upon them. Take the manufacturers' bloc. God bless you, it is so smooth, and it has been working so long, and it knows its purposes and the avenues of approach which really obtain results so well that you do not hear the rumblings from it—whither it goes or whence it comes. In this Chamber it is both omnipotent and omnipresent. But the agricultural bloc is not so experienced. It operates with no such power, and is not so skillfully handled.

Mr. President, when you look at the figures you will see that the agricultural interests of this country have a right to voice their views and have representatives plead for them.

I read from the report of the commission on agricultural investigation, which discloses that in 1920 the farmer's dollar, when compared with other dollars, the manufacturer's, the coal operator's, and those of various other industries, was worth only 89 cents. That was in 1920. In May, 1921, the value of the farmer's dollar was only 77 cents, and to-day the value of the farmer's dollar is only 67 cents.

In the last two or three years the farmer has seen the things he raised depreciate in value at a more rapid rate and to a greater extent than the products of any other industry.

I think it was the distinguished Senator from North Dakota [Mr. LADD] who said that the farmer has lost within the last 12 or 18 months $12,000,000,000. Yet, because they would have men meet and counsel together, and try to work out some solution of their problems, it arouses the President and causes him to come to the Congress and inveigh against it, and use the power of his great office to destroy their influence.

Let me read how a few things raised upon the farm have depreciated in value. Take hogs. In January, 1919, taking the figures 100 as a basis, hogs were worth 209, and in July, 1921, they had decreased to 116, nearly one-half in value in so short a time.

Let us take live stock, on the same basis of 100. In January, 1919, the figure was 192. In May 1921, it was decreased to 111, cut almost in half.

Let us take cattle, steers. In January, 1919, on the basis of 100, they were worth 223. In July, 1921, they had dropped to 99, nearly three times in so short a time. Yet, because representatives from that great country in the far West, where they raise cattle, meet here in groups, it arouses the ire of the President and his Secretary of War, and they condemn it.

Let us take cotton, on a basis of 100. In January, 1919, it was 231. In July, 1921, it had dropped down to 97.

Let us take some other articles which are not raised upon the farm and see if they have depreciated to such an extent; cloth and clothing first, on the basis of 100. In January, 1919, it was 234; in May, 1920, it rose to 353; and then, in July, 1921, it dropped to 179. But the proportion of the decrease was nothing when you compare it with the decrease in the farmers' products.

Let us take shoes—shoes that come from that section represented by the distinguished Senator from New Hampshire, who says that the legislation proposed by the agricultural group is selfish and ruthless, and ascribes to his section the distinction of producing the only three farmers in the United States Senate. How have the prices of shoes decreased? On the basis of 100, in January, 1919, shoes were 208 a pair, and in July, 1921, they were 225 a pair, showing no decrease whatever, but, on the contrary, an increase. Why, of course the Senator has no reason to complain. The shoe manufacturers are getting more for their shoes, or were in July, 1921, than they did back in January, 1919; but the farmer, with his cattle, his cotton, his wheat, and his corn, is reduced from two to three times the former price.

Mr. DIAL. Mr. President——

Mr. HARRISON. I yield to the Senator from South Carolina.

Mr. DIAL. In my town the other day I heard of a farmer selling a hide for 25 cents and buying a pair of half soles for his shoes for 35 cents.

Mr. HARRISON. Yes; that is no doubt true, and I suppose our friend from New Hampshire would approve of that practice. That satisfies him thoroughly. Why, Mr. President, it has been one of the crimes of the ages, that these high and exorbitant and outrageous prices charged for shoes throughout the fight against the high cost of living went unchallenged and unpunished. They were the most unconscionable profiteers that infested the land.

The farmer's little children were forced to go without shoes because of the high prices he would be compelled to pay for them and the low prices he received for the products of his labor.

Oh, yes; the farmer should be satisfied.

Let us take structural steel and see if there has been a decrease. In January, 1919, structural steel on a basis of 100 was 192. In July, 1921, it dropped only 176, a very few points.

Let us take pig iron. Pig iron in January, 1919, was 196. In July, 1921, it dropped only to 133, a very slight drop in comparison to the decrease in the price of farmers' products.

Let us take bituminous coal. In January, 1919, coal was 186 and in July, 1921, had it decreased? Oh, no. It had increased to 209. Of course, the representatives of the great coal fields of West Virginia and elsewhere in the country had no cause to complain.

Now, let us see about anthracite coal. In January, 1919, it was 152, and in July, 1921, it had increased to 198.

Let us see about house furnishings, goods, and so forth, that the farmer is obliged to buy. Did those decrease in value like the things that he raised? The figures show that in January, 1919, house furnishings and goods were 218 and in July, 1921, were 235.

Is not that sufficient to cause the representatives of the great agricultural interests of the country to meet and confer and try to solve some of the farmer's problems? Is he not entitled to a meeting and conference of his friends in Congress, so that the difficulties and these inequalities may, in part at least, be removed? Can they be expected to look with complacency upon conditions that carry the prices of their products down while the prices of the things they are forced to buy go up?

I shall not read further, although there are some very interesting figures here.

Mr. PITTMAN. From what is it that the Senator has been reading?

Mr. HARRISON. I was reading, in giving the statistics and data, from the report of the Joint Commission on Agriculture recently filed. There was another table from which I desired to read to the Senate. Let us take certain products that are raised on the farm to ascertain what depreciation there was within a certain time.

In this connection I recall that it was only a little while ago when, under the leadership of the distinguished Senator from North Dakota [Mr. MCCUMBER], there was passed through this body what was known as the emergency tariff bill. It proposed to place a tariff on wheat, corn, peanuts, beans, and on a lot of other agricultural products. We heard then that it would be the salvation of the farmer. That was the Republican theory. That was the way you said you would solve the problem. If you solve no other problem any better than you did that, you are not competent even to attempt to solve any problem that may arise here. It was an absolute failure, and you know it. I do not know whether or not you would admit its failure, because by so doing you destroy your theory of protection, but even if you will not admit it I am going to give you the prices on some of the products from the American farm upon which you placed a high tariff, but which within the last 12 months have continued to decrease and drop in price. Oh, the fallacy of a protective tariff! In 1920 No. 2 northern wheat was $2.90 a bushel; in January, 1921, it had dropped to $1.88½ a bushel, and in January, 1922, it had dropped to $1.10 a bushel.

In 1920 No. 2 mixed corn was worth $1.60 a bushel; in January, 1921, it had dropped to 74 cents a bushel, and in January, 1922, it had dropped to 48 cents a bushel, and in some sections I understand had sold for a price as low as 25 cents a bushel.

In this connection I am going to insert a list of farm products showing the prices, respectively, on January 15, 1920, 1921, and 1922. They are as startling as they are indicative of the deplorable condition now confronting the American farmer:

Article.	Jan. 15, 1922.	Jan. 15, 1921.	July 15, 1920.
Wheat, No. 2, northern, cents per bushel	110	188½	290
Corn, No. 2, mixed, cents per bushel	48½ - 48½	71½ - 74½	152 - 160
Oats, No. 2, white, cents per bushel	37 - 37½	44½ - 45½	95½ - 98½
Barley, low malting to fancy, cents per bushel	52 - 65	75 - 90	116 - 127
Rye, No. 2, cents per bushel	77 - 78	169	221 - 222
Flaxseed, No. 1, northern, cents per bushel	208	200	345
Potatoes, cents per 100 pounds	190 - 220	120 - 150	675 - 760
Beans, pea, cents per 100 pounds	470 - 500	425 - 450	700 - 750
Hay, No. 1, timothy, dollars per ton	23 - 24	26 - 28	38 - 40
Butter, creamery, extra, cents per pound	34	48½	55
Eggs, fresh firsts, cents per dozen	38	72 - 72½	42 - 42½
Beef cattle, inferior to prime, dollars per 100 pounds	6.25- 9.25	7.00-10.85	9.40-16.90
Hogs, mixed packers, dollars per 100 pounds	7.50- 8.40	8.80- 9.75	12.90-15.80
Sheep, native, dollars per 100 pounds	3.25-11.25	4.75- 5.50	8.75-10.00

Of course, it is natural that the wheat farmer of the North and of the West should feel discontented over the situation, and resent the action of the President of the United States in coming before the American Congress, and in a special message inveighing against the representatives here who are trying to remedy the situation.

Let me cite in this connection some other figures, showing the purchasing value of the farmer's dollar, based on the price of some of his products as of May 31, 1921. These are products, too, upon which you placed a high protective tariff in your emergency tariff bill. Did it help? Did it bring the relief that you prophesied? Let us see. On the basis of the five-year aver-

age before the war, taking 100 as a basis, we find the purchasing value of the farmer's dollar based on corn was 59 cents. If we could take the purchasing value of the farmer's dollar based on the present-day price of corn and without a five-year average, I doubt if it would be 20 cents. On the same basis, the purchasing value of the farmer's dollar, based on oats, on May 31, 1921, was 57 cents; on wheat, 78 cents; on barley, 48 cents; on flaxseed, 45 cents. That is what the purchasing value of the farmer's dollar was when he sold and converted his products into dollars. On beans, 78 cents; broom corn, 42 cents; cotton, 48 cents; cotton seed, 68 cents; cabbage, 64 cents; potatoes, 62 cents; horses, 43 cents; hogs—the purchasing value of the farmer's dollar when he converted his hogs was only 67 cents; sheep—may I say to the distinguished junior Senator from Oregon [Mr. STANFIELD], who sits before me and who honors me with his attention; that notwithstanding the emergency tariff bill, if he had converted his sheep into dollars on May 31, 1921, they would have been worth only 63 cents on the dollar.

Mr. BURSUM. Mr. President, may I inquire as of what date?

Mr. HARRISON. I am glad that sheep brought the Senator to his feet. This is as of May 31, 1921.

Mr. BURSUM. As compared with what date?

Mr. HARRISON. This is compared with 1913.

Mr. BURSUM. I should like to advise the Senator that sheep to-day are worth as much and more than they were in 1913.

Mr. HARRISON. Sheep have gone up some within recent months.

Mr. BURSUM. They have gone up nearly 100 per cent, and wool has gone up 50 per cent.

Mr. HARRISON. Since May 31 of last year, 1921?

Mr. BURSUM. Yes.

Mr. HARRISON. I am giving the figure as of May of last year.

Mr. BURSUM. That was due to Republican tariff legislation.

Mr. HARRISON. Does the Senator think the emergency tariff did that?

Mr. BURSUM. It helped very materially, on wool especially. There is no doubt of that.

Mr. HARRISON. We passed the emergency tariff bill some 12 months ago. When did sheep begin to go up in price?

Mr. BURSUM. The tariff bill was vetoed at that time, was it not? The emergency tariff, as I recall, was passed the latter part of April.

Mr. HARRISON. It will be a year next April when it passed.

Mr. BURSUM. At that time we had a very large surplus of wool, which had been brought in from all over the world. It was necessary, of course, for some time to elapse before that wool could be absorbed in the country; but on account of the tariff act the importations ceased. At the time the tariff bill was passed the Senator will recall that there was an attempt made on the floor of the Senate to place an amendment on the bill which would exempt certain wools which had been contracted for prior to the passage of the act. That involved, I think, several million pounds of wool. The amendment, however, was not agreed to.

During these several months the surplus of wool has been largely absorbed and the price has advanced. This advance is due to two causes—one the tariff, which is absolutely indispensable, and the other the large advances which have been made by the War Finance Corporation as a result of the passage of the War Finance Corporation act. Due to those reasons, wool is now at a fair price, quotable from 90 cents to $1, and is advancing. The price of lambs has gone up from 6 cents to 12 cents.

Mr. HARRISON. What is the price of raw wool to-day?

Mr. BURSUM. On the scoured-pound basis the best Territorial wool is quotable at a dollar a pound.

Mr. HARRISON. What was it on May 31 last?

Mr. BURSUM. It was about 60 cents.

Mr. HARRISON. What is unwashed wool worth?

Mr. BURSUM. The basis of the value of wool all depends upon the amount of clean content. If a scoured pound of wool is worth $1, in the unwashed or raw condition you will have, say, 70 per cent of grease and dirt, and, of course, then there is just 30 pounds of clean content in a hundred pounds of wool which is worth at the rate of $1 a pound. That would mean 30 cents in the raw state on that basis. I have heard of sales of western wools ranging around 27 cents in the raw condition; but that is altogether dependent upon the amount of the clean content. You are not selling dirt, and you do not sell grease, but you sell clean wool.

Mr. HARRISON. Does the Senator think the price of sheep to-day and the price of wool to-day are fair prices?

Mr. BURSUM. I think the price ought to advance more in order to give the grower a proper and reasonable profit; but it is so much better than it was six months ago that the grower is feeling more hopeful.

Mr. HARRISON. What would the Senator think would be a fair price to-day for sheep and for wool?

Mr. BURSUM. I would say, in view of conditions, ewes ought to bring from $10 to $12 and wool ought to be worth $1.25. It is not that high yet, however.

Mr. WARREN. The Senator means it ought to be that?

Mr. BURSUM. Yes.

Mr. HARRISON. The Senator heard me read a great number of articles here showing that the value of those products, if turned into dollars, would in some instances be worth only 50 cents.

Mr. BURSUM. Those figures are, of course, entirely erroneous, so far as wool is concerned, when taking the basis used.

Mr. HARRISON. I told the Senator the basis was 1913, and the last figures were compiled as of May 31, 1921. They are the latest we could procure. They were compiled by one of the best experts in the country. The only objection I may have to him is that he happened to be a Republican and the Republican adviser to the Republican national campaign committee in the last election. He is a very splendid gentleman and thoroughly competent.

Mr. BURSUM. I have no doubt the statistics were correct at the time they were made, but they are not up to date. There have been a great many changes since.

Mr. HARRISON. So that there has been a change, so far as sheep and wool were concerned, since May 31 of last year?

Mr. BURSUM. Yes, sir; a very decided change.

Mr. HARRISON. But the price is not yet high enough?

Mr. BURSUM. No; it is not quite high enough.

Mr. HARRISON. And the farmer is entitled to a still greater price?

Mr. BURSUM. I think so, and I think we shall get more.

Mr. HARRISON. Then the Senator and myself are both working sympathetically for the farmer; that is why I rose to speak.

Mr. BURSUM. I am sure if we are given the same degree of protection that we have in the emergency tariff law, so far as wool is concerned, that we shall get a higher price for that commodity.

Mr. HARRISON. That is a pretty high protection; that is about three times as much as was carried in the Payne-Aldrich bill; and the Senator knows, does he not, what happened to the Republican Party for passing that legislation?

Mr. BURSUM. No; the protection is not three times as much as that carried in the Payne-Aldrich bill.

Mr. HARRISON. The people rose in revolt and defeated Mr. Taft, the then Republican President, because of the passage of schedule K of the Payne-Aldrich tariff law.

Mr. BURSUM. The defeat of Mr. Taft was not occasioned by the adoption of the wool schedule.

As a matter of fact, the Payne-Aldrich bill gave a much less protection than the tariff law which we have at present. Under the Payne-Aldrich law there was an opportunity for foreigners to ship in wool and avoid a large part of what was supposed to be the protection which the wool growers received.

Mr. WARREN. Mr. President, if the Senator from Mississippi will permit me, I think I ought to observe in passing that the great contributing factor to the defeat of Mr. Taft can hardly be claimed as having been that which the Senator indicates, for he will remember that, with the support largely of the Democratic Party, Congress passed a reciprocity tariff with Canada which was supposed to be the heart's desire and object of the great effort of Canada. On the other hand, Canada spewed the treaty out with great vehemence and defeated the proposition by a tremendous vote, to the detriment, of course, of those who initiated the legislation both here and in Canada.

Mr. HARRISON. I shall not be drawn into a discussion of the Canadian reciprocity treaty. That was one time when President Taft was right, however. But I am sure that the Senator from Wyoming is in entire sympathy with the remarks I am making, so far as the value of the farmer's dollar is concerned, and as to it being much less than the value of the manufacturer's dollar or that charged for transportation, as I shall show; and that is what I rose to speak upon.

Mr. WARREN. And more especially, while the Senator is upon the point as to the cost of labor, I wish to suggest that, of course, we have to pay in carrying on a farm a dollar and a dollar and a quarter an hour for the labor of those who formerly received but 50 and 60 cents.

While I do not wish to make any comment in reference to the figures offered by the Senator from New Mexico, yet if

the Senator will go back to the first of May, 1914, and then take the price of wool a year ago, he will find that wool simply went out of the market; it was impossible to sell wool, so far as the growers were concerned, and the banks would advance on it only 10 cents per pound.

Mr. HARRISON. Yes.

Mr. WARREN. The Senator will remember that the price has somewhat increased. I presume the Senator must have a little later report than I have, although I have the figures for a week ago in my office as to the price of the wool, both in the grease and scoured wool of all classes. The price has appreciated. That appreciation has been due to some extent to the revival of business; but more especially because quantity of undigested stock on hand after the war, of which the Government owned about a year's supply, or 500,000,000 pounds, has to some extent been consumed. However, it does not pay today to raise sheep, either for wool or mutton, under the prices we are now getting and under the expense incident to their production.

Mr. LENROOT. Mr. President——

Mr. HARRISON. I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to ask the Senator whether he believes the present rate upon wool in the emergency tariff bill affects the price of wool?

Mr. HARRISON. Of course, the Senator from Wisconsin knows my views on the tariff question.

Mr. LENROOT. Yes; but I am asking an economic question.

Mr. HARRISON. There are many propositions which enter into the question of the present price of wool. There were piled up here in the warehouses under the supervision of the War Trade Board, as we were told at the time, millions of pounds of wool, which would be kept off the market because there was no sale for that wool. Under those circumstances wool acted in large degree as cotton acted, for there were no markets abroad for cotton and we could not sell it. There was also no market here for it to any great extent. So the price of cotton greatly declined.

Of course, if the high protection which is placed on wool in the emergency tariff law kept wool from coming into this country and there were a market here for the wool which was on hand, that emergency tariff law would have influenced the price of wool to a more or less degree. However, I am against that in principle. Even if a wall of protection would keep cotton out of this country and might increase its price, although my people raise cotton, I would not favor such a policy, for I think it is a selfish and indefensible one. It is wrong in principle to rob one set of people in order to take the money and put it into somebody else's pocket.

Mr. LENROOT. I assumed that was the Senator's view, but does he now say, in view of his statement with reference to the purchasing power of the farmer's dollar—and I am in full accord with him in that respect—that it would be robbing the people to enable the farmer to get a fair price for the wool which he raises?

Mr. HARRISON. Of course, I am against invoking any principle which through unfair and illegal means brings joy to one but sorrow to another, and I am not going to indorse larceny in order to help the farmers or anybody else in the world. There are too many fair and equitable ways to accomplish the purpose.

Mr. LENROOT. How could it be larceny?

Mr. HARRISON. I would not enter into a conspiracy which I thought advocated a wrong principle in order to save the farmers or any other class of the people.

Mr. LENROOT. How could it be larceny if the farmer is not now getting enough for his wool?

Mr. HARRISON. I will tell the Senator how he could have helped the farmer get enough for his wool, and I will tell him how he could have helped the farmer to get a higher price for his corn and his wheat and his other products. The depreciation in the price of farm products was caused by the Senator and those who conspired with him, marshalled by the leader of the majority in this Chamber, who defeated the treaty for the objects of which our boys fought and won the war. That action disheartened Europe, broke down credits, bankrupted industries, and caused such an industrial and commercial chaos in Europe that destroyed every vestage of hope to the American farmer to again find a market there for his surplus products.

That was the reason why wheat and corn and the farmers' other products declined, and they are going to remain low until you can become wise enough to see that we must have foreign markets; until you can appreciate the necessity of a sympathetic relationship with the world and engage in the solution of international economic problems. When that time comes we can sell our surplus products, and then their price will be increased. Of course, the Senator may smile, and all that; that is all right; but the American people will yet see that the decrease of price of our products was caused by the defeat of the treaty here with the consequent destruction of our markets abroad.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Mississippi yield to his colleague?

Mr. HARRISON. I yield.

Mr. WILLIAMS. May I ask my colleague a question which is somewhat personal in character?

Mr. HARRISON. Yes; I yield.

Mr. WILLIAMS. Is my colleague engaged in the task of trying to persuade the Republican Party that a world condition which consists of the fact that foreigners have neither cash nor credit to buy from us can be cured by making all of our products more expensive to them? Is he trying to convince them that they occupy a hopeless and mistaken position?

Mr. HARRISON. I must say to my colleague that I am following vain hopes.

Mr. WILLIAMS. If my colleague is trying to convince them of that he is engaged in an impossible undertaking.

Mr. HARRISON. I agree thoroughly with the Senator. They will not be convinced.

Mr. WILLIAMS. It can not be done. It has ever been a prevailing obsession of theirs that the proper way to encourage foreign commerce was to trammel it and obstruct it all that was possible.

Mr. HARRISON. Mr. President, though we may have some doubt as to whether wool in recent months has increased in price and whether or not the tariff has helped the situation in that respect, the Senator from New Mexico and the Senator from Wyoming both say—and I think all will admit—that today the farmer's dollar, even though he raises sheep, is not on a par with the value of the manufacturer's dollar.

Mr. WARREN. I beg the Senator's pardon. I did not say quite that.

Mr. HARRISON. I understood the Senator to go that far.

Mr. WARREN. The Senator had a right to assume that, probably. But the way I put it was that the farmer did not receive in return a sufficient amount to meet the expenses of running his business. Some manufacturers, I fear, are also losing money, while others are making money, but I would not like to institute a comparison along that line. I do say, however, with all frankness, that sheep growing and wool production to-day are being carried on at a loss.

Mr. HARRISON. I have read figures from the report of the commission showing that during the time when the products raised upon the farm were decreasing two or three times in value, the manufacturer of shoes was continually increasing his price, and that clothing was decreasing in price but very little.

Mr. HARRIS. Mr. President——

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

Mr. HARRISON. I yield.

Mr. HARRIS. I was very much interested in the remarks of the Senator from New Mexico [Mr. BURSUM] to the effect that the price of wool had been helped by the tariff duty and also by the reestablishment of the War Finance Corporation. It is admitted, I think, that in their economic aspects cotton and wool are more nearly alike, perhaps, than any other two commodities; they are both used in the manufacture of clothing. There is no tariff on cotton; but I know that the price of cotton has been helped considerably by reason of the War Finance Corporation being reestablished. I wish to ask the Senator from Mississippi whether there has been a greater increase in the price of cotton or of wool since the compilation of the figures from which he has quoted? One commodity has a tariff on it, while the other has not.

Mr. HARRISON. I think the price of cotton has increased considerably since those figures were compiled. The latest figures from which I have quoted were compiled on May 31. I have forgotten what the price of cotton was at that time, but cotton is now around 18 cents a pound, I think.

Mr. HARRIS. What I was trying to get at was whether cotton or wool had advanced more in price.

Mr. HEFLIN. Cotton has increased about 9½ cents a pound.

Mr. HARRISON. I think the price of cotton has increased in proportion to the increase in the price of wool, although there was no tariff on one commodity, while there was on the other.

Mr. LENROOT. Mr. President, if the Senator comes to that conclusion, then, he must necessarily conclude, must he not, that the tariff upon wool has not increased the price of wool?

Mr. HARRISON. I have stated in answer to a question that there were many things that enter into the consideration of that question.

Mr. LENROOT. I understand that; but I am asking the question of the Senator now, if he concludes that the price of cotton has increased proportionately to that of wool, must not the conclusion follow that he does not think the tariff upon wool has affected its price?

Mr. HARRISON. I do not know whether or not the tariff on wool has kept any wool out of this country. I suppose the Senator would say that it has; but I do not know whether it has or not. I know that what has increased the price of cotton has been that we have been able to sell abroad some of the surplus cotton which we had on hand.

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

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. HARRISON. Yes.

Mr. STANFIELD. For the enlightenment of the Senator from Georgia, in connection with the comparison that he drew, I should like to state that wool could be brought into the United States to-day from foreign countries at an advance of about 15 per cent of what it was bringing in May last, whereas the market here for wool has increased between 50 and 60 per cent since that time. So it is only logical to assume that if it had not been for the tariff or some other agency, aside from the world's market conditions, wool would be coming in here to-day and would be sold in America at an advance of about 15 per cent. That condition does not apply to cotton, because cotton is not imported, of course, into the country except in the case of long-staple cotton.

Mr. HARRIS. I was trying to ascertain how much the War Finance Corporation had aided conditions in the country. I think it has aided a great deal, and I think we are indebted to the Senator from Nebraska [Mr. NORRIS] for assisting so admirably in bringing about the passage of the act restoring that corporation.

It will be recalled that an effort was made to have Congress take a long recess, and on the motion of the Senator from Massachusetts [Mr. LODGE] to that effect the vote was 24 to 27, so that a change of two votes would have involved a practical adjournment of Congress without enacting that legislation, which, I think, has been of great benefit to this country.

Mr. HARRISON. Now, Mr. President, the average reward per farmer for labor, risk, and management—and I hope Senators will pay attention to these figures, for they are correct and they are as startling as they are correct—the average reward per farmer for labor, risk, and management, after allowing 5 per cent return on the value of his investment in 1909, was $311; in 1918 it rose to $1,278; in 1920 it was only $465, showing a drop of three times less than what it was in almost 12 months.

Measured in terms of purchasing power, the farmers' reward in 1909 was $326, in 1918 it was $826, and in 1920 it had dropped to $219.

Now let us take some other industries.

The average reward for employees in the mining industry in 1909 was $590; in 1918 it was $1,280. Measured in purchasing power, it was $618 in 1909 and $808 in 1918. The average yearly earning of employees in railway transportation in 1909 was $773 and in 1918, $1,532. Measured in terms of purchasing power, the earning of employees in railroad transportation was $682 in 1909 and $882 in 1918. If a farmer in 1918 had been employed in the mining industry, he would have received a wage of $1,280, or about what he received for labor, risk, and management on the farm. Had he worked as an employee of a railway or of a bank, and obtained the average wages of an employee in either industry, he would have received more for his labor than he received for risk, management, and labor in 1918 on the farm.

Mr. President, these startling figures show that the man who engages in agriculture, combatting the weather, the climate, vermin, and insects of every kind, does not earn on the average any more than the man who invests no capital whatever and assumes no risk, but who merely goes out and works for a daily wage. I know of no business that you can not insure against losses, except that on the farm. They have never come to that yet. Insurance companies never have been formed to insure farm products against weather conditions, climatic conditions, vermin, and insects. I noted the other day that the motion-picture magnates who have snatched Will Hays from the Postmaster General's office and have offered him $150,000 a year, for which I see he has signed a contract, and whose services the country will lose but the motion-picture industry will obtain, were so fearful that something might happen to this "prize box" that they are going to insure his life for $2,000,000.

Yes; you can get an insurance policy upon the life of Will Hays for $2,000,000 so that the morals and deportment of the motion-picture industry will not suffer. You can insure your automobile against burglars or fires or accidents. You can insure your home or yourself against accident, fire, or storm. There are all kinds of insurance now; but the company has not yet been formed, because they know they can not succeed at it, that will write insurance to the farmer to guarantee a reasonable income from the results of his labors. Yet, with the value of his dollar depreciated to 67 cents while he sees the value of the manufacturer's dollar increased, because, forsooth, the representatives of the farming interests meet and confer and try to arrange a program that might be beneficial to them, the President of the United States lifts his hand and brings the power of his office against it in order to dissolve it and destroy it!

Mr. President, they have called a conference on agriculture for Monday. The new order of things is to confer, to hold conferences. We have heard much of the "meeting of the best minds" and have seen little good flowing from the meetings. What the American people want is less conferring and more action.

I read with delight the other night that a great love feast was given to the new Senator from Pennsylvania [Mr. PEPPER]. All of the Pennsylvania delegation were there. They dined and they feasted. They glowingly prophesied for him a great future. His colleagues all hope for him a great future.

Mr. BURSUM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Mexico?

Mr. HARRISON. Just one moment; let me finish this.

Mr. BURSUM. I simply wanted to make a very short statement to the Senate.

Mr. HARRISON. All right; I will wait.

Mr. BURSUM. I was delighted to hear the Senator refer to the fact that what the people require and want and desire is action.

Mr. HARRISON. Yes.

Mr. BURSUM. I was wondering if the Senator would not agree that the same program should be carried out here in the Senate.

Mr. HARRISON. Yes; that is what we are trying to get you to do.

Mr. BURSUM. Why can we not have less talk and more action?

Mr. HARRISON. Our talking is better than your inaction, and until you do act we are going to point out some things about you and your administration. I will tell you, before I finish, something that you can do, and it is founded upon thorough investigation and full consideration, where you can get to work immediately and take action. There will need be little talking about it. You will not have to confer for weeks or for months up here in a conference. You will not have to call in the "best minds" so that you can get a thought and transmit it to the Congress. It is found here in about 14 recommendations of the commission that for months have been studying the agricultural problems.

But, Mr. President, I was talking about this great feast that was extended to the new Senator from Pennsylvania [Mr. PEPPER]; and I am glad that the governor of Pennsylvania was humorous and wise enough to send down here a man by that name. It is so natural and very opportune that something to wake you up should enter this Chamber. May he put a move on you. I tell you, as one who respects the history of the Republican Party, that the country is thoroughly disgusted with your do-nothing policy and your no-program arrangement here.

While this feast was on and eulogies were pronounced upon the new Senator, and some of those present, including the Republican leader on the other side of the Capitol [Mr. MONDELL], told about the great accomplishments of the administration, there was one guest there, a smart fellow, an able lawyer, who sensed the situation in this country and spoke words of wisdom to you. Here is what he said. I read from the Times:

> A warning by Congressman GRAHAM, of Philadelphia, the Pennsylvania member of the Republican congressional campaign committee, that the American people are expecting action and not words from the Republican Party upset a dinner given here last night by Congressman WILLIAM S. VARE.
>
> Among other things, he said:
>
> I may not be accused of wide dissention if I were to suggest the amount of discontent and unrest which prevails not only in our own State but in every State with respect to the accomplishments of the party.

Mr. President, I have said about all that I desire to say; but you will hear from the great Middle West as well as other agricultural sections if you do not do something, and do it

very quickly. Conferences may be all right, but this commission investigating agricultural conditions has been meeting for weeks. It has been meeting for months. The head of every farm organization in the country was invited to come before it. Every avenue of approach through which we might obtain information was traveled, and we got all the information that it seemed to us it was possible to get. A report has been made, and it contains 13 recommendations.

Here they are:

The commission recommends:

(1) That the Federal Government affirmatively legalize the cooperative combination of farmers for the purpose of marketing, grading, sorting, processing, or distributing their products.

(2) That the farmer's requirements for credit corresponding to his turnover and having maturity of from six months to three years, which will enable payment to be made from the proceeds of the farm, be met by an adaptation of the present banking system of the country, which will enable it to furnish credit of this character. It is expected that a concrete proposal to carry out this recommendation will be made in part 2 of this report.

(3) That there should be a warehousing system which will provide a uniform liability on the part of the warehousemen and in which the moral and financial hazards are fully insured. To this end the commission suggests the extension of the existing Federal warehouse law and the passage by the several States of uniform laws regulating the liability of warehousemen and the services rendered by them.

(4) The commission believes that an immediate reduction of freight rates on farm products is absolutely necessary to a renewal of normal agricultural operations and prosperity, and recommends prompt action by the railroads and constituted public authority to that end.

(5) That there should be an extension of the statistical divisions of the Department of Agriculture, particularly along the lines of procurement of live-stock statistics.

(6) That provision should be made by Congress for agricultural attachés in the principal foreign countries producing and consuming agricultural products.

(7) The development by trade associations and by State and Federal sanction of more accurate, uniform, and practical grades of agricultural products and standards of containers for the same.

(8) That adequate Federal appropriations should be made for the promotion of better book and record keeping of the cost of production of farm products on the basis of the farm-plant unit as a basis for the development of more efficient methods of farm management.

(9) Provision for an extended and coordinated program of a practical and scientific investigation through State and National departments of agriculture and through agricultural colleges and universities directed toward reducing the hazards of climate and weather conditions and of plant and animal diseases and insect pests.

(10) More adequate wholesale terminal facilities, particularly for handling perishables at primary markets, and a more thorough organization of the agencies and facilities of distribution of the large consuming centers of the country.

(11) The development of better roads to local markets, joint facilities at terminals connecting rail, water, and motor transport systems, and more adequate facilities at shipping points, with a view to reducing the cost of marketing and distribution.

(12) That greater effort be directed to the improvement of community life.

(13) The renewal of conditions of confidence and industrial as well as agricultural prosperity is dependent upon a readjustment of prices for commodities to the end that prices received for commodities will represent a fair division of the economic rewards of industry, risk, management, and investment of capital. These conditions can not be brought about by legislative formulas, but must be the result for the most part of the interplay of economic forces. The Government and the States within their respective spheres should do by legislative and administrative action what it may be possible to do, based upon sound principles to facilitate this readjustment.

Mr. President, can more information be gathered by this conference which is to meet on Monday? I wish for it every success, but in my heart I believe that its calling is a piece of camouflage. When the President came to the Congress and spoke against the agricultural bloc he felt the reaction from the agricultural interests of the country; and when the Secretary of War, speaking for him in New York, inveighed more bitterly against the agricultural group the reaction was still greater; and in order to get from under he called the meeting of this conference on agriculture to meet in the city of Washington. I wish for it success; but what that conference will do will be to accept the recommendations of the Joint Commission of Agricultural Inquiry, and they will pass resolutions to you, who control legislation in this body, and ask you for its immediate passage.

The cooperative marketing bill, for example, has been on the Calendar for months—I might say for years—and up to this good day and good hour it has not passed. What we need, Senators, is to report these bills out of the committees and to pass them. I care not how many conferences you have, unless Congress gets busy along that line, and unless the President urges the necessary legislation upon you and exercises every influence that he can, he will get nothing. It will be a good deal like the unemployment conference that was called here. They discovered that there were six or seven million men out of employment in this country, but accomplished nothing and got nowhere with their recommendations. Let us stop conferring, and let us begin to act.

Mr. LENROOT. Will the Senator yield?

Mr. HARRISON. I yield to the Senator.

Mr. LENROOT. The Senator has referred to the report of the commission of which he and I are both members, and to the report it has made. Those recommendations were unanimous, were they not?

Mr. HARRISON. They were.

Mr. LENROOT. I want to ask the Senator whether at any time during the many months we have been engaged in that work there was any partisanship whatever displayed?

Mr. HARRISON. Not a particle.

Mr. LENROOT. Did not the Senator find the Republicans just as anxious and just as eager to find remedies for existing conditions as the Democratic members?

Mr. HARRISON. Absolutely; but the members on that commission, if not members of the agricultural group, were in thorough sympathy with their movements. In that commission we acted beautifully, we got all the information possible, and here are the recommendations. Congress should take them and pass them, and we on this side will certainly cooperate to the limit.

Mr. HEFLIN. Will the Senator yield?

Mr. HARRISON. I yield.

Mr. HEFLIN. The Senator from Wisconsin is from a large agricultural State, and his people are in distress, are they not, as our people are? It is therefore to be expected he would be in hearty sympathy with a movement of this sort, is it not?

Mr. HARRISON. Certainly. But the Senator from Wisconsin is not in sympathy with the warfare being waged by President Harding and Secretary of War Weeks against the agricultural group. It is that warfare which has caused me to speak to-day, and about which the farmers of the country are so much interested.

REMOVAL OF INGWALD C. THORESEN.

Mr. KING. Mr. President, some time ago the President removed Mr. Ingwald C. Thoresen as surveyor general of Utah, one of the most efficient and intelligent officers there ever was in the public service. Some time later the New York papers published the letter written to Mr. Thoresen by the President of the United States and Mr. Thoresen's reply. I have received three letters from various parts of the United States questioning the authenticity of the reported letter of President Harding removing Mr. Thoresen. In view of the professions that are being made by some of the Republicans of the nonpartisan administration of President Harding in some of the departments and of their devotion and efficiency, and in view of the letters which I have received questioning the authenticity of the letter written by the President, I desire to have the letter, a photographic copy of which I have before me, placed in the RECORD, together with Mr. Thoresen's reply.

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

The letters are as follows:

THE WHITE HOUSE,
Washington, September 3, 1921.

MR. INGWALD C. THORESEN,
Surveyor General, Salt Lake City, Utah.

MY DEAR SIR: Those of us who are responsible for the activities of the new administration never like to do anything in an inconsiderate way. We are anxious to have men in positions of responsibility who are in full sympathy with the purposes and plans of the administration. I need not tell you of the current demand for the recognition of aspirants within our party for consideration in the matter of patronage. I take you to be a practical man who knows of these developments with a sweeping change in national administrations. Under all these circumstances I would very much like to make a new appointment in the office which you occupy. In all courtesy, I would infinitely prefer to have you recognize the situation and make your resignation available. I am writing this letter in a kindly spirit to express a request that you recognize the situation and let me deal with the situation as you would probably wish to do if our positions were reversed.

Very truly, yours,

WARREN G. HARDING.

SALT LAKE CITY, UTAH, *September 9, 1921.*

MR. PRESIDENT: The receipt of your courteous, considerate, and outspoken letter of the 3d instant is very greatly appreciated, and especially so in comparison with the short, formal note of the Acting Secretary of the Interior, requesting my resignation.

I also appreciate your very proper anxiety "To have men in positions of responsibility who are in full sympathy with the progress and plans of the administration." However, I can not understand how the plans and policies of the administration can in any way change or modify the formal duties of a surveyor general. The surveys of the public lands under the specific directions and appropriations by acts of Congress, making and approving plats and field notes thereof, and paying the expenses incurred thereby, are the sole duties of said office. Every employee therein is in the civil service. No material changes have or can be made therein by any administration.

Were this service affected by foreign policies or even domestic conditions I would admit the consistency for a change, but in face of the facts I can not do so. If, however, any minor changes in the administration of the duties of the office for its improvement are desired by the department, I am ready and willing to assist in their introduction, as I am an interested citizen of our glorious country much more than a partisan Democrat. I am in full and complete sympathy with every move for economy and efficiency in the public service. As proof thereof I respectfully submit herewith copies of recent letters to the department and office employees. I also offer the entire record of my administration in this and other public offices I have held as proof of my integrity in serving the public efficientiy and the economical and strict

expenditure of public funds. The greatest good to the greatest number, irrespective of political, social, or religious affiliations, is my creed.

It is publicly well known that, "The current demand for the recognition of aspirants within our (the Republican) party for consideration in the matter of patronage" is exceedingly intense, apparently much more so than ever before in the history of our country. But should all precedents of the past be set aside to pacify this partisan and selfish clamour? All of my predecessors have been permitted to serve their full terms, most of them more, the last served two full terms and six months—13 months after President Wilson's inauguration. It therefore appears to me that I am the first and only person in the public service under an appointment for a specific term, past or present, who has been requested to resign without being accused of any definite failure or neglect of duty. This matter has the appearance of personal spite or extreme radical political prejudice or greed, and I would be very sorry indeed, should you lend the powers of your great office—the greatest in all the world—for the success of such motives.

It is not for the purpose of holding this office a few more months that I dislike to resign, but as a matter of honor, principle, and precedent. During my incumbency I have given the duties of the office my entire time and the very best experienced efforts at my command. I was a surveyor many years prior to my appointment. I know the public and all persons acquainted with my services duly appreciate the same and the numerous improvements I have inaugurated. I have faithfully observed and enforced the laws, rules, and regulations governing the work and am willing to continue doing so until the term for which I was appointed and have given bonds, expires.

I have lived in Utah for nearly 60 years and my friends and relatives here are a legion and for their sakes as well as for my own sake, I desire to maintain my good name and standing which I consider I can not do if I resign this office without good reasons made public and a general ousting of all other Democratic officeholders. It would certainly be considered a blemish upon my character and integrity and I therefore can not consistently comply with your courteous appeal.

Yours, very respectfully,

I. C. THORESEN,
United States Surveyor General, Utah.

DEPARTMENT OF THE INTERIOR.
OFFICE UNITED STATES SURVEYOR GENERAL, UTAH,
Salt Lake City, Utah, July 9, 1921.

OFFICE EMPLOYEES:

The regulation issued March 23, 1921, placed "each employee upon his or her personal honor to correctly and punctually record their own time"; under instructions that all employees enter on the official time report in charge of Mr. Crow, timekeeper, the exact time each begins official service, mornings and afternoons. If such entry is after 9 a. m. or 1 p. m., sign a tardy slip, giving time late and reason, and enter exact time in red ink on report.

The department regulation provides that: "Time not actually entered will be counted against leave." This will be done after July 15, 1921, and I therefore hope that this regulation be better observed hereafter and your leave saved.

Official time spent on private business in the office or elsewhere must be secured by formal leave cards for days and fourteenths thereof before leave begins, except in case of sickness, when daily reports must be made to me and leave card presented upon return to work. No verbal request for leave can be granted to anyone or by anyone. Don't ask for it.

The time you give or record on time report, which should be seven hours each day and four hours Saturdays, must be spent entirely in official duties, and the morning and afternoon private conversations must cease.

Inclosed please find a blank "employment record," which please fill and return to me at your earliest convenience, as this information is often required.

Yours, respectfully,

I. C. THORESEN,
United States Surveyor General, Utah.

TREASURY DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the committee on page 54, line 14, increasing the appropriation for general expenses of public buildings from $424,600 to $442,100.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. JONES of Washington. Mr. President, the amendment made by the committee striking out the assistant assayer at three or four of the different assay offices has been rejected by the Senate. I think those amendments were made largely on the theory of putting these small offices on the same footing. The House left out the assistant assayer at Carson City and at Salt Lake, and I think if we restore them in the other cases we ought to put in assistant assayers at those two points, and I express the hope that next year we will possibly be able to do away with several of these smaller offices, unless, of course, the needs of the country should show that they ought to be kept in.

So, Mr. President, I offer the following amendment, really embodying two amendments.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Secretary will state the amendment offered by the Senator from Washington.

The ASSISTANT SECRETARY. On page 40, at the end of line 23, change the period to a semicolon and add the words:

Assistant assayer, $1,200.

On page 44, at the end of line 17, change the period to a semicolon and add the words:

Assistant assayer, $1,200.

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

Mr. NORRIS. Mr. President, I suppose these places were left out because they were not needed?

Mr. WARREN. In a conference where there was a very bitter fight they were left out, and there was a presumption then that they would have to be put in after a time. They are small matters. The old men in those places are getting pretty infirm—they have been there for a long time—and it is considered entirely proper that we should give them the places for at least another year.

Mr. NORRIS. Then the amendment is really not offered because it is necessary for the Government business, but to give a couple of fellows another year's salary because they have been in service for a good while?

Mr. WARREN. Mr. President, the Senator has no right to make that statement.

Mr. NORRIS. I judged that, I will say to the Senator, from his own statement. If I am wrong about it, I would like to have the Senator correct me.

Mr. WARREN. Let me explain. If the Senator found himself ill and badly crippled up and interested in this business, he would like to have it go along, and he would like to have an assistant to help him carry it along. Those officers have had those assistant assayers, and they were cut off at an inopportune time owing to a difference here. It is a fact that those men are needed there for this purpose, and if we should undertake to throw out the men who occupy the places and put others in, it would cost us more, because the assayer, for instance, at $1,800, the Senator well recognizes, is not employed at a high figure. That is a figure at which you would hardly be able to get an experienced, thoroughly well, able-bodied assayer. In fact, the two together, assayer and assistant, draw only $3,000.

Mr. NORRIS. My question, I think, is still unanswered. What is the necessity of having these men there? It is undoubtedly like the old pension method, where we had a pension agent in nearly every State and nearly every city. Here we have some fellows as assayers scattered around whom the House thought best to eliminate, because, I assume, they were thought unnecessary. If it can be shown that these are necessary for the transaction of Government business, then I am for the amendment; but when it is argued that we ought to prevent these offices from being longer maintained, it is said these fellows are old in the service, are poor, they have been sick, and they would lose the salary if you cut them off, and it is an inopportune time to do it now.

I thought it was an opportune time. Have we not said to the country, and have we not been claiming all the time to the country, that we were going to economize, and in following up that claim and that promise we are attempting to carry men on the pay roll of the United States simply because they need the salary, and it would be inopportune to discharge them at the present time. If that is the economy that is coming, then we will never get anywhere with our program.

Mr. WARREN. The Senator will not ascribe that meaning to me.

Mr. NORRIS. I have not ascribed it to the Senator, but he can put the shoe on if it fits him. I have not ascribed it to anybody. I do not know why the Senator takes it to himself.

Mr. WARREN. When the Senator says they are put on for that purpose, he assumes, of course, that the mover or the supporter of it must mean it for that purpose. Let me say to the Senator that it is true that a large part of the new mineral, where it comes from large companies, goes to the large eastern institutions for assay, but it has been of great benefit to this country that we have hardy prospectors, pioneer men, who are willing to go into the mountains and hunt for metal, simply being furnished, if they had money enough of their own, with bacon and flour. If they have not, there is generally somebody in the towns ready to "grubstake" them. When they find a metal which they believe is important, and which indicates a gold mine or a silver mine, to take their little budget all the way to Philadelphia or New York and wait for the return would be a hardship to those men. This assay office is doing a great deal of service. It is to accommodate those who need it, who can not well do without it, and the benefit of it accrues in the long run to the general public and the Nation.

Mr. NORRIS. Where is the nearest assay office now to Salt Lake City?

Mr. WARREN. The one we are talking about is in Salt Lake City.

Mr. NORRIS. I know that. That is the one you are trying to put in. It does not seem to be there now.

Mr. WARREN. No; we are not trying to put anything in.

Mr. NORRIS. The Senator has made an argument in favor of it, as I understand.

Mr. OVERMAN. Does the amendment provide for the assistant assayer or the assayer?

Mr. WARREN. For the assistant assayer.

Mr. NORRIS. Has he been out for a year?

Mr. WARREN. He has been out for one year. Formerly that office had more employees, and they drew higher salaries. It has been cut down from time to time, with the idea of economy, which the Senator always joins us in trying to effect.

Mr. NORRIS. What have the poor miners, with their little budgets over their shoulders, who have come in sick and sore, and with gold and a lot of stuff gotten up in the mountains, been doing? Have they been carrying it to New York during the last year, as the Senator said they would have to do if this were not put in?

Mr. WARREN. This is to provide somebody to take care of that.

Mr. NORRIS. The last year there has been nobody to take care of it. What have they done?

Mr. WARREN. They have probably managed to take care of the most of it.

Mr. NORRIS. Where?

Mr. WARREN. At the office.

Mr. NORRIS. Without an assayer and without an assistant?

Mr. WARREN. Mr. President, it is difficult for me, unless the Senator will read what is before him, to explain what we are talking about. We have an office there and an assayer. Formerly there was an assistant assayer and certain workmen; that is, there was a certain amount appropriated to hire workmen. There is an assay office which has been maintained there for many years.

Mr. NORRIS. And it is there now?

Mr. WARREN. It is there now.

Mr. NORRIS. Has it an assayer now?

Mr. WARREN. It has an assayer.

Mr. NORRIS. That is already in the bill?

Mr. WARREN. It is already in the bill.

Mr. NORRIS. This amendment simply is to employ another assistant whom they do not have now?

Mr. WARREN. It is to employ a man at $1,200, and the man is called an assistant assayer, because he is one of those who has heretofore been an assistant in that work, and knows something of it.

Mr. NORRIS. Let us take up the Senator's argument. In the first place, the Senator says he is not asking that this go in. I took it that his argument was intended to be an argument in favor of putting it in.

Mr. WARREN. It should go in.

Mr. NORRIS. The Senator said a little while ago that if it did not go in, these poor miners, who had been out in the hills and the gulleys, suffering all kinds of trouble, mining and prospecting, with a bandanna handkerchief strung over their shoulders with what they had found, would have to go to Philadelphia or New York or Boston, or some other place, to have their hard-earned stuff assayed.

The Senator says, when a little further inquiry is made, there is now an assayer at Salt Lake City. He is there now. He has been there. They have not been going to New York with their little handkerchiefs, with some rocks tied up in them, over their shoulders. They have not been going to Philadelphia or San Francisco. They have been going right to Salt Lake City, and they are going there now, and still they have not this assistant assayer, whom this amendment would put in.

Is it not terrible, is it not awful, that without this amendment these fellows would all have to travel across the continent to get their stuff assayed, and that now they stop in Salt Lake City and have it assayed? Of course, I am not able to solve these deep questions, but the question arises in my mind, if we do not adopt this amendment why can they not take it to Salt Lake City next year, just as they do this year?

The Senator said he could not get it into my head. Of course, I am not to blame because my early education was sadly neglected. It may be there is something the matter with the Senator, or he could make it plain to an ordinary individual, such as I am, and such as some of these other Senators are, too.

It has developed, I think, that this office is unnecessary. It is a mighty small thing, I admit; it is a trifle, but trifles, when you get enough of them put together, make perfection, and perfection is no trifle.

Economy in the little things in the aggregate means economy in the great things. The Senator says it is not an opportune time to take these men off the pay roll now, and it develops they have been off the pay roll for a year and are trying to get back on.

Why, Mr. President, should we add to the expense by adding additional officers? Why should we add to the expense at a time when everybody is crying economy by adding on more offices?

I want to say to the Senate that this amendment will not be agreed to, unless some reason can be given why it should be agreed to, without a quorum of the Senate, and you had better send out word, because you will not get it through to-night, little as it is, unless some one will explain why it is that we ought to add these trifling offices in this appropriation bill for any other reason than to give somebody a job. They were cut out last year. Was it because they were of a different political faith that we cut them out? Are we going to get the jobs back in now and get somebody else? It is simply to give an office to somebody, as I see it. I may be wrong. I am willing to be convinced, but I am not going to see it done with half a dozen Senators present unless I am convinced.

Mr. HEFLIN. Mr. President, we have consumed considerable time discussing a little office that would cost the Government $1,200. I do not know whether this office is necessary or not. I desire to call the attention of the Senate again to the fact that the New York Federal Reserve Bank officials, with the approval of the discredited Federal Reserve Board in Washington, are constructing a Federal bank building in New York City at a cost of more than $20,000,000. This amount, as I have said before, and I want Senators who are present to hear it stated again, is more than the Capitol Building of the Nation cost; more than the House Office Building, a marble building, cost; more than the Senate Office Building, made of marble, cost; more than all three of those buildings together cost; more than the State, War, and Navy Building in this city cost; more than all four of them cost. They are expending, or have set out to expend, or have provided that amount of money to be handled through what they call a plan to construct this bank building in the city of New York, twenty-odd million dollars.

John Skelton Williams, former Comptroller of the Currency, a man whose integrity nobody questions, has just been to New York and has seen this place where they are going to build this bank building. They have not proceeded very far with it. There is a great hole in the ground, probably 20 or 30 feet deep, where they are just commencing to lay a foundation. He said to me, "I would be willing to guarantee to that bank in New York and the bank in Chicago quarters in which to run the business of both banks. I could do it and save the expenditure of about $20,000,000."

While the Senator from New Mexico [Mr. BURSUM] is suggesting that we get action, I submit that situation should call for immediate action upon the part of the President, and he should call upon the Federal Reserve Board to stop the construction of that building. They have already, I understand, issued an order to stop the construction of similar buildings in other cities of the country. Why not stop this one in New York? Why stop the others and let this concern in New York put twenty-odd million dollars in a banking palace, with swimming pools, and gymnasium equipment, and all those things for employees, about 3,000 in number?

In that connection I understand that the First National Bank of New York lends more money than the Federal Reserve Bank, and that it has about 100 employees. The Federal Reserve Bank lends less than that bank and has over 3,000 employees. Why are those men kept on the pay roll at enormous salaries? When the war was on and they had to handle Liberty bonds and various other things for the Government they may have been needed, but they are not needed now. There is a situation calling for action. Cut down the number of people who are on that pay roll, who are feasting and fattening upon the money that is wrung out of the distress and misfortune of the people of the South and West. There is the place where action can be had, and properly had. I call upon the other side to ask the President to get busy upon this matter.

I understand also that the annex which has been constructed in New York by this Federal reserve bank has room enough in it to accommodate the whole bank and that they have a whole lot of it rented out. Why should they rent out floor after floor in that building and build another one in order to use this money and to handle this money at a time like this? Beware, Senators, the people are not deceived.

I said before, and I repeat, that I could submit this case to any honest jury in the world and they would say that it looked like crooked business and graft. The idea of putting twenty-odd million dollars into one bank building, costing more than

the Capitol, the Senate Office Building, the House Office Building, and the State, War, and Navy Building. The people will not stand for it. The rate of rediscount was raised from 3 to 7 per cent, and they are dragging this money in from the poor, distressed masses of America and then putting it out into a marble temple, a bank building, just one building in New York City. Of course there is graft.

I know that some of the Republican newspapers in New York criticize me for what I have said about this. I will give them ample opportunity to criticize me on and on and on in this matter. When I have them criticizing me I know that I am smiting them hip and thigh, and I am going to keep it up. The Senator from Mississippi [Mr. HARRISON] told you the truth. They deflated the stuff in the hands of the farmer with which he had to pay his debts but they did not deflate the debts. He had enough stuff to pay three times over his indebtedness of $5,000, and you deflated it so that it went down to where he could not pay half of the $5,000. You took his substance and left him owing $2,500.

That is the fruit of this deflation policy, and yet we can not get rid of it. The President has the power to get rid of it. We had a district attorney in Texas, and they called on him for his resignation. That is all right. If the President does not like an officer, if he thinks he is not performing his duty, or if he wants to get him out, he can mildly suggest to him, "I would like to have your resignation." But why is it we can not get this Federal Reserve Board removed? Why is it there is such a power back of it in this Government that the Congress has to go a roundabout way and set up another financial agency, the War Finance Corporation, to do business that the Federal Reserve Board used to do under a Democratic administration? What is it that holds this power over the administration, and keeps this board that is so thoroughly discredited and repudiated by every honest business man in America?

I do not blame the Wall Street crowd for patting those on the back who pursue a policy that pours money into their coffers. I do not blame them for fighting me and others who condemn their cowardly and crooked conduct. But when they criticise me I know that I am right. Sometimes we think more of a man for the enemies he has made, as was said once of a President of the United States.

Sometimes honest people admire a public servant more for the enemies that he makes than for the friends that he makes.

I appeal to the Republican Party, which is in the majority in the Senate, to get busy and see if we can not stop the construction of that bank building in New York and save that twenty-odd million dollars.

Mr. JONES of Washington. Mr. President, the Senate Committee on Appropriations cut out certain items in the House bill providing for assistant assayers at two or three of the small offices throughout the country. The Senate in its wisdom rejected those amendments and restored those items. I felt that those small offices should all be practically on the same basis, and I felt that, the Senate having rendered its judgment with reference to those other small offices, it was nothing more than just and fair that the other two offices, for which the Budget submitted an estimate for an assistant assayer, should have that item put in the bill.

Personally I feel that all of these small assay offices should be abolished. I do not believe that they are really needed, and I would vote for a proposition of that kind. I make this statement so far as I am concerned as a sort of notice for the future. I can see that to strike them out without having any intimation given heretofore might work some hardship, but I do believe we ought to consider very seriously hereafter the abolition of those small offices.

Mr. President, I understand that the Senator from Nebraska [Mr. NORRIS] would insist upon calling for a quorum before allowing us to come to a vote on this amendment; therefore I withdraw the amendment.

The VICE PRESIDENT. The amendment offered by the Senator from Washington is withdrawn. The bill is still in Committee of the Whole and open to amendment.

Mr. KING. Mr. President, I should like to inquire of the Senator from Wyoming if the item has been reached in regard to the personnel of the Public Health Service?

Mr. WARREN. It has been reached and passed. The bill has been finished, so far as the Committee of the Whole is concerned.

Mr. KING. We have been assured from time to time that there was to be a reorganization of the Public Health Service branch of the Government. It has been the most expensive and extravagant branch of the Government, in proportion to the responsibilities resting upon it, I think, of any branch of the Government. The senior Senator from Utah [Mr. SMOOT] has stated, and in the utmost good faith, that it was the plan of the administration to effectuate reforms in the Public Health Service and to strip the officials of that service of their military titles and to put it upon a medical basis and medical foundation instead of a military basis.

I should like to ask the chairman of the committee what is being done toward carrying out those promises and statements which were made when the Democrats were in power that as soon as the Republicans obtained control of the Government they would effectuate great reforms in this branch of the service? What is being done by the Republicans to carry out those promises?

Mr. WARREN. Mr. President, let me say to the Senator from Utah, when he speaks of changing the Public Health Service from a military status, that is hardly possible now, because during the last administration, to which the Senator alludes as a Democratic administration, many of the officers of this service were carried practically into the Army. They have been given that status for life; they are to receive full pay until they shall have reached the age of 64 years, and then they will be retired with three-fourths pay. That is something we do not feel that we can deal with now, certainly not in an appropriation bill. It would require legislation of a nature that might leave upon us claims of large amounts from every one of such officers.

However, as for the pending appropriation bill, I will give the Senator from Utah some information by way of comparisons between present and former appropriations. Here is an item which last year was $1,060,000, but which is now but $913,000; here is another one which was $160,000, and which was estimated for at $90,000, but which has been reduced to $50,000; here is another item which was $50,000, but which has been reduced to $45,000; here is another item of $5,000 which has been reduced to $3,000. In other words, all of the appropriations which refer to the emoluments of these officers which we can reach have been reduced.

As to the extra pay which was put on for the time being, that time having expired, we do not extend it nor do we allow the extra compensation which has heretofore been allowed.

As to reorganization, we have done much to prevent a certain style of reorganization which involved bringing some hundred officers under the mantle of the Public Health Service in the way of commissioning others than those already in the service with, we might say, the Army token, and putting them in the same line of service as the medical service of the Army.

Mr. KING. May I inquire of the Senator whether men are now being inducted into the military service for the purpose of performing duties in the Public Health Service?

Mr. WARREN. So far as I know, that is utterly prevented for the time being. Of course, the officers of the Public Health Service are promoted from time to time. The Senator from Utah will recall that oftentimes in executive session we have before us the names of men in the Public Health Service who are promoted to a higher rank. That is incident to length of service; in a certain number of years the officers acquire a certain grade.

Mr. KING. Would the Senator from Wyoming consent to an amendment providing in effect that no part of this appropriation shall be employed in paying the compensation of any persons in the Public Health Service who may be advanced from a nonmilitary to a military status?

Mr. WARREN. I had rather the Senator would not offer such an amendment, because it is not necessary. We have already effectually provided for that.

I had not, however, concluded my statement in regard to the reduction in the pending bill of former appropriations which have been made. Here is an item which formerly carried an appropriation of $500,000, but which is now reduced to $400,000. The matter to which the Senator refers, I think, is proceeding entirely along the line which the Senator wishes to have it proceed. I feel confident that the Senator, on further examination, will ascertain that we are doing all that it is possible to do.

Mr. KING. Mr. President, I wish to suggest to the Senator from Wyoming and to other Senators that we are now advancing in the military and naval branches of the Government and also in the Public Health Service a large number of officers, so that the higher grades are being congested. We shall soon, I hope, have an Army of not to exceed 60,000 or 75,000 men; and yet we shall have enough brigadier generals and major generals and colonels and majors and other higher officers for an Army of two or three hundred thousand men. The same statement is true as to the Navy and also of the Public Health Service. Practically all of the officers will be in the higher grades. It seems to me that the time has come to call a halt in regard to these promotions, when we know that, answering the de-

mands of the public and our own duty, we are bound to restrict the number in the Army and Navy. We shall not have done our duty with respect to the Public Health Service until we entirely divorce it from the Army and make it a medical branch of the Government instead of a military branch of the Government.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no further amendments, the bill will be reported to the Senate.

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

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.

ADJUSTMENT OF FOREIGN LOANS.

Mr. McCUMBER. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 8762) to create a commission authorized under certain conditions to refund or convert obligations of foreign Governments owing to the United States of America, and for other purposes.

Mr. OVERMAN. The Senator from North Dakota does not propose to proceed with the consideration of the bill this evening, does he?

Mr. McCUMBER. I do not. I expect the Senate to proceed to the consideration of executive business immediately after the bill shall have been taken up.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, January 23, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 21 (legislative day of January 20), 1922.

COLLECTOR OF INTERNAL REVENUE.

Frank R. Stewart, of Phoenix, Ariz., to be collector of internal revenue for the district of Arizona, in place of Alfred Franklin.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 21 (legislative day of January 20), 1922.

ASSISTANT APPRAISER OF MERCHANDISE.

William F. Comly to be assistant appraiser of merchandise, customs collection district No. 10, New York, N. Y.

COLLECTOR OF INTERNAL REVENUE.

Charles Holden to be collector of internal revenue for the fourth district of Michigan.

REGISTERS OF THE LAND OFFICE.

Oran Layton to be register of land office, Topeka, Kans.
John Widlon to be register of land office, Gregory, S. Dak.

POSTMASTERS.

ARIZONA.

William F. Haas, Naco.

CALIFORNIA.

Isaac D. Jaynes, Buena Park.
Ethel G. Packard, Fall River Mills.
Albert E. Dixon, Point Loma.
William R. Stephens, Roseville.
Hugh W. Judd, Watsonville.

CONNECTICUT.

Frederick H. Smith, Darien.
Harlan G. Hills, East Hampton.
William E. Hazen, Georgetown.
Durward E. Granniss, New Preston.
Charles A. Jerome, Plainfield.
Edward Perkins, Suffield.
Robert O. Judson, Woodbury.

FLORIDA.

Addison L. Smith, Groveland.
Elmer J. Yonally, Winterhaven.

ILLINOIS.

William M. Rentschler, Allendale.
Howard B. Mayhew, Bradford.
Emile J. Berger, Clifton.
David B. Troxel, De Land.
James A. Duncan, Flat Rock.
Howard L. Scott, Fox Lake.
Elmer Beck, Herrick.
Frank S. Cox, Hindsboro.
Claude W. McDaniel, Martinsville.
Justin S. Darrah, Medora.
Albert L. Weible, New Athens.
Carlysle Pemberton, Oakland.
Elmer C. Nethery, Palestine.
Albert R. Cooper, Pesotum.
John B. Dillon, Sadorus.
Rudolph Mueller, Sherrard.
Norredden Cowen, Sorento.
Norman A. Jay, Steeleville.

KANSAS.

Willard E. Johnston, Attica.

LOUISIANA.

Ruth W. McCleish, Athens.
Victor L. Brumfield, Winnfield.

MICHIGAN.

Carl J. Willis, Bannister.
Clarence J. Williams, Carleton.
Curtis G. Reynolds, Dundee.
James D. Housman, Petersburg.
Eugene J. Richardson, Temperance.

NEW JERSEY.

Le Roy Sofield, Avon by the Sea.
Adrian P. King, Beachhaven.
George G. Titus, Belmar.
Frank Hill, Dumont.
Helen Mylod, Glen Ridge.
Chester A. Burt, Helmetta.
John J. Schilcox, Keasbey.
Edward Iredell, Mullica Hill.
Edward W. Vanaman, Newfield.
Alvin C. Stover, Pennington.
Arthur S. Warner, Spring Lake Beach.

NEW YORK.

Arthur K. Lansing, Cambridge.
John H. Roberts, Canastota.
William M. Stuart, Canisteo.
William B. Donahue, Catskill.
LeRoy M. Tripp, Clinton Corners.
Dimont M. Rector, Delanson.
Erastus C. Davis, Fonda.
Fred H. Bacon, Franklinville.
Howard T. Meschutt, Hampton Bays (late Good Ground).
John Newton, Holcomb.
Dora M. Smylie, Lake Kushaqua.
Fletcher B. Brooks, Monroe.
L. B. Crane, Mount Kisco.
Esther L. Smith, North Lawrence.
Deane Mitchell, Odessa.
Lionel J. Desjardins, Piercefield.
Lewis O. Davis, Port Jefferson.
Ethel Kelly, Pyrites.
Harry R. Swift, Richford.
John K. Stillwell, Roslyn Heights.
Harriet L. Reed, Savannah.
Isabel G. Duvall, Shelter Island Heights.
Stanley D. Francis, Tannersville.
Fred D. Seaman, Unadilla.
William B. Stewart, Walden.
Edwin F. Still, Warwick.
John G. Cole, Waterford.
Mabel E. Stanton, Wellsburg.
Warren A. Bush, Wilson.
Edward W. Elmore, Yorkville.

NORTH CAROLINA.

John C. Smith, Lenoir.
Christopher H. Mattocks, Maysville.
Henry Reynolds, North Wilkesboro.
Wiley F. Talley, Randleman.
Samuel L. Parker, St. Pauls.

OKLAHOMA.

Ray E. Sutton, Boynton.
Evan E. Lambdin, Braman.
Ernest H. Rownsaville, Coleman.
Jesse W. Pinkston, Drumright.
James W. Evans, Mounds.
Herbert Harris, Oilton.
Minnie A. Wood, Shamrock.
Charles E. Campbell, Texhoma.
William A. Vassar, Tryon.
Jack W. Rowland, Webbers Falls.

OREGON.

Guy E. Tex, Central Point.
Ethel N. Everson, Creswell.
Albert M. Porter, Gaston.
William C. DePew, Lebanon.
Carl A. Peterson, Orenco.
John S. Sticha, Scio.
William E. Tate, Wasco.

WEST VIRGINIA.

George H. Mellen, Beckley.
Luther P. Graham, Hinton.
Carl F. Stewart, Littleton.
Kellous P. Nowlan, Logan.
Alonzo E. Linch, Moundsville.

WISCONSIN.

Mamie R. Een, Amherst.
Raymond E. G. Schmidt, De Forest.
John A. Gudmundsen, Detroit Harbor.
Samuel M. Hogenson, Ephraim.
Edwin E. Weinmann, Iola.
Paul A. Brown, Mellen.
George Oakes, New Richmond.
Frank S. Brazeau, Port Edwards.
Howard M. Buck, Prairie Farm.
Fred X. Knobel, River Falls.
John E. Himley, Wabeno.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 21, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Heavenly Father, we come again to the solemn yet tender mystery of Thy throne. We believe that there is one God over all, and blessed forevermore. Thy judgments are full of wonder, yet merciful. Gently correct us by that loving pity that redeems us from distress and grants us sweet release. Be unto us an abiding reality and make Thy presence like unto the nearness of a dear friend. Give us larger conceptions of the truth and a richer and a profounder knowledge of all things needful. Then O help us to bring the vision to the task, the revelation to the duty, and, above all things else, the truth to everything. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATION FOR EX-SERVICE MEN.

Mr. SWEET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, giving a brief history of the legislation that has been passed for the benefit of ex-service men.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection?

There was no objection.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9981, the independent offices appropriation bill.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9981.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were 59 ayes and 13 noes.

Mr. BLANTON. Mr. Speaker, I object to the vote, and make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of no quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 324, nays none, not voting 106, as follows:

YEAS—324.

Ackerman	Dupré	Kissel	Roach
Almon	Dyer	Kleczka	Robertson
Andrew, Mass.	Echols	Kline, Pa.	Robsion
Andrews, Nebr.	Elliott	Knutson	Rodenberg
Ansorge	Ellis	Kopp	Rogers
Appleby	Evans	Lampert	Rose
Arentz	Fairchild	Lanham	Rosenbloom
Aswell	Fairfield	Lankford	Rouse
Atkeson	Faust	Larsen, Ga.	Sanders, Tex.
Bankhead	Favrot	Larson, Minn.	Sandlin
Barbour	Fenn	Layton	Schall
Barkley	Fess	Lazaro	Scott, Mich.
Beck	Fields	Lea, Calif.	Scott, Tenn.
Beedy	Fish	Leatherwood	Sears
Begg	Fisher	Lee, Ga.	Shelton
Bell	Fitzgerald	Lehlbach	Shreve
Bixler	Focht	Little	Sinclair
Black	Fordney	Logan	Sinnott
Bland, Ind.	Foster	London	Smith, Idaho
Bland, Va.	Frear	Lowrey	Smith, Mich.
Blanton	Free	Luce	Smithwick
Boies	Freeman	Luhring	Snell
Bond	French	Lyon	Snyder
Bowling	Frothingham	McArthur	Speaks
Box	Fuller	McClintic	Sproul
Brand	Funk	McCormick	Stafford
Brennan	Gahn	McDuffie	Steagall
Briggs	Gallivan	McFadden	Stedman
Brown, Tenn.	Garner	McKenzie	Steenerson
Browne, Wis.	Garrett, Tenn.	McLaughlin, Mich.	Stephens
Bulwinkle	Garrett, Tex.	McLaughlin, Nebr.	Stevenson
Burroughs	Gensman	McLaughlin, Pa.	Stoll
Burtness	Gernerd	McSwain	Strong, Kans.
Burton	Gilbert	MacGregor	Strong, Pa.
Butler	Glynn	Madden	Swank
Byrnes, S. C.	Goodykoontz	Magee	Sweet
Byrns, Tenn.	Gorman	Mann	Swing
Cable	Graham, Ill.	Mapes	Tague
Campbell, Kans.	Green, Iowa	Martin	Taylor, Ark.
Campbell, Pa.	Greene, Mass.	Mead	Taylor, N. J.
Cannon	Greene, Vt.	Michener	Taylor, Tenn.
Carew	Griffin	Miller	Temple
Carter	Hadley	Millspaugh	Ten Eyck
Chalmers	Hardy, Colo.	Mondell	Thompson
Chandler, N. Y.	Hardy, Tex.	Montoya	Tillman
Chindblom	Harrison	Moore, Ill.	Tilson
Clague	Haugen	Moore, Ohio	Timberlake
Clarke, N. Y.	Hawley	Moores, Ind.	Tincher
Clouse	Hayden	Morgan	Tinkham
Cockran	Herrick	Mott	Towner
Codd	Hersey	Murphy	Treadway
Cole, Iowa	Hickey	Nelson, A. P.	Underhill
Cole, Ohio	Hill	Nelson, J. M.	Upshaw
Collier	Himes	Newton, Mo.	Vaile
Collins	Hoch	Norton	Vestal
Colton	Huddleston	O'Brien	Vinson
Connally, Tex.	Hudspeth	O'Connor	Volgt
Connell	Hukriede	Oldfield	Volstead
Cooper, Ohio	Hull	Oliver	Walsh
Cooper, Wis.	Humphreys	Overstreet	Walters
Copley	Husted	Padgett	Ward, N. C.
Coughlin	Ireland	Paige	Wason
Crago	Jacoway	Park, Ga.	Watson
Cramton	Jeffers, Ala.	Parker, N. J.	Weaver
Crisp	Johnson, Ky.	Parker, N. Y.	Wheeler
Cullen	Johnson, Miss.	Parks, Ark.	White, Kans.
Curry	Johnson, S. Dak.	Parrish	White, Me.
Dale	Jones, Pa.	Patterson, Mo.	Williams
Dallinger	Jones, Tex.	Porter	Williamson
Darrow	Kearns	Purnell	Wilson
Davis, Minn.	Keller	Quin	Wingo
Davis, Tenn.	Kelley, Mich.	Rainey, Ill.	Winslow
Dempsey	Kelly, Pa.	Raker	Wood, Ind.
Denison	Kennedy	Ramseyer	Woodruff
Dickinson	Ketcham	Rankin	Woods, Va.
Dominick	Kiess	Rayburn	Woodyard
Doughton	Kincheloe	Reber	Wright
Dowell	Kindred	Reece	Wyant
Drewry	King	Reed, W. Va.	Yates
Driver	Kinkaid	Rhodes	Young
Dunbar	Kirkpatrick	Ricketts	Zihlman

NOT VOTING—106.

Anderson	Crowther	Johnson, Wash.	Mills
Anthony	Deal	Kahn	Montague
Bacharach	Drane	Kendall	Moore, Va.
Benham	Dunn	Kitchin	Morin
Bird	Edmonds	Kline, N. Y.	Mudd
Blakeney	Fulmer	Knight	Newton, Minn.
Bowers	Goldsborough	Kraus	Nolan
Brinson	Gould	Kreider	Ogden
Britten	Graham, Pa.	Kunz	Olpp
Brooks, Ill.	Griest	Langley	Osborne
Brooks, Pa.	Hammer	Lawrence	Patterson, N. J.
Buchanan	Hawes	Lee, N. Y.	Perkins
Burdick	Hays	Lineberger	Perlman
Burke	Hicks	Linthicum	Petersen
Cantrill	Hogan	Longworth	Pou
Chandler, Okla.	Hooker	McPherson	Pringey
Christopherson	Houghton	Maloney	Radcliffe
Clark, Fla.	Hutchinson	Mansfield	Rainey, Ala.
Classon	James	Merritt	Ransley
Connolly, Pa.	Jefferis, Nebr.	Michaelson	Reavis

Reed, N. Y.	Sanders, Ind.	Sullivan	Volk
Riddick	Sanders, N. Y.	Summers, Wash.	Ward, N. Y.
Riordan	Shaw	Sumners, Tex.	Webster
Rossdale	Siegel	Taylor, Colo.	Wise
Rucker	Sisson	Thomas	Wurzbach
Ryan	Slemp	Tyson	
Sabath	Stiness	Vare	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. LINEBERGER with Mr. KITCHIN.
Mr. LANGLEY with Mr. CLARK of Florida.
Mr. MORIN with Mr. RIORDAN.
Mr. OGDEN with Mr. LINTHICUM.
Mr. HOGAN with Mr. BRINSON.
Mr. BURKE with Mr. GOLDSBOROUGH.
Mr. KLINE of New York with Mr. WISE.
Mr. MCPHERSON with Mr. MANSFIELD.
Mr. OLPP with Mr. POU.
Mr. VARE with Mr. RUCKER.
Mr. ROSSDALE with Mr. DEAL.
Mr. LAWRENCE with Mr. HOOKER.
Mr. DUNN with Mr. SULLIVAN.
Mr. EDMONDS with Mr. TYSON.
Mr. HAYS with Mr. BUCHANAN.
Mr. GRIEST with Mr. FULMER.
Mr. KAHN with Mr. KUNZ.
Mr. REED of New York with Mr. SUMNERS of Texas.
Mr. VOLK with Mr. CANTRILL.
Mr. HUTCHINSON with Mr. MOORE of Virginia.
Mr. OSBORNE with Mr. SABATH.
Mr. MICHAELSON with Mr. THOMAS.
Mr. CHANDLER of Oklahoma with Mr. SISSON.
Mr. CONNOLLY of Pennsylvania with Mr. HAWES.
Mr. PATTERSON of New Jersey with Mr. DRANE.
Mr. GRAHAM of Pennsylvania with Mr. HAMMER.
Mr. BACHARACH with Mr. MONTAGUE.
Mr. ANDERSON with Mr. RAINEY of Alabama.
Mr. PERLMAN with Mr. TAYLOR of Colorado.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9981, with Mr. TOWNER in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. The time on the majority side has expired. All time has expired except 33 minutes, in the control of the minority.

Mr. HARRISON. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman and gentlemen of the committee, the safety and perpetuity of the Government of this Republic and of each State of the Union depend upon the maintenance and enforcement of the laws and the protection of the citizen in the enjoyment of his constitutional and inalienable and inherent right of life, liberty, and property, and without the protection of these rights confusion and anarchy would inevitably result.

I do not palliate or condone the violation of law, and condemn lynching and mob law in any form. One of its dangers is, there is no limit to its jurisdiction. But I am equally opposed to a violation of the Constitution under the guise of the enactment of a law which if enacted and enforced would be clearly subversive of the plain terms of the Constitution and destructive of our system of government and the institutions and principles upon which it was founded.

The Dyer antilynching bill is not only pernicious and unjust but is clearly violative of the plain terms and provisions of the Constitution and contrary to the genius and spirit of our institutions and time-honored traditions.

It not only encroaches upon but obliterates the rights of the sovereign States and seeks to substitute Federal for State laws, and transfers from the State to the Federal courts a class of offenders for the trial and punishment of whom ample provision has already been made by laws of the several States.

Have the States become impotent and helpless and can no longer enforce police regulations and criminal laws on their statute books? Such an accusation would be a fearful arraignment of a sovereign Commonwealth.

Aside from the unconstitutionality of the bill its terms and provisions are absurd, ridiculous, and nothing short of a monstrosity. A "mob or riotous assemblage" is defined by the bill to mean "an assemblage composed of five or more persons acting in concert for the purpose of depriving any person of his life without authority of law as a punishment for or to prevent the commission of some actual or supposed public offense," and by the terms of the bill officers of the law who fail to protect the life of a person against such a "mob or riotous assemblage" are guilty of a crime as well as persons participating in such "mob or riotous assemblage."

If the bill has any worthy object, it would seem to be to maintain law and order, suppress crime, and protect human life, and yet any number of persons less than five may unlawfully act in perfect accord and concert and with a common and felonious design to deprive a person of his life and actually take his life in the most unlawful and brutal manner and not be amenable to the proposed law, and any officer who fails to protect the life of a person against the unlawful and felonious conduct of any number of persons less than five is likewise not subject to its provisions.

Besides, it is not made penal for such "mob or riotous assemblage" to deprive a person of his life except "as a punishment for or to prevent the commission of some actual or supposed public offense," so that the mob could with impunity take the life of a person for any cause or reason except "as a punishment for or to prevent the commission of some actual or supposed public offense." The so-called race riots would not be covered by the provisions of the bill.

The proponents of this measure seek to justify its constitutionality and passage by attempting to bring it within the terms and provisions of that part of the fourteenth amendment to the Constitution which provides that no State shall deny any person the equal protection of the laws of the State.

This position is far-fetched and untenable, and this constitutional provision has no application to the subject matter of the bill. The fact is the framers of this provision of the fourteenth amendment never dreamed that the most imaginative mind could ever conceive of stretching it to cover anything akin to the subject matter of the pending bill.

The amendment was adopted soon after the Civil War, and this provision was framed for the sole purpose of preventing any State from enacting a law which would discriminate against the slaves who had been emancipated and for no other purpose.

In seeking to bring the bill within this provision of the Constitution, it is provided—

> That if any State or governmental subdivision thereof fails, neglects, or refuses to provide and maintain protection to the life of any person within its jurisdiction against a mob or riotous assemblage, such State shall by reason of such failure, neglect, or refusal be deemed to have denied to such person the equal protection of the laws of the State, and to the end that such protection as is guaranteed to the citizens of the United States by its Constitution may be secured, it is provided—

And so forth.

Therefore, under the terms of the bill before any person would be amenable to its terms and before a United States court could take jurisdiction of a person thereunder it must be determined in some way, not pointed out or provided in the bill, that the State in which a person had been deprived of his life had failed, neglected, or refused to provide and maintain protection to the life of such person; and this failure, neglect, or refusal on the part of the State must be established as a condition precedent to a Federal court acquiring and taking jurisdiction in the premises. What person, officer, or tribunal is to determine this vital question?

Could it by the most strained legal construction be held that because a "mob or riotous assemblage" had in a given State deprived a person of his life that such State had denied to such person the equal protection of the laws of the State?

The act of five or more persons acting in violation of the laws of the State would not be the act of the State, and how could the State by the unlawful act of such persons be deemed to have denied to any person the equal protection of the law? The act of the individuals composing the mob could not be held to be the act of the sovereign State. Moreover it can not be successfully contended that the act of any State or municipal officer in failing, neglecting, or refusing to make all reasonable efforts to prevent a person being put to death at the hands of a mob or in failing, neglecting, or refusing to make all reasonable efforts in apprehending or prosecuting persons participating in the mob can be attributed to or held to be the act of the State or a denial by the State of the equal protection of its laws to any person. Such officers are chosen to carry out and enforce the laws of the State or municipality and in failing, neglecting, or refusing to do so they act in violation of their sworn duty and become themselves culprits and thus do not represent the State or municipality. In other words, such officers are chosen to perform perfectly proper and legal acts and are presumed to do their duty, and if they do the exact opposite they are not representing the State or municipality. If there is one question well settled in American jurisprudence, it is that a municipality, county, or State is not bound by the

unauthorized, tortious, or illegal acts of their officers, the familiar doctrine being that no principal is bound by the acts of his agent when such agent acts without the scope of his authority. For a State to deprive a person of the equal protection of its laws there must be some affirmative act on the part of its legislative, executive, or judicial departments which in reality so deprives a person.

Some of the most abominable and iniquitious features of the bill are contained in sections 5 and 6, which provide that any county in which a person is put to death by a mob or riotious assemblage shall forfeit $10,000, payable in the first instance to the family of the person lynched, and in the event that any person so put to death shall have been transported by such mob or riotious assemblage from one county to another during the time intervening between his capture and putting to death each county in, or through which he was transported, shall be jointly and severally liable to pay such forfeiture.

These provisions would penalize the innocent, law-abiding taxpayers of a county who had no part in and who stoutly condemn the act of the mob and who had no knowledge of or opportunity to prevent the act of the mob. These provisions would add unjust burdens on taxpayers, including helpless and innocent women and children, and can not be justified in law, good conscious, or common honesty. Indeed, the very female who had been ravished by a brute might be called upon to bear her proportion of the taxes required to pay the family or dependents of the human brute the $10,000 penalty.

This penalty provision of the bill and its modes of enforcement are clearly unconstitutional. A State, being sovereign, is not subject to suit, except one State may, under the Constitution, institute a suit against another State. A county is but a political subdivision of a State, created and organized under the authority of the State for governmental convenience, and, being a part of the sovereignty, is not subject to suit, except where the sovereign voluntarily consents by appropriate legislative enactment.

Mr. Chairman, the general debate upon this bill for the most part has been characterized by dignity, and it has displayed a high order of research and scholarship. It is unfortunate, indeed, that some gentlemen during the general debate upon the floor of this House have seen fit to single out Georgia, the empire State of the South, and make her a target in the discussion. These attacks are, or should be, unworthy of the gentlemen who made them. Georgia does not claim to be superior to all of the other States, but she does claim to be as good as the best. The high stand which she has taken in the proud galaxy of States and in the sisterhood of States has placed her where she needs no defense at my hands. She has made a rich contribution to the art, literature, professions, statesmanship, and patriotism of this Nation. I wish I had time to enumerate to you some of Georgia's achievements. For instance, do gentlemen know that the first sewing machine which was ever made was invented and manufactured in the State of Georgia? Do gentlemen realize that the first steamboat which ever plied across the Atlantic sailed from the port of Savannah, Ga.? Do gentlemen realize that it is very well conceded that the first machine for the manufacture of ice was manufactured in the congressional district of Georgia which I have the honor to represent? Do gentlemen realize that Georgia can justly boast of the first chartered female college in the whole world which granted to women a diploma? The cotton gin was invented in Georgia. Do gentlemen realize that the people of this world are to-day indebted to a Georgian for the discovery and use of anesthesia, a thing that has brought so much relief to suffering humanity?

Mr. TILLMAN. Mr. Chairman, will the gentleman yield to me for a brief question and statement?

Mr. WRIGHT. Yes.

Mr. TILLMAN. Touching upon this question as to how Georgia treats her Negro citizens, is it not stated in effect in the majority report accompanying the bill that the laws of Georgia and the people of Georgia are so fair in the treatment of her colored citizens that in that State Negroes pay taxes on 1,664,368 acres and own property assessed at $47,723,499?

Mr. WRIGHT. That is absolutely true. If I had time I could show you in detail that the colored people of Georgia are properly treated by the white people. Of course, now and then there will be a sporadic violation of law. The percentage of crime in Georgia is no more than in the other States of the Union. If I were disposed to draw an invidious comparison, which I refrain from doing, I might say that Georgia and the enforcement of her laws, compared to some of the States from which some of these gentlemen who make these attacks come, is a literal paragon. Georgia needs no defense at my hands, and I say in conclusion that she is inhabited by as grand a people as have ever resisted the advance of tyranny or nourished the spirit of freedom. The achievements of her chivalric, noble, and patriotic men and women will live in story and in song when her cowardly slanderers and maligners are forever forgotten. [Applause.]

Mr. HARRISON. Mr. Chairman, I yield now to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Chairman, I venture to renew the discussion respecting the constitutionality of the antilynching bill. I observe that the distinguished and learned gentleman from Ohio [Mr. BURTON] places the constitutionality of the proposed legislation third and last in the order of discussion, and presumptively of least importance. But it seems to me that the constitutionality is the very first question to meet a Member of Congress on any proposed legislation. Members will remember that the only oath of office they took was an oath to protect and defend the Constitution of the United States, and they did solemnly swear that such obligation was without mental reservation or purpose of evasion. Therefore, a Member can not reason to himself privately that questions of expediency and policy and popular demand for legislation can override the primary and fundamental question of its constitutionality. I was glad when I heard the scholarly and thoughtful gentleman from Ohio [Mr. BURTON] tell us that he deplores the tendency to centralize powers of Government in the hands of Federal officials to the loss of initiative, dignity, pride, and independence of the States. But imagine my surprise and disappointment to hear him say in the next breath that any effort to restrain Federal jurisdiction is merely fighting against time. He tells us that despite our oaths the boundary line between the States and the National Government is beyond our control. If that be true, then, indeed, should our oath of office be amended. Certainly the States are not breaking over and invading the jurisdiction of the National Government. It is equally certain that the tendency of the proposed antilynching bill and the argument of the distinguished gentleman from Ohio is to greatly increase and encourage the unconstitutional invasion by the Federal Government upon the reserved rights of the States.

AMENDMENT IS THE CONSTITUTIONAL METHOD OF ENLARGING FEDERAL POWER.

It seems to me that our duty is, when the progress of science, invention, commerce, and social development necessitates a change in the relations between the State and the Nation, to introduce and to fight for constitutional amendments. And in this connection I wish to say with reference to all the "good-natured chaffing about the part that southern Members had in the passage of the eighteenth amendment and the Volstead Act," that the Southern States which supported the adoption of the eighteenth amendment went about it in an open, manly, and constitutional way. Practically all of them had adopted State legislation prohibiting the manufacture and sale of alcoholic beverages within their respective borders. But owing to the very liberal construction placed by the Supreme Court upon the interstate-commerce powers of the Federal Government the States were rendered almost helpless to enforce prohibition. Whisky by the carload was brought in under the guise of "original packages," and the questions of "what was an original package" and of when the same "arrived," and of what was the "destination" of an original package of liquor, were fought out in the courts of nearly every State in the Nation for many years. We recognize that when the people of the Nation lawfully adopt an amendment to the Federal Constitution all matters properly included within the amendment cease to impinge upon State rights. All the arguments made as to the wisdom and expediency and necessity for the Federal Government to take over the right to punish lynching would be good arguments in favor of a constitutional amendment to that effect, but the same can have no weight whatever in deciding the question of constitutionality as it now exists.

FEDERAL COURTS PROTECT FEDERAL RIGHTS ONLY AND STATE COURTS PROTECT ALL OTHER RIGHTS.

I respectfully submit that confusion amongst the cases that have been cited in this argument will disappear if these fundamental propositions are kept in mind. First, it is the duty of the Federal Government to enact such legislation as the discretion of Congress may determine will be suitable and proper to enforce all the powers expressly conferred upon the National Government, and to enact punitory legislation making criminal the act of any person or persons who invade the rights of any citizen predicated upon and derived from any part of the Federal Constitution. Second, in like manner it is the duty of the State governments to exercise their discretion in enacting legislation to enforce the rights of the citizens based upon and derived from the reserved powers vested in the States and to make invasion of these rights criminal and punishable as such.

Third, within their separate and respective spheres these two governments operating over the same territory and upon the individual citizen are separate and distinct, and neither can impose any obligation or burden upon the agencies or officers of the other, because, however light the burden and obligation may be, if the right to impose the same be granted, then the burden may be made so oppressive as to destroy the agency upon which it is imposed. Fourth, that neither Government, State or Federal, is or can be made responsible for the lawless acts of individual citizens who happen for the time being to be exercising some sort of official power. In order that the State may be said to act through an official, whether legislative, executive, or judicial, that State officer must act in pursuance of his office, must act by virtue of official position, and must be clothed with some power and authority which he seeks to exercise. It is not every act of a man who holds a State office that is official. The sheriff of a county in sudden heat and passion resents a personal insult and kills a man. The State has not committed the homicide, though the sheriff did the killing, and the sheriffs of many States have been tried for murder. Of course, it is the duty of a sheriff to protect his prisoner, but it is also his duty to protect all lawful citizens who are not under arrest. If the sheriff conspires with a mob to surrender his prisoner to be murdered by the mob, called "lynching," the sheriff is just as guilty of murder as any member of the mob, and the moral guilt would be greater than if he had waylaid a personal enemy and had killed him with the pistol furnished by the State to exercise the duties of the sheriff's office.

PERSONAL CRIME AND OFFICIAL ACTS DISTINGUISHED.

Citizens within the States in the peace of God and of the country have as much right to live and to have their lives protected by the officials of the State government as have persons arrested for crime and in the custody of the sheriff. Yet if one citizen murders another we are told that the Federal Government can not exercise jurisdiction unless five citizens join in committing the murder. So we are told that if the sheriff resents an injury or avenges an old grudge by killing a man, it is not State action; but in the same breath we are told that if five or more persons take a prisoner from a sheriff then that becomes a Federal crime. Merely because the sheriff has breached his duty to the State and violated the State law by failing to defend his prisoner at the risk of his own life, his one personal offense does not constitute "State action."

LOGICAL CONSEQUENCES.

I respectfully submit that the proponents of this antilynching bill have not carried their argument to its logical consequences. If, under the fourteenth amendment, the crime of the sheriff in virtually participating in the murder of a prisoner is punishable in a Federal court, and under Federal Statutes, because the sheriff has violated some Federal right of the prisoner, then the crime of murder by one private citizen would also be made a Federal crime. If the right to "life, liberty, and property" is a Federal right, then that Federal right may be protected by Federal statute and the invasion of the Federal right punished in a Federal court. As crime breeds crime, and as failure to properly punish one crime may encourage the commission of another crime, so it could be logically contended that the lawlessness within the States which permits lynching and permits the crimes that provoke lynching indicates the general failure of a State to exercise its primary duty to protect the lives, liberties, and properties of all the citizens, and that this State-wide failure and inaction on the part of the State by making possible an orgy of crime demonstrates that the State has abdicated its independence and right of autonomy, and that the Federal Government can step in and enact legislation predicated upon the assumption that the States are not doing their duty in protecting the life, liberty, and property of the people, and that under the fourteenth amendment the "life, liberty, and property" of the people is a Federal right, and that Congress can legislate to protect all Federal rights and, therefore, Congress can make punishable in a Federal court not only the killing of one citizen by another but the stealing of property and the failure to support wives and children and the vast multitude of crimes.

"EQUAL PROTECTION OF LAWS" MEANS "EQUAL RIGHTS IN COURT."

As I gather it from hearing and reading carefully the arguments of the distinguished gentleman from Kansas [Mr. LITTLE] this antilynching bill is necessarily predicated upon the assumption that the States have in some cases failed to exert sufficient physical force to protect the life of each individual prisoner. I gather from his argument that so long as "the sheriff does his duty" there is no Federal right in question, but the instant that the sheriff "fails to do his duty" the Federal right immediately arises. Though this gentleman is a learned lawyer and has placed the country, and especially the legal profession, under profound obligations to him for his magnificent work in compiling and arranging the general statutory laws of the United States, yet he is preeminently an advocate, and his speech is that of an advocate rather than the opinion of a judge. Now, I propose to him this question, and before this legislation can become effective these questions must be answered in the words of the legislation: When does the sheriff fail to do his duty? And that question depends upon the further question, Who prescribes the duty of the sheriff?

We have always assumed from the unbroken current of decisions for more than 125 years that the States by their statutory and common law prescribe the duty of a sheriff to his prisoner. I imagine, therefore, that the measure of duty and the penalties and consequences for failure to perform that duty vary in the different States of the Union. Furthermore, the law prescribing the duties of sheriff is subject to amendment by the States from time to time, so that the measure of duty not only varies from State to State but varies from time to time. Then how could Congress say when a sheriff has failed to do his duty? If Congress does set up a measure of duty as it seeks to do in the general terms of the bill under consideration when it says, speaking of a sheriff "who fails, neglects, or refuses to make a reasonable effort to prevent such person from being so put to death," then Congress is prescribing the duty of a State officer and fixing the measure and bounds of his duty and imposing penalties for failure to live up to the standards fixed by Congress. But the gentleman from Kansas, being learned in the law, knows that question of "negligence" and of "reasonableness" are mixed questions of law and fact. In this case the ingredient of law is furnished by the State governments, and that ingredient differs in the different States, and if a sheriff were being tried under this statute not only would the "facts" surrounding the case be introduced in evidence on the issue of "negligence" and "reasonable effort" but the law of the particular State with reference to the duty of the sheriff under the circumstances would also have to be offered in evidence, and as the law will differ in the different States, then we will have the Federal courts in one State prosecuting for violation of the antilynching law hold a sheriff to one measure of duty and in another State to another measure of duty. In one State under given evidence the sheriff will go free and in another State, under an identical set of facts, the sheriff will go to the penitentiary. Then what will become of the ideals of equal protection of the laws in the Federal courts? It will manifestly be unfair and unequal and unjust for the Federal courts for the avowed purpose of affording equal protection of the laws to set up machinery that will accomplish such unequal results.

JURY TRIAL IN STATE COURT NOT A FEDERAL RIGHT.

In reading over the argument of the distinguished gentleman from Ohio [Mr. BURTON] I observe that he seems to rely almost as much upon dissenting opinions as upon the opinions of the court. I admit that dissenting opinions are often instructive for the purpose of illustrating the real decision of the court by way of contrast. But I must confess to astonishment at the concluding point made by the gentleman. Evidently he has given this bill earnest consideration. He has had long and honorable experience in both the House of Representatives and the Senate; he is one of the most conspicuous advisers of the majority party and a gentleman of liberal scholarship. This gentleman tells us—

> the strongest argument for this bill is one which has received only scant attention. * * * The Constitution says the trial of all crimes, except in cases of impeachment, shall be by jury. * * * Now, do you mean to say to me that the National Government does not have the power to enforce that provision of trial by jury where it is disregarded on so large a scale? Is that provision of the Constitution for trial by jury a vanishing shadow without substance?

And again, in answer to a question by the gentleman from Maine [Mr. HERSEY], asking if a man lynched in Ohio is denied equal protection of the law, the gentleman from Ohio replied:

> He is entitled by the Constitution of the United States to a trial by jury.

Now, the gentleman from Ohio argues that merely because a small percentage, a very small percentage of all persons charged with crime in the country are lynched by mobs, that the State courts have abdicated and are to be displaced by Federal courts. I am very slow to take issue with such an eminent statesman as the gentleman from Ohio, but I must be bound by the decisions of the Supreme Court rather than his personal opinion.

If the gentleman will refer to the case of Walker *v.* Sauvinet (92 U. S., 90), he will find that the opinion of the court was to the effect that the citizens of a State are not entitled to jury trial as a matter of Federal right. He will find that article 7 of the amendments, and, in fact, all of the first 10 of the amendments, restrict and regulate only Federal power and the Federal

courts. He will find that due process of law under the fourteenth amendment merely means that the prisoner shall be tried by the "general law of the State"; that is, that all prisoners shall have due and fair notice of the crimes with which they are charged and shall have a reasonable opportunity to prepare and to make their defense, and that all charged with the same crime shall be tried in the same way. State courts may reduce their juries from 12 to 8, or to 6, or to 4, or may provide that a bench consisting of several judges may try issues of fact, as well as law, in criminal cases. Chief Justice Waite was one of the soundest and most conservative lawyers that ever sat upon the Supreme Bench. Born in Connecticut, he was admitted to the bar in Ohio in 1839, and was appointed Chief Justice from that State in 1874. If the gentleman from Ohio will refer to Rose's Notes upon the case of Walker *v.* Sauvinet (supra), he would observe that the same has been followed and confirmed in numerous cases from the Supreme Court of the United States and of most of the States. The right of trial by jury for a crime committed in a State and against the laws enacted by a State in pursuance of its police powers for the protection of life, liberty, and property is not a Federal right, and not being a Federal right the same can not be protected by Federal legislation. What the gentleman from Ohio calls "anarchy" is mere lawlessness, mere crime, his opinion to the contrary notwithstanding. Before the Federal Government can step in and constitutionally take charge of the administration of justice within a State the State government must cease to be republican in form; that is, it must cease to be a representative government resting upon the will of the majority. If this argument by the gentleman from Ohio that the right of trial by jury for a crime against the laws of a State is a Federal right and should be protected by Federal legislation is the strongest argument that can be adduced, then the language is inadequate to depict the weakness of the other arguments. I do not dispute with the gentleman that he is correct in saying that his argument is the strongest, because he is capable of judging; and judging by the length of time allowed him for the discussion it is evident that his colleagues on that side esteem his opinion upon such matters as the very strongest. Yet all such opinions combined could hardly be expected to overrule the unbroken line of decisions of the Supreme Court of the United States. In the face of those decisions the strongest argument for the antilynching bill crumbles like a house of cards upon a sand pile in a rainstorm.

NO CHANCE TO CHANGE CONSTRUCTION OF FOURTEENTH AMENDMENT.

The distinguished gentleman from Ohio [Mr. BURTON] reminds us that some contemporary writers, including Mr. Blaine, thought that the Supreme Court by its decisions had unduly restricted the scope and force of the fourteenth amendment, and presumably the gentleman from Ohio shares the confidence of Prof. Burgess, whom he commends by quoting from, in the belief that the day will come when such decisions as the Slaughterhouse cases will be found to be intensely reactionary and will be "overturned." The gentleman will find that controversy referred to in the opinion of the court itself at page 96 of the case of Twining *v.* New Jersey (211 U. S.), where eight of the judges, Justice Harlan alone dissenting, concurred in an opinion using this language:

> On the other hand, if the views of the minority had prevailed, it is easy to see how far the authority and independence of the States would have been diminished by subjecting all their legislative and judicial acts to correction by the legislative and review by the judicial branch of the National Government. But we need not now inquire into the merits of the original dispute. This part at least of the Slaughterhouse cases has been steadily adhered to by this court, so that it was said of it, in a case where the same clause of the amendment was under consideration (Maxwell *v.* Dow, 176 U. S., 581, 591): "The opinion upon the matters actually involved and maintained by the judgment in the case has never been doubted or overruled by any judgment of this court." The distinction between National and State citizenship and their respective privileges there drawn has come to be firmly established.

Does the gentleman from Ohio think as a practical proposition that the Supreme Court of the United States will ever consent to overturn the scores of its own decisions based upon the Slaughterhouse case and the thousands of decisions in the State courts and in the Federal courts of inferior jurisdiction predicated upon the doctrines of that case? The Slaughterhouse case was only one of about 700 cases in number where the opinions of the court were written by that great jurist, Justice Samuel F. Miller. Though a native of Kentucky, he was an ardent abolitionist and moved to Iowa in 1850. He was the leader of his party in that State and was a disciple of the political philosophy of Alexander Hamilton and the constitutional principles of John Marshall, thus believing in a strong central Federal Government. Appointed by President Lincoln to the Supreme Court in 1862, he served on the court for nearly 30 years, during a trying period, and it was said of him that the—

> finding (1862) of such a judge by the President was scarcely less fortunate than the finding of such a President [Lincoln] by the country.

To his dying day he was proud of the moral courage and intellectual acumen manifested by him in the Slaughterhouse case. Does the distinguished gentleman from Ohio [Mr. BURTON] think there will ever be found upon the Supreme Bench justices who will likely be more friendly to his view of the purpose and intention of the fourteenth amendment than were those judges who composed the court when the Slaughterhouse case was decided in 1872, and the case of United States *v.* Cruikshank (92 U. S.) in 1875, Virginia *v.* Rives (100 U. S.) in 1879, United States *v.* Harris (106 U. S.) in 1882, the Civil Rights cases in 1883, and Barbier *v.* Connolly (113 U. S.) in 1884? All the members of the court on those several dates were Hamiltonian Federalists and Republicans except Justices Fields and Clifford and sympathized deeply with the original purpose of the fourteenth amendment to save the Negroes from oppressive State action at the hands of State governments controlled by white people. In view of the remoteness of that period, when some statesmen hoped to create not only political but social and civil equality between whites and blacks, and in view of the fact that saner convictions have come upon the people of all sections, and in view of the present composition of the Supreme Court of the United States, does the gentleman from Ohio [Mr. BURTON] think that the confidence of Prof. Burgess that the Slaughterhouse case and the scores of other cases predicated upon it will ever be reversed and overturned by the Supreme Court of the United States?

WAS THERE ANARCHY IN ARIZONA?

Referring to what the gentleman from Ohio [Mr. BURTON] characterizes not as crime and ordinary lawlessness but as "anarchy," which, in effect, would justify supplanting and sidetracking the whole State government, what does the gentleman think of the decision of the Supreme Court of the United States, filed December 13, 1920, in the case of United States *v.* Wheeler (254 U. S., 281)? The gentleman will recall that in that case 25 citizens of Arizona were indicted in a Federal court charging them with oppressing, intimidating, and threatening 221 persons, citizens of the United States, residing in Arizona, but not citizens of Arizona, by seizing with force of arms and placing said 221 persons on a train and transporting all of them into the State of New Mexico, releasing them in said State with the threat of death or great bodily harm if they ever returned to Arizona. Would not the gentleman call that "anarchy," and would he not think that citizens of the United States had a right to stay in Arizona as long as they wanted to so long as they obeyed its laws, and if any citizens of Arizona with guns and pistols drove them like cattle into a freight train and hauled them across the State line and dumped them in New Mexico, would not the gentleman think that some "Federal right" was violated and that the offenses thus committed should be indictable and punishable in the Federal court?

Would it not be a good idea to amend the pending bill so as to meet just such an emergency? Yet the Supreme Court of the United States followed this much-criticized Slaughterhouse case by a unanimous opinion, save one, holding that these private citizens of Arizona committed no invasion of any "Federal rights" by forcibly driving and carrying 221 citizens of the United States at one time out of the State and expressly approved the case of United States *v.* Harris (106 U. S., 629) and the Slaughterhouse case.

ARGUMENT OF CHARLES E. HUGHES FOR "STATES RIGHTS."

I assume that the gentleman from Ohio [Mr. BURTON] and all the gentlemen who say that they believe that this antilynching bill is constitutional will agree that Hon. Charles E. Hughes is not only a great lawyer and statesman and diplomat but was a great justice of the Supreme Court of the United States. Mr. Hughes was the attorney who represented the 25 citizens indicted in the Federal court of Arizona when the case was argued in the United States Supreme Court, and the brief of Mr. Hughes is a brief supporting the contention of those who charge that the antilynching bill is unconstitutional. Therefore, for the benefit of Members and for the benefit of the country I will extract and place into the RECORD a portion of the brief of Mr. Hughes in that case, in which he cites the same cases that I and others opposing the antilynching bill have cited to establish the propositions that there is a "Federal citizenship" and there is a "State citizenship," and that there are rights respecting each of them, and that Congress can not legislate under the fourteenth amendment to protect those rights which the citizens derive from the States. It is plainly stated in the brief that "the right of life, liberty, and property is left

to the protection of the several States and that the jurisdiction of the United States is excluded therefrom." Herein follows the extract:

[From brief of Charles E. Hughes, now Secretary of State.]

This distinction between Federal rights which protect the citizen simply against State action, and Federal rights which protect the citizen against the action of individuals, abundantly established by decisions of this court (United States *v.* Cruikshank, 92 U. S., 542, 554, 555; Virginia *v.* Rives, 100 U. S., 313, 318; United States *v.* Harris, 106 U. S., 629, 639; Civil rights cases, 109 U. S., 3, 11–13; James *v.* Bowman, 190 U. S., 127; Barney *v.* City of New York, 193 U. S., 430; Hodges *v.* United States, 203 U. S., 1, 14–16), has been disregarded in this prosecution. (See also Karem *v.* United States, 121 Fed. Rep., 250; United States *v.* Moore, 129 Fed. Rep., 630; United States *v.* Powell, 151 Fed. Rep., 648, affd. 212 U. S., 564.)

It thus appears that it is not enough for the Government to establish that there is a Federal right, in order to invoke paragraph 19, if it appears, as we submit it does clearly appear in the present case, that the right is of that class which connotes protection only against State action.

The decisions may be searched in vain for any authoritative precedent applying paragraph 19, unless there is a right to protection as against individual action and not simply as against State action. (Ex parte Yarbrough, 110 U. S., 651; Guinn *v.* United States, 238 U. S., 347; United States *v.* Mosley, 238 U. S., 383; United States *v.* Butler, Fed. Cas. No. 14,700; United States *v.* Crosby, Fed. Cas. No. 14,893; Felix *v.* United States, 186 Fed. Rep., 685; United States *v.* Stone, 188 Fed. Rep., 836; Aczel *v.* United States, Fed. Rep., 232, 652; United States *v.* Waddell, 112 U. S., 76; Haynes *v.* United States, 101 Fed. Rep., 817; Buchanan *v.* United States, 233 Fed. Rep., 257; Logan *v.* United States, 144 U. S., 263; in re Quarles, 158 U. S., 532; Motes *v.* United States, 178 U. S., 458; United States *v.* Lancaster, 44 Fed. Rep., 885, 896; United States *v.* Patrick, 54 Fed. Rep., 338; Davis *v.* United States, 107 Fed. Rep., 753; United States *v.* Morris, 125 Fed. Rep., 322; Smith *v.* United States, 157 Fed. Rep. 721.)

As examples of prosecutions which have failed because of the prosecutor's inability to point out, to the satisfaction of the court, the constitutional provision securing the right said to have been conspired against see United States *v.* Cruikshank, 92 U. S., 542; Hodges *v.* United States, 203 U. S., 1; United States *v.* Gradwell, 243 U. S., 476; Karem *v.* United States, 121 Fed. Rep., 250; McKenna *v.* United States, 127 Fed. Rep., 88; United States *v.* Eberhart, 127 Fed. Rep., 254; United States *v.* Moore, 129 Fed. Rep., 630; United States *v.* Powell, 151 Fed. Rep., 648, affd. 212 U. S., 564; United States *v.* Bathgate, 246 U. S., 220.

The right of a citizen of the United States to reside and work within the bounds of the United States wherever he may choose is a fundamental right pertaining to his individual liberty. Like other fundamental rights of life, liberty, and property, so far as interference therewith on the part of individuals is concerned, it is a right which the Constitution of the United States leaves to the protection of the several States having jurisdiction. So far as there is a right pertaining to Federal citizenship to have free ingress or egress with respect to the several States, the right is essentially one of protection against the action of the States themselves and of those acting under their authority. (Slaughterhouse cases, 16 Wall., 36, 76; Corfield *v.* Coryell, 4 Wash. C. C., 371.)

The privileges and immunities clause of Article IV, paragraph 2, does not confer a right of protection against the acts of individuals, but is aimed at the hostile action of the States. It is this clause which gives the citizens of the several States "the right of free ingress into other States and egress from them." (Paul *v.* Virginia, 8 Wall., 168, 180; Slaughterhouse cases, 16 Wall., 36, 75; Corfield *v.* Coryell, 4 Wash. C. C., 371, 381; Ward *v.* Maryland, 12 Wall., 418, 430.) It confers no right whatever with respect to the action of individuals, but only affords protection as against the hostile action of the States and their agencies. (Slaughterhouse cases, supra, 76, 77; U. S. *v.* Harris, 106 U. S., 629, 643; see also Hodges *v.* U. S., 203 U. S. 1, 15.)

The provisions of the fourteenth amendment are also concerned with action by the States and do not confer a Federal right to protection as against the action of individuals in the absence of action by a State. (Slaughterhouse cases, supra, 77; Civil Rights cases, supra, 11; U. S. *v.* Cruikshank, 92 U. S., 542, 555; see also Va. *v.* Rives, supra, and U. S. *v.* Harris, supra.)

DENNISON *v.* KENTUCKY STILL LAW IN PROPER CASES.

A brilliant and striking argument was made by the gentleman from Kansas [Mr. LITTLE] on January 10, and in common with many advocates he pronounces that "there is absolutely no question about the constitutionality of the antilynching bill." The great confidence of this gentleman in his position would justify a reexamination of the cases and principles announced by him. I believe that the gentleman will find that he has assumed that merely because a case proves something, that therefore it proves his proposition. In the first place, the gentleman from Kansas refers to the case of Kentucky *v.* Dennison, (24 Howard, U. S., p. 66), and tells us that if the doctrine of said case stands, then the supporters of the antilynching bill are "licked"; but he announces that the case of Dennison against Kentucky has been "reversed." I think if the gentleman will consult Rose's Notes on the Dennison case, he will find that it has been frequently approved and followed in cases relating to interstate extradition, and I believe that every Member who has been a governor of a State or the attorney general of a State, and every lawyer who has had cases relating to interstate extradition will agree with me that the Dennison case is the law to-day, unreversed and not overruled. Therefore, accepting the postulate of the gentleman from Kansas [Mr. LITTLE], if this were a mere debating society, we could pronounce him out of court. But the question is a large one and involves several considerations of constitutional law, and we will proceed to examine the cases which the gentleman from Kansas [Mr. LITTLE] vociferously and emphatically announces sustain beyond a doubt the constitutionality of the antilynching bill. He confines himself mostly to the cases found in One hundredth United States, and to opinions written mostly by Mr. Justice Strong, who was on the bench from 1870 until 1880. He was a distinguished lawyer and advocate of Philadelphia. Mr. Hampton L. Carson, of the Philadelphia bar, in part 2 of his History of the Supreme Court, on page 463, uses this language respecting Mr. Justice Strong:

Upon certain questions his convictions were so strong—stubborn, in fact—as to amount to what his critics pronounced to be prejudice, while his friends admired the boldness of his views and the tenacity with which he adhered to them.

Now, if we will remember the principle that the Federal Government undoubtedly has and always had from its very beginning, the power to enforce by appropriate legislation all constitutional authority, so as to maintain itself and all its agencies, then the case will be plain and dicta that have been quoted will appear in their true relation. The first case of Tennessee *v.* Davis (100 U. S., p. 257) merely upholds the constitutionality of the statute removing into the Federal court the criminal prosecution commenced in the State court of Tennessee against a revenue officer charged with the murder of a Tennessee citizen. But the officer charged in his petition that the killing was done in self-defense and while exercising and enforcing his duty as a United States officer. Undoubtedly the United States has the power to collect revenue, and must collect revenue by officers, and must protect its officers in collecting revenue, and as a means of protection can remove to a Federal court a case against an officer for an act committed by him in pursuance of his power and authority as a Federal revenue officer. That power existed for 90 years before the fourteenth amendment was adopted, and so the fourteenth amendment was not involved in the case, and was not even mentioned in the case, and therefore the case throws no light upon the present controversy. In like manner the gentleman from Kansas [Mr. LITTLE] announces that the case of Ex parte Siebold (100 U. S., 371) supports his construction and interpretation of the fourteenth amendment. I respectfully submit that the Siebold case was a prosecution against certain judges of election in Maryland, charging that they had violated the acts of Congress at an election where Members of Congress were being voted for. The opinion of the court was delivered by that great jurist, who also wrote the opinion of the court in the Civil Rights cases, in One hundred and ninth United States, Mr. Justice Bradley, of New York, a great lawyer, who was appointed to the Supreme Court in 1870, and continued to serve until his death 22 years later. That case involved no consideration of the fourteenth amendment, which is not even mentioned in the lengthy opinion, and there is no doubt about the proposition that the Federal Government has always had authority to punish persons, whether they happened to be officers of the States or not, for violation of constitutional Federal statutes. So the case of Ex parte Clarke (100 U. S., p. 399) raises the question as to the power to punish the judges of election in Ohio at an election where Members of Congress were being voted for, and involved in no way the fourteenth amendment, which is not even mentioned.

ACT OF CONGRESS UNCONSTITUTIONAL IN NEWBERRY CASE.

The Supreme Court about one year ago sustained the power of Congress to regulate elections for Federal offices, but held to be unconstitutional the corrupt practices act of Congress so far as the same undertakes to limit the amount of money that may be spent by a candidate for a party nomination in a primary election. Though the court was divided and vigorous dissenting opinions filed, yet the court adopted a conservative and logical construction of the Constitution, to the effect that at the time the corrupt practices act was enacted by Congress, and at the time the acts for which Mr. TRUMAN H. NEWBERRY and associates were indicted were done, there was no Federal law for the election of United States Senators by the people, and therefore a law regulating a primary before the people was unconstitutional.

If the Supreme Court would thus override the act of Congress expressing its judgment against the expenditure of vast sums of money in order to obtain nomination and thereby ultimately to be elected, whereby the doors of the penitentiary were opened and a seat in the United States Senate was confirmed, surely it can not be reasonable to expect that the Supreme Court will, after 50 years since the Slaughterhouse case was decided, overturn its doctrines and follow with the iconoclastic bludgeon and overturn United States against Harris, and the Civil Rights case, and the case of James *v.* Bowman (190 U. S.), decided in 1902, and the recent case of United States *v.* Wheeler (254 U. S.), decided in 1920.

"OBITER DICTA" BY JUSTICE STRONG.

We next come to the case of Virginia *v.* Rives (100 U. S., 313), which merely held that the petition for the removal of the case from the State court to the United States court came too late and was not in proper form. It is true the opinion of the court by Mr. Justice Strong has many things to say, like the dissenting opinion of that wonderful personality Mr. Justice Field. I quote the following from the opinion of Mr. Justice Strong, at page 321:

> But when a subordinate officer of the State, in violation of State law, undertakes to deprive an accused party of a right which the statute law accords him, as in the case at bar, it can hardly be said that he is denied or can not enforce in the judicial tribunals of the State the rights which belong to him.

And at page 322 we extract this line with special reference to the language of the same justice in the case of Ex parte Virginia:

> If, as in this case, the subordinate officer whose duty it is to select jurors fails to discharge that duty in the true spirit of the law; if he excludes all colored men solely because they are colored; or if the sheriff to whom a venire is given, composed of both white and colored citizens, neglects to summon the colored jurors only because they are colored; or if a clerk whose duty it is to take the 12 names from the box rejects all the colored jurors for the same reason, it can with no propriety be said the defendant's right is denied by the State and can not be enforced in the judicial tribunals.

Thus Mr. Justice Strong acknowledges that mere lawless and unauthorized acts of State officials, even if those acts do deprive certain citizens of their equal rights under the law, are not the acts of the "States," and are not chargeable against the States, and on account of such acts the State as a State can not be said to have deprived a person of the equal protection of the law.

THE REAL POINT DECIDED IN EX PARTE VIRGINIA.

The gentleman from Kansas [Mr. LITTLE] quotes extensively from the case of Ex parte Virginia (100 U. S., 339), and seems to be entirely confident that this case concludes the question forever beyond the shadow of a doubt and beyond the vale of dispute. An examination of that case will disclose the fact that Judge Coles, of Virginia, was indicted in a Federal court for violating section 4 of the civil rights act of March 1, 1875, making it a criminal offense tryable in the Federal court for any person, or officer, to exclude or fail to summon any citizen as a juror in either the United States court or in the State court on account of race, color, or previous condition of servitude.

There was a demurrer to the indictment and appeal from order overruling the demurrer directly to the Supreme Court of the United States, and the State of Virginia intervened, praying for a writ of habeas corpus for the discharge of its officer, claiming that Judge Coles was essential to the administration of justice in Virginia. The questions were presented, therefore, as between the United States (whose act of Congress was charged to have been violated) and Judge Coles and the State of Virginia, asking for his release under a writ of habeas corpus on the other hand. Mr. Justice Strong, in delivering the opinion of the court, did not discuss the constitutionality of the act itself, which sought to force by congressional action the States to place both white and Negro jurors in the jury box. Mr. Justice Strong based his opinion upon the assumption that the act in question was constitutional, and from that point of view the effect of his decision, leaving out mere dicta and irrelevant arguments, is logical. If the act of Congress on which the indictment is predicated was constitutional, then it made no difference who violated the act. The mere fact that County Judge Coles or even the governor of the State happened to be the person who violated the act of Congress would not exempt such violator from accountability in a Federal court. If the governor of a State sells whisky, in violation of admitted Federal laws, the governor may be arrested, tried, convicted, and punished. If the chief justice of a State violates the laws of Congress punishing interference with an election for Federal officeholders, such as Members of Congress, then the chief justice may be indicted, convicted, and punished. So we see that Judge Coles was not liable to indictment and prosecution "because he was a State officer" and "because as a State officer he was selecting only white persons to serve as jurors and was excluding all black persons because they were black," but was prosecuted because he was violating what Justice Strong thought was a constitutional act of Congress, and Judge Cole could not interpose his official connection with the State of Virginia to exempt him from liability to answer in a Federal court. He was liable in spite of being a State officer.

VIEWS OF DISSENTING OPINION LATER ADOPTED AND STILL PREVAIL UNDISTURBED.

Now, it will be observed that Mr. Justice Field, with whom Mr. Justice Clifford concurred, dissented from the majority opinion and attacked the constitutionality of the act of Congress itself and expressed their opinion that the United States could not lawfully and constitutionally enter within a State and undertake to control the laws for the administration of justice by prescribing the qualifications for juror in State courts. They pointed out that service as a juror is not a fundamental right, but is a privilege conferred by the State and a duty imposed by the State. In effect they argued that the United States could no more force colored jurors in the jury box than they could force colored judges on the bench or colored governors in the executive chairs. The sentiment back of the attitude of Mr. Justice Strong is shown by this extract from his opinion:

> One great purpose of these amendments (thirteenth and fourteenth amendments) was to raise the colored race from the condition of inferiority and servitude in which most of them had previously stood into perfect equality of civil rights with all other persons within the jurisdiction of the States.

That being his political philosophy, it is easy to understand his mental processes in arriving at the constitutionality of the act.

"THE CIVIL RIGHTS CASES" FOREVER FIXED THE LAW.

But we will pass on to the Civil Rights cases, which the gentleman from Kansas [Mr. LITTLE] seems to think support the proposed legislation, "to punish a sheriff in a Federal court," and this "the Supreme Court—inferentially in the Civil Rights case—has held to be very proper." In the Civil Rights cases decided in 1883 after the most elaborate arguments in five cases coming from the States of Kansas, California, Missouri, New York, and Tennessee, just 14 years after the decision in Ex parte Virginia, the view expressed by the dissenting opinion of Mr. Justice Field in Ex parte Virginia as to the constitutionality of the civil rights act of March 1, 1875, was followed, adopted, and confirmed. The only dissenting opinion in the Civil Rights cases was by Mr. Justice Harlan and the opinion of the majority was written by Mr. Justice Bradley. While the indictment in the Civil Rights cases and the causes of action were predicated upon violations of sections 1 and 2 of the civil rights act of March 1, 1875, and, therefore, strictly and technically only those two sections, Nos. 1 and 2, were held to be unconstitutional, yet the reason and logic of the court would extend to the entire extent of the act. Therefore, I feel safe in stating that if section 4 of the civil rights act had been specifically before the court, it would have gone down and would have been declared null and void, just as sections Nos. 1 and 2 were. But we must remember that section 4 of the civil rights act of March 1, 1875, is the Federal legislation upon which the prosecution of the opposition in Ex parte Virginia were based. If that section was unconstitutional, as the purport and logic of all the subsequent cases would force us to conclude, then the decision itself falls, and the logic of the decision falls and the language of Mr. Justice Strong falls with them. The decision in Ex parte Virginia, like the house of the parable in the Bible, was built upon sand. It did not endure and fails in force and effect with the decision in the Civil Rights cases, which have been followed and affirmed time and time again up to the last case of United States *v.* Wheeler (254 U. S.).

PROF. BURGESS AGAINST PROF. BURGESS—"APPEAL FROM CÆSAR DRUNK TO CÆSAR SOBER."

The distinguished gentleman from Ohio [Mr. BURTON] quotes from Prof. Burgess, but he does not identify which Prof. Burgess, nor cite us to the volume and page of the quotation. If he refers to Prof. John W. Burgess, author of "Reconstruction and the Constitution," the professor of constitutional law in Columbia University, then I respectfully refer the gentleman and Members to pages 244, 245, 254, 255, 257, 296, 297, and 298 of said work, published by Charles Scribner's Sons in 1902. There seems to be some inconsistency in the views and position of Prof. Burgess, assuming that we both quote from the same man. Speaking of the civil rights act of May 31, 1870, Prof. Burgess plainly points out that the fourteenth amendment is addressed to "action by the State," and is intended to relieve against discriminatory and unfair and unequal class legislation and uses in part this language:

> There is not the slightest doubt in the mind of any good constitutional lawyer at the present time—1902—that Congress overstepped its constitutional powers in that part of the enforcement act of May 31, 1870, which related to the exercise of suffrage and intrenched upon the reserved powers of the States.

Again, on page 258 he tells us that the first part of the act of April 20, 1871, known as the Ku Klux act, was "unquestionably unconstitutional and an encroachment" upon the powers of the States, and that the fourteenth amendment could not be stretched to reach the acts of one or more private persons. If it be the same Prof. Burgess, then if his opinion is worth something on constitutional law it may also be worth something upon matters of political science, and he tells us at the bottom of page 244 that "from the point of view of sound political science the imposition of universal Negro suffrage upon the southern communities, in some of which the Negroes were in large ma-

jority, was one of the 'blunder crimes' of the century." There are many pages of interesting political philosophy in that volume of Prof. Burgess that I earnestly hope the gentlemen supporting this antilynching bill will read.

Dr. W. W. Willoughby, professor of jurisprudence at Johns Hopkins University, formerly an attorney at the District of Columbia bar and son of one of the attorneys in the prosecution of Judge Coles, reported in Ex parte Virginia (100 U. S.), is a well-grounded constitutional lawyer, and from a review of his commentaries I must conclude that he is a strong Hamiltonian Nationalist. After a review of all of the cases respecting the interpretation of the fourteenth amendment, Dr. Willoughby, at page 193, volume 1, of his work on the Constitution, summarizes the results as follows:

By way of résumé we may say that, as interpreted by the Supreme Court, the adoption of the fourteenth amendment has not brought about any fundamental change in our constitutional system. No new subjects have been brought within the sphere of direct control of the Federal Government. No new privileges and immunities of Federal citizenship have been created or recognized. To Congress has been given no new direct primary legislative power. It has not been authorized by the amendment to determine and define the privileges and immunities of Federal citizens nor to define and affirmatively to provide for the protection of the rights of life, liberty, and property, nor by direct legislation to enumerate and describe the privileges which shall constitute the equal protection of the laws. The only legislative power granted to Congress by the amendment is the power to provide modes of relief in cases where the States have deprived individuals or corporations of life, liberty, and property without due process of law, or denied to anyone within their jurisdiction the equal protection of the laws. The supervisory powers of the Federal courts have been enormously increased, as by the amendment, they may examine every claim of illegal violations by States of the prohibitions laid upon them by the amendment and where the claim is sustained grant the necessary relief, either by the issuance of the appropriate writ or by holding void the offending State laws. In fine, then, the fourteenth amendment has operated rather as a limitation upon the powers of the States than as a grant of additional powers to the General Government.

ONLY CASES ON FOURTEENTH AMENDMENT HELP HERE.

It is irrelevant to the issue here, which is the ascertaining of the true intent and effect of the fourteenth amendment, to cite such cases as those under the Mann white slave act and the safety appliance act and others based on the admitted power in Congress to regulate by affirmative legislation interstate commerce, or the Legal Tender cases based on the power to borrow money and raise revenue, or the appropriation of money to build post roads, or to prescribe punishment for violation of law by those conducting a Federal election, or by outsiders even in such cases. While the makers of the Constitution never saw nor dreamed of a steam train, nor telegraphs and telephones, nor a Federal reserve banking system, nor hundreds of other such matters, yet where Congress is given affirmative power over the general subject, such as interstate commerce, or finance, taxation, and money, or to raise an Army and Navy and conduct war, or to prohibit slavery or involuntary servitude, or to prohibit the manufacture, sale, and transportation of intoxicating liquors, then any legislation logically and reasonably relating to such subjects will be sustained by the Supreme Court as properly within the power of Congress.

SECTION 1 OF FOURTEENTH AMENDMENT ANALYZED.

But we are here dealing with an entirely different subject and a different kind of power in section 1 of the fourteenth amendment. A full and fair statement of the language is:

No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, nor shall any State (make or enforce any law to) deprive any person of life, liberty, or property without due process of law, nor (shall any State make or enforce any law which shall) deny to any person within its jurisdiction the equal protection of the law.

While a State may act by its judicial and executive departments as well as by its legislative, yet the acts of its courts and governor, sheriffs, constables, and others must be so continuous and consistent—not an occasional instance of unfairness and inequality; no government can prevent occasional miscarriages of justice—as to amount to a rule of action, and a rule of action is law, and in such case if the same rule of action is applied in all similar cases—e. g., if all Negro prisoners were lynched, or even all charged with capital crimes, or even all charged with rape, were uniformly lynched—it might be held "State" action.

LANGUAGE OF FOURTEENTH AMENDMENT KNOWINGLY CHOSEN.

A prohibition against State action being found in section 10 of Article I of the Constitution was well understood by those who framed the fourteenth amendment, and they saw there the prohibition against any State levying any impost or duty on imports or exports was guarded by the condition, "without the consent of Congress," and, further, that "all such laws shall be subject to the revision and control of the Congress." Therefore, Congress had no "power to revise and control" the laws of the States as to other prohibited matters, such as laws impairing the obligations of contracts.

Section 5 of article 14 of amendments can not, therefore, mean the same thing as "power to revise and control" State laws. Section 5 of amendment 14 being identical with section 2, amendment 13, and section 2, amendment 15, could relate only to the affirmative—several in number—powers contained in the fourteenth amendment. Amendment 15 will mean the same thing if it be stated thus:

Neither the United States nor any State shall deny or abridge on account of race, color, or previous condition of servitude the right of citizens of the United States to vote.

Yet section 5507, Revised Statutes, was held unconstitutional because in terms it applied to all elections, State and Federal, condemning individual acts of private citizens, where "Congress has no constitutional power to punish bribery at all elections."

The court distinctly said in James *v.* Bowman (190 U. S., 127) that the "amendment (15) relates solely to action by the United States or by any States, and does not contemplate wrongful individual acts." The distinguished gentleman from Kansas [Mr. LITTLE] told us that said case of Bowman *v.* James, supra, was "simply another instance in which the Government needed a good lawyer." He says the indictment was merely defective because it failed to allege that the intimidation of voters was "because of race, color, and previous condition of servitude." But the court held the statute (sec. 5507) unconstitutional. We have never heard that a statute can be held unconstitutional merely because an indictment is defective. In such case the action alone would be merely dismissed for failure of material allegations. The Government not only needed a good lawyer in court, but it needed a good lawyer in Congress. Will the gentleman from Kansas, in addition to other amendments he will propose, also propose to amend the bill to this general effect: "Whoever shall lynch or assist in lynching any person on account of race, color, or previous condition of servitude"?

The able and eloquent gentleman from Kansas [Mr. LITTLE], quoting from the dissenting opinion by Justice Field (100 U. S., 414), commends his "logical deductions" as to the consequences of the majority opinion in that, and also such cases as Ex parte Virginia. And here, indeed, is the "logical deduction," the revolutionary destruction of our wonderful Federal system:

These decisions do indeed, in my judgment, constitute a new departure. They give to the Federal Government the power to strip the States of the right to vindicate their authority in their own courts against a violator of their laws when the transgressor happens to be an officer of the United States or alleges that he is denied or can not enforce some right under their laws. And they assert for the Federal Government a power to subject a judicial officer of a State to punishment for the manner in which he discharges his duties under her laws. The power to punish at all existing, the nature and extent of the punishment must depend upon the will of Congress and may be carried to a removal from office. In my judgment—and I say it without intending any disrespect to my associates—no such advance has ever before been made toward the conversion of our Federal system into a consolidated and centralized government.

Such, indeed, would have been the "beginning of a new era" of centralized federalized bureaucratic red-tape tyranny, except for such clear-headed and courageous men as Justice Stephen Johnson Field. Well might he say (100 U. S., p. 353):

It is difficult to speak of this ruling in language of moderation.

What would he say of this antilynching bill? Born in Connecticut, the son of a Congregationalist minister, 1816, the brother of Cyrus W., who united the world by submarine cable, of David Dudley, the reformer of legal procedure, and of Henry Martyn, a great editor, he was appointed by President Lincoln in 1863 to the Supreme Court, and served 36 years, the longest in the history of the court, and later his nephew, David J. Brewer, came in 1890 to sit beside him on the Supreme Bench. Justice Field was no apologist for lynching, and he himself once saved a man charged with stealing gold from being lynched during the "gold rush" in 1850. His own life was frequently threatened and was saved once, only when the deputy United States marshal killed the assailant.

This great judge saw the argument of his dissent in Ex parte Virginia and Ex parte Clarke adopted as the basis of decision in the Harris case, 1882, when Justice Harlan alone dissented, and in the Civil Rights cases, 1883, when Justice Harlan alone dissented, and his own nephew, Justice Brewer, wrote the opinion in James *v.* Bowman (190 U. S., 135) in 1902, and again Justice Harlan dissented with Justice Brown. Now, in 1920, 41 years after Ex parte Virginia was decided, in the Wheeler case (254 U. S., 289), argued by Hon. Charles E. Hughes for the winner, the Chief Justice, White, follows the reasoning and authorities inspired by the logic of Justice Field, and now Justice Clarke alone dissents. But for such strong and brave judges as Waite, Miller, Field, Bradley, Woods, Gray, Matthews, and Blatchford, who resisted the frenzy of fanaticism and the fury of partisanship, we would to-day indeed be in

the "medieval fogs" of Federal imperialism and the "sunlight of human freedom" would be gone from the States which foster liberty and local self-government. The stars representing States would have fallen from the flag and the blue field, symbolic of justice and truth, disappear from sight in the consequent darkness.

THE ONLY POSSIBLE GROUND FOR THE BILL.

I sincerely believe that if any part of this bill ever passes Congress, it will be only that section, to be much amended and modified, dealing with the neglect of a sheriff to protect a prisoner in his custody. This part is, I believe, demonstrably unconstitutional. Let us frame the syllogism. All rights of citizens under our dual government are either State or Federal, and the Federal Government can legislate to protect only Federal rights. (The Wheeler case, 254 U. S.) The rights of life, liberty, and property of individual citizens as against each other are State rights and must be protected by State laws and enforced in State courts. (The Cruikshank case, 92 U. S., 553; the Harris case, 106 U. S., 638-639; the Civil Rights cases, 109 U. S., 17.) Therefore direct and affirmative legislation by Congress to protect the life and liberty of a citizen of a State in a State and in the exercise of a State right is unconstitutional.

DISSENTING VIEWS OF JUSTICE HARLAN.

As previously stated, much can be learned by way of contrast from a dissenting opinion, because if the language of the majority opinion fails to express clearly the full meaning of the decision the dissent often clears it up, because the dissenting justice surely understands the mind of the majority, with whom he has consulted and debated, each side honestly seeking the truth. All the argument made for this antilynching bill was made by Justice Harlan in 36 pages against 17 pages of the majority opinion. Justice Harlan contended, as gentlemen for the bill contend here that "such legislation"—civil rights bill by Congress—"may be of a direct and primary character, operating upon States"—counties here—"their officers and agents"—sheriffs here—"and also upon at least such individuals and corporations as exercise public functions and wield power and authority under the State, as hotels, opera houses, railroads, schools, and so forth." Basing his opinion upon that now famous expression, mere obiter dictum, in Ex parte Virginia (100 U. S.), a decision predicated upon an unconstitutional act—section 4 of civil rights bill, March 1, 1875—as to how a State acts in part by its "executive officers," Justice Harlan contended vigorously that hotel keepers, and so forth, conducting business impressed with public interest, having special rights and duties as such under the law, were "public officers," executing public law, and their acts were the "acts of the State" and could be controlled by Congress under the fourteenth amendment. Again, Justice Harlan, page 34, says:

> This court has uniformly held that the National Government has the power, whether expressly given or not, to secure and protect rights guaranteed by the Constitution. * * * That doctrine ought not now to be abandoned.

Thus he asserts that the rights he and others not on the court thought were secured and protected by the fourteenth amendment—viz, life, liberty, and property—were, in their opinion, being abandoned.

TRUE MEANING OF CIVIL RIGHTS CASES.

Some gentlemen supporting this antilynching bill exclaim that the Civil Rights cases do not stand in their way. Some say it can be distinguished and explained away, and the distinguished gentleman and able lawyer from Kansas [Mr. LITTLE] says it actually "decides this very issue"—presumably in their favor. I respectfully submit the contrary, and submit that Justice Harlan, whose disciples they are, fully understood the decision of the majority of eight to one, and, on page 44, he tells us:

> The theory of the opinion of the majority of the court—the foundation upon which their reasoning seems to rest—is that the General Government can not in advance of hostile State laws or State proceedings actively interfere for the protection of any of the rights and immunities secured by the fourteenth amendment; * * * that congressional legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect.

Again, at page 52, Justice Harlan tells us what the court decided in the Civil Rights cases:

> The opinion of the court proceeds upon the ground that the power of Congress * * * is to correct and annul State laws and State proceedings. * * * In the absence of State laws and State action adverse to such rights and privileges the Nation may not actively interfere for their protection and security, even against corporations and individuals exercising public or quasi public functions. So I understand to be the position of my brethren.

Need there now be any doubt about the effect of the Civil Rights cases?

IS THE CRIME OF A SHERIFF THE "ACT OF A STATE"?

But gentlemen supporting this antilynching bill, picking over these old dry bones, hunting some morsel of comfort, tell us that when the sheriff, a public official, "neglects" the duty the State itself has imposed upon him and his prisoner is lynched such is "State action" and "State proceedings." Some of our friends for this bill take comfort from expressions of the majority opinion in the Civil Rights cases, page 23, "such, for example, as taking private property without due process of law"—necessarily by State laws or State proceedings, otherwise Congress could legislate against stealing—"or allowing persons who have committed certain crimes—horse stealing, for example—to be seized and hung by the posse comitatus without regular trial." This "allowing" must be continuous and with knowledge of the State authorities, and by a legal agency. The posse comitatus is not a mob but a legally summoned body of citizens to assist the regular law officers. This refers to a very common practice in colonial days, and in some States, even after independence and later in the frontier Territories and States as the "frontier" moved gradually westward. They were called "regulators" in some States and "vigilance committees" in others. In North Carolina Gov. Tryon tried to suppress them, and hanged a few of them May 16, 1771, and just four years later the survivors and associates of these same "regulators" joined in the first formal challenge to royal tyranny, the "Mecklenburg declaration of independence," May 20, 1775. The blood of patriots is the seed of liberty. It was the recognized practice for the sheriff to summon the posse comitatus as he rode in hot pursuit of the horse thief, and when apprehended all openly joined in a public hanging, went home to their families feeling only a sense of stern duty performed, and all was approved by State authority. It is true there was no such formal written statute, but it was a common and approved practice, a rule of action, a uniform course of conduct in the premises similar to the customs from which the English common law sprang. This is the practice to which Justice Bradley referred, and his full meaning must be gathered, not from a few sentences but from the whole opinion, for in the same paragraph, near the top of page 24, he says:

> The fourteenth amendment extends its protection to races and classes, and prohibits State legislation which has the effect of denying to any race or class or to any individual the equal protection of the law.

In the very next paragraph the opinion asks:

> And is the Constitution—fourteenth amendment—violated until the denial of the right has some State sanction or authority?

And in the next paragraph:

> If those laws—of the State—are adverse to his rights and do not protect him—as one of a class—his remedy will be found in the corrective legislation which Congress has adopted, or may adopt, for counteracting the effect of the State laws or State action prohibited by the fourteenth amendment.

WHAT ARE "STATE PROCEEDINGS" OR "STATE ACTIONS"?

We have no dispute as to what are "State laws." Advocates of the bill cite us to Home Telephone Co. *v.* Los Angeles (227 U. S., 287) as evidencing "State action" held in violation of the fourteenth amendment. Here the municipality, created by an agent of the State, with charter power to regulate telephone rates and exercising such discretion, passed an ordinance fixing rates admitted by demurrer to be confiscatory. In legal effect it was the same as if the legislature itself had passed the act. The court uses such expressions as these: "Possession of State power" and using same to do a wrong; "where an officer or other representative of the State in the exercise of the authority with which he is clothed misuses the power possessed to do a wrong forbidden by the amendment"; "State officers abusing powers lawfully conferred on them"; "that State powers might be abused by those who possessed them"; and, finally and conclusively, "The subject must be tested by assuming that the officer possessed the power if the act be one which there would not be any opportunity of doing but for the possession of some State authority."

Would the sheriff have no opportunity to lynch a person except as incident to his office as sheriff? Are not most of the lynchings cases where the person lynched has not yet passed into the custody of the sheriff? Will any partisan ever charge that any sheriff anywhere at any time ever used his official power to arrest a person charged with crime just for the purpose of lynching or of letting the accused be lynched? The lynching is done, not by reason and virtue of official power in the sheriff, but in spite of and in defiance of such official power. The sheriff does not by "color of office use his power to do," affirmatively, an official wrong, as did the City Council of Los Angeles, but it is only claimed here by friends of the bill that some sheriffs in rare instances, compared with all arrests, "failed and neglected," negatively and passively, to exert the full limit of personal and official power to protect a prisoner, and they must

even also admit that such "failure and neglect" is in violation of duty imposed by State law, and in no sense "in pursuance of and by virtue of and by reason of official station and power."

EXAMPLES OF "STATE ACTION" BY SUBORDINATES.

A leading case is Yick Wo *v.* Hopkins (118 U. S., 356), where the city of San Francisco officially passed an ordinance giving "discretion" to say what individuals might not carry on a laundry business in a given section, and this "discretion" was shown to be "arbitrarily" exercised to run out only Chinamen. Also Ex parte Young (209 U. S., 123), where a commission was created by the legislature with authority to fix railroad rates, and so exercised its discretionary official power as to confiscate the railroad's property. So, in Raymond *v.* Traction Co. (207 U. S., 20), a board of tax assessors exercised official discretion to assess certain property unfairly, unequally, and in a discriminatory manner. There were the official acts of a public agency. Will any person claim that any sheriff ever "failed or neglected" to protect a prisoner as an "official act," "by virtue of his office," as in discharge of "official authority with which he is clothed by the State"?

INDIVIDUALS NOT PUNISHABLE AS "CRIMINALS" BECAUSE A STATE BY "STATE ACTION" OR "STATE PROCEEDINGS" DENIES THE EQUAL PROTECTION OF THE LAWS.

The fourteenth amendment is satisfied when all persons of the same classes and all classes enjoy equal and impartial justice under the laws of the State, however much the laws may vary in the different States. (Texas *v.* Leeper, 139 U. S., 462). The action of a State can never be reviewed in a Federal court unless there be an invasion by the State of affirmative Federal power. (New Orleans *v.* L'Hote, 177 U. S., 587.) Mere miscarriage of justice in a State court is not a denial of equal protection of the laws. It is understood that ideal justice by any Government is impossible. (Gibson *v.* Mississippi, 162 U. S., 565.) Even though it be made to appear that a State court is denying a person due process of law and the equal protection of the laws, a Federal court can not enjoin the proceedings in the State court, but must wait and give the highest appellate court of the State an opportunity to correct same. (Harkrader *v.* Wadley, 172 U. S., 148.) It is absurd to say that "because of denial by a State to any person of the equal protection of the laws is prohibited (to a State) therefore Congress may establish laws for their equal protection." (Civil Rights cases, 109 U. S., 3.)

THE "ACID TEST" APPLIED.

The precise question is, Has a prisoner charged with a State crime the right to be protected then and there by physical force to the full limit of reasonable possibility? Remember rights are both State and Federal. (Wheeler Case, 254 U. S., 289.) If such be a Federal right under the fourteenth amendment, then all persons who invade that right may be made liable under a Federal law. But persons who invaded that right and took a prisoner from a sheriff and killed him (lynched him) were held not to have violated any Federal right in United States *v.* Harris (106 U. S., 629). The Cruikshank case (92 U. S., 553) holds that even after the adoption of the fourteenth amendment the rights of "life, liberty, and property" depend solely upon State protection. The fourteenth amendment did not convert what was always a State right into a Federal right. Said fourteenth amendment only prohibited the States in their laws and legal proceedings from destroying these rights of life, liberty, and property except by due process of law, and prohibited the States, by their laws, or proceedings of agents authorized by law and clothed with power under the law, and acting by virtue of official station and power, to deny to any person the uniform protection of the laws, so far as any law enforced by due process can give protection. It contemplates possible miscarriage of justice.

WHEN DO THE LAWS GIVE "EQUAL PROTECTION"?

Yick Wo *v.* Hopkins (118 U. S.) tells us it means the "protection of equal laws." It was the death knell of class legislation. It means no unfair, discriminatory, partial, favorite-serving, class-oppressing legislation. It referred to "laws" and not to persons. It also has been construed to include rulings, orders, and ordinances of such State agencies as municipal corporations, railroad commissions, tax commissions, and so forth, having discretionary power to promulgate orders having the force and effect of laws. But all such must be "in pursuance of authority conferred by the State." The official position must be "the opportunity to do the wrong." (Los Angeles case, 227 U. S., 288.) But where the act done by the agency was not authorized by the State and was in fact prohibited by the State, no Federal right is violated. It is a mere personal wrong, an individual crime, which the State must redress. (The Barney case, 193 U. S., 430.) Sheriffs are prohibited by the State laws to fail to protect prisoners, and in most States such failure is a crime and cause for removal from office.

THE REDUCTIO AD ABSURDUM OF THE ARGUMENT BASED ON "NEGLECT" AND "INACTION."

The same argument was made as to "State action by executive officer" to support the civil rights bill. (See dissenting opinion of Justice Harlan.) Now, it is the duty of a State government to give all citizens the "equal protection of the laws," and if that means actual physical defense to each individual by officers of the State, then, indeed, it would include the murder of one citizen by another or the murder by any sheriff, constable, or policeman of his personal enemy. It could just as fairly be argued that a State by "inaction," "neglect," "passivity," "failure," in not making or enacting proper criminal statutes to deter criminals and electing judges and selecting jurors who let criminals escape unpunished have thereby failed to "afford equal protection to her citizens," and that because of such failure the United States Government could step in and legislate against crime and try criminals in Federal courts.

ARE FEDERAL LAWS IDEAL AND FEDERAL COURTS FAULTLESS AND FEDERAL OFFICERS PERFECT?

To ask the question is to answer it. Federal and State laws are human. So are Federal courts and State courts. So are Federal officers and State officers—all human and liable to err. A sheriff is human. It is his duty to protect his prisoner, but it is his duty also to protect all citizens not prisoners. The sheriff has a delicate duty. When shall he begin shooting and order his deputies and the posse comitatus to shoot? That may result in the death of many innocent persons not members of any mob but innocent bystanders, attracted by idle curiosity, or perhaps persons passing on business, pleasure, or missions of mercy. This antilynching bill is not only unconstitutional but is unwise. It will demonstrably increase lynchings. As the United States marshal can not be everywhere at the same time, he will not be present with his deputies to defend the prisoner threatened by a mob.

Admittedly the marshal can not intervene till the sheriff "fails and neglects." How can the marshal decide until it is too late to save the prisoner without producing an armed conflict with State officials? Suppose the United States marshal says, "Sheriff, deliver me that prisoner. You have failed to do your duty to protect him." The sheriff answers, "It is false. I have done my duty. Here is the prisoner safe and alive." Armed conflict follows, and while State and Federal officials fight over who shall afford to the prisoner "equal protection of the law," the mob lynches the prisoner whom both State and Federal officers fail to protect. But if the marshal waits till the sheriff has actually "failed and neglected" it is too late. The prisoner is dead. Then what will be the result of any such unwise legislation? It will be that in cases of crimes where sheriffs conclude a mob will assemble to lynch a criminal, the sheriff will stay away, decline to learn anything about it, for two reasons: (1) To avoid an armed conflict with Federal officials; and (2) to escape liability in a Federal court on charges of "failure and neglect" to protect a prisoner. He will be studiously ignorant in self-defense. He will "not set foot in Michigan." The next consequence will be good, honest, brave men will not seek nor accept the office of sheriff, always a place of peril and now with doubled dangers and perils. With inferior men as sheriff, and similar State peace officers, the criminal instincts will be let loose and an orgy of crime will follow.

Mr. Chairman and Members, State officials and State citizens are Americans. They are gradually wiping out this stain on America. Do not, I beg you, increase their difficulties and aggravate the trouble. Let them build up State pride and county pride, and let all of these units of American local self-government vie with each other building healthy, vigorous, self-sustaining sentiment for law enforcement to protect life, liberty, and property. In conclusion, Mr. Chairman, I reproduce a voice from the distant past, but thereby more impressive and convincing. In speaking in the United States Senate on February 26, 1875, on the "civil rights bill," which became a law March 1, 1875, and was declared unconstitutional in One hundred and ninth United States, page 3, year 1883, Hon. Thomas F. Bayard, of Delaware, used these words:

I do not comprehend altogether the motive for pressing such a measure, and I do not wish to impute motive unless it is very clear. I can see no good to be accomplished by this bill. I can see only new and increased heart-burnings and unkindness between those races whom every good man must wish to see at peace with each other in their relative spheres of life and usefulness.

I have had much encouragement of late in the belief that a more liberal and kinder tone and sense of justice was being aroused in the breasts of men of my own race toward the black men all over the country, by which their educational facilities were being increased, and by which a better understanding was being brought about between

the races. I fear this bill will create cause of collision, of unkindness, and misunderstanding, in which pecuniary loss must occur to the white, with no benefit whatever to the black. The good sense of both parties must in some degree prevent it; but I trust such speedy decision of the court will be had as to deprive this measure of the sting, and take from it all capacity for mischievous interference by those who are disposed to find profit and power in public disorders and contention. It is in the interest of this ill-omened class that this measure is devised and pressed. It will be found to be totally without benefit to any, but fruitful of annoyance and trouble to thousands.

Mr. HARRISON. Mr. Chairman, I yield the remainder of my time to the gentleman from Alabama [Mr. HUDDLESTON].

The CHAIRMAN. The gentleman from Alabama is recognized for 17 minutes.

Mr. HUDDLESTON. Mr. Chairman, the inconsistencies of the present administration when dealing with questions of labor and industry are something fearful and wonderful to behold.

We are about to have the greatest coal strike in the history of this Nation. On April 1 next, the existing contract between the operators and the miners will expire. The operators have declined to negotiate with the miners for a new contract. They have declined to consider making a new contract. They want a strike, they are courting a strike. Yet in the face of this impending calamity, the administration lifts up its hands in helplessness and says that it will make no effort to prevent the struggle which will prove so costly to the Nation.

This coal strike will prove little less than a national catastrophe. What will it mean? It will mean first the greatest shock that business can possibly have. It will mean the most depressing influence upon economic conditions that imagination could well conceive. But more than that it will mean suffering upon the part of the public, shivering and cold to thousands of people, innocent women and children. It will mean that many lines of industry will be paralyzed, with thousands of workers thrown out of employment, and that hunger will stalk. Conditions will be even worse than they are now, when some three or four million men are out of employment, and literally tens of thousands are suffering for the common necessaries of life. It will mean that the miners and their families will be thrown out of their homes, naked to the elements. It will mean that their wives and children will suffer for bread, as well as for shelter.

On the other hand, it will mean on the part of the coal operators no great sacrifice, because the coal business is greatly depressed. They have profiteered upon the American people and along with the display of vaunted "patriotism" in the trying days of the war they have extorted from the consumers of this country profits which attained the verge of actual dishonesty. Of all the conscienceless profiteers none have been more ruthless than those who charged extortionate prices for coal during 1920. From 1916 on have been the fattest years in the history of the coal business—the aggregate profits of the operators run literally into billions. They have fattened their bank accounts and have invested in Liberty bonds and other securities, and now when business is bad and they are not making any money anyway, they can well afford to shut down for a few months and take a turn at trying to destroy the miners' organization.

In the face of this appalling situation, or perhaps it may be because of the last fact I have just assigned, the administration now throws up its hands and confesses its helplessness. In yesterday's Washington Herald appears an inspired article, including an interview with Secretary of Commerce Hoover, in which he announces to the people of the United States that it is not the purpose of the administration to try to do anything whatsoever to avert the strike. I quote from that article:

FEARS STRIKE IN COAL FIELDS IS INEVITABLE—SECRETARY HOOVER SAYS ALL CONCILIATION HAS FAILED—OPERATORS WANT FINAL SHOW-DOWN.

Soft-coal miners and mine union leaders believe they have cause to call a gigantic strike on April 1 next unless granted a new and satisfactory wage agreement by the operators. But they hope the strike may be averted.

Administration officials hope the strike may be averted, but see no way now of averting it.

Coal operators would like to see the strike go into effect for a real "show-down."

These are the outstanding phases of a serious economic situation literally saturated with politics both within the American Federation of Labor and in the field of national parties, pregnant with suffering and business losses and charged with threats and counter threats involving the "open-shop" campaign, which has stirred labor.

FEARS STRIKE INEVITABLE.

That a strike would seem inevitable in the bituminous fields at the expiration of the miners' present national agreement, March 31, is the belief of Secretary Hoover. If the bituminous workers walk out, say labor leaders, the anthracite miners will follow them, throwing 500,000 men into the strike.

"There seems little possibility," Secretary Hoover said, "that any machinery might be set up to avoid the strike. The Government has taken no further steps to avoid the walkout. Unless something unforeseen occurs to adjust the difficulty, it seems that the stage is set for a strike."

The Government's position has long been known to be that sooner or later there would have to be a show-down in the mine fields. Its attitude is that if a strike must be, it must be, and the sooner the issue is disposed of the better.

Again I quote:

On the other hand, the miners' officials hold that some operators and other undefinable forces are slackening the industry to aid the alleged fight of finance for the open shop.

James Lord, chief of the mining division of the American Federation of Labor, puts it thus:

"What good would Government intervention do if the fight against organized labor is ignored?

"That issue is even beyond the living-wage question. Can a reduction in wages bring any increased employment when there isn't any employment?

"The miner's problem is not the only one. It is merely one typical product of the frenzy against the rising tide of organized labor."

ALL OFFERS FAIL.

Secretary Hoover, during the unemployment conference here last fall, attempted to effect an agreement in advance between coal operators and mine union officials to arbitrate the wage question. He was told by the miners' leaders that this could not be done.

President Lewis, of the United Mine Workers, sought to bring a conference, but called it off when some of the operators declined to participate.

So the situation stands just there. The Government sees nothing further to do. Union leaders see no possible hope in Government intervention because they hold that refusal of the operators to meet them means nothing but a fight against organized labor.

Meantime, the public may wonder what is to be done.

It is not merely for the incapacity of the administration that I complain. There is something more sinister. It is the smug complaceny with which Mr. Hoover says that no further effort will be made to avoid the strike.

What a strange contrast, what a shocking contrast, between the statements now made on behalf of the administration and the address which the President delivered in this Chamber only six weeks ago. Then he was for stopping strikes. Then he was for intervening with the strong arm of the law. Then he advocated industrial courts which would effectually prevent strikes. Now, it seems, he is willing for the struggle to come. He spoke in the abstract on December 6; the administration spoke in the particular on yesterday.

The administration is complacent toward the strike because it believes that it can come to but one end. Four millions of men are out of employment in the country. It will be easy to hire strike breakers. The miners have had slack work for many months; they have been barely able to exist; they have exhausted their slender reserves. They can carry on an effective labor struggle only with the greatest difficulty. It seems to the administration that they are bound to lose; that men who have no savings will be easy to starve into submission. The administration is complacent because the hard-hearted and arrogant coal operators are ready and want the strike to come on.

What a contrast between the exceeding tenderness of the administration toward the railroads. [Applause.] The transportation employees, engineers, conductors, and trainmen hold the key to transportation. These crafts were well organized. Their threatened strike meant possible success. They had a chance to win. No effort was spared on the part of the administration to prevent it. Public opinion was marshaled to drive the railroad workers back into submission. There was no strike. But it does not take the same high degree of skill to work about a coal mine. Plenty of men are out of work, practically starving, who are skilled enough to work around coal mines. The administration feels that it will not hurt the operators to have a great strike at this time; that the industry will not seriously suffer and that the strike will have just a single result—the destruction of the miners' organization. So that the administration is smugly and complacently lending itself to the "open-shop" crowd that aim at nothing less than the destruction of all labor organizations.

Now I yield to the gentleman from Maine.

Mr. HERSEY. I am interested to know, before you close your speech, whether you are going to develop a recommendation to the President of the United States as to how he is going to stop the strike on your advice?

Mr. HUDDLESTON. I could develop many——

Mr. HERSEY. Name one.

Mr. HUDDLESTON. Let him use the influence of the administration to get the operators to meet their employees to talk over their differences; that is the least that he can do. Why does not the President call a conference between the operators and the miners? It will place the blame for this strike so that the American people can see clearly where it belongs. Let them talk their troubles over in public. If they can not agree we will then see who is at fault.

Mr. HERSEY. The remedy is a labor conference, then?

Mr. HUDDLESTON. That is merely one remedy—the easiest one, the most obvious. This struggle has been coming on for months. Every man acquainted with the labor situation in this country and who knows nothing about the mining industry

knows that the operators have been waiting and watching and longing throughout the last two or three years for an opportunity to "go to the mat" with the miners' organization. A man who does not know that is not fit to be President nor Secretary of Commerce. Men who are well informed and know the animus of the operators know that they have been looking for this chance and that they welcome the occasion for a struggle with their employees now, as it seems to them the time is opportune. And the administration turns its thumbs down—"Do what you will; the Government of the United States will not intervene, either by the influence of the President or through the forms of law."

Mr. WALSH. Will the gentleman state when this agreement that expires in April was entered into?

Mr. HUDDLESTON. It is a continuation of a contract made during the war.

Mr. WALSH. And is it not a fact that there are a large number of coal miners who do not belong to an organization, and that are willing to continue to work?

Mr. HUDDLESTON. I do not know. I will say to the gentleman from Massachusetts that there are a large number of coal miners who are not permitted by their employers to belong to any kind of an organization. Their employers have the power and the tyrannical spirit to say to the men who work for them, "You shall not belong to a labor organization and continue to earn your bread in this community." With these men it is a choice of renouncing their membership in the organization or of starvation. What the administration is fixing for is to bring hundreds of communities in the United States into the condition of suffering and lawlessness existing in West Virginia, where a barbarous fight between the miners and their employers has been waged for the past two or three years.

Mr. WALSH. Mr. Chairman, will the gentleman permit a question?

Mr. HUDDLESTON. Certainly; any question.

Mr. WALSH. Is it not a fact that this agreement which expires in April was entered into after the strike which occurred in 1919, which was settled through the intervention of President Wilson?

Mr. HUDDLESTON. Oh, no——

Mr. WALSH. I think the gentleman is mistaken.

Mr. HUDDLESTON. Not "settled through the intervention of President Wilson." I respect Mr. Wilson. Let us not put that atrocity upon his shoulders. While the President was sick in his bed and unable to give the matter his attention, a member of his Cabinet took advantage of the situation and used the powers of the United States to throttle the strike; not to settle it, but to crush it. And in the same tyrannical spirit the strike which now threatens would be crushed if it was not believed by those in power that to let it run its course will mean the destruction of the miners' organization; that spirit is behind this complacency and this willingness for the strike to come on.

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. UPSHAW. Does the gentleman believe that if the President would take the initial step of calling a conference between the operators and the miners the effect would be composing and wholesome?

Mr. HUDDLESTON. The effect would be wholesome. Let me say to the gentleman from Georgia that I know coal operators pretty well. I have a lot of them in my own district. I know their spirit and disposition. Of course, some of them are good men. But I want to tell you that the dominant element among the coal operators is thoroughly un-American. They care little who may suffer so long as it is not themselves. Their consuming desire now is to go down to battle with their employees for the purpose of destroying the miners' organizations. I have grave doubts whether even the President of the United States, close as he is to those great interests, could by his intervention stop the strike. But I do say that common good will and loyalty to the public welfare and to his country demand that the President shall do all that in him lies to prevent this great catastrophe. [Applause.] I say that if the President allows this strike to come on without using his influence with these oppressive employers—without asking the intervention of Congress, without lifting his hand, without doing anything whatsoever—he will mark himself so that he will be known throughout the history of our country.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Surely.

Mr. WALSH. Has the gentleman information to the effect that the supposed intervention of President Wilson in 1919——

Mr. HUDDLESTON. There was no "supposed intervention of President Wilson." There was the intervention of a Federal judge out in Indiana; there was the intervention of the Department of Justice for the intimidation of the miners. There was no intervention of President Wilson. The President was sick. Nobody can say that any influence was used except the might of the strong arm.

Mr. WALSH. The gentleman will recall that a conference was called in Washington at that time, supposed to be called by the President.

Mr. HUDDLESTON. In August, 1919, there was a conference held. It should be known as the "Gary conference," for the president of the Steel Corporation dominated it, and prevented the adoption of any program for peace in the industrial world. Gary thwarted its purpose, which was to adopt a program for peace between employers and wage earners in all lines of industry. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

OFFICE OF THE PRESIDENT.

Salaries: Secretary, $7,500; executive clerk, $5,000; chief clerk, $4,000; appointment clerk, $3,500; record clerk, $2,500; expert stenographers—one $3,000, one $2,500; accounting and disbursing clerk, $2,500; two correspondents, at $2,500 each; clerks—two at $2,500 each, four at $2,000 each, seven of class 4, two of class 3, four of class 2, three of class 1; messengers—three at $900 each, three at $840 each; three laborers, at $720 each; in all, $80,880: *Provided*, That employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be necessary.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. The gentleman from Alabama [Mr. HUDDLESTON] has devoted some time to the discussion of the pending situation in the coal-mining industry, and seeks to take to task the President of the United States and the administration for not doing something to relieve and remedy conditions.

As a matter of fact, I think the gentleman will find that an agreement was entered into between the operators and the coal employees in 1919 as the result of a conference being held here in an attempt to adjust difficulties, and a situation that was threatening then somewhat similar to that which the gentleman says is pending now. I wonder if the gentleman is recommending to the President of the United States to take the same steps that his predecessor in office took when he came before Congress and demanded that we pass the Adamson law, which was put upon the statute books, and which is at the basis of most of the troubles that confront the railroads of the country to-day, notwithstanding that later we provided the Railroad Wage Board for adjusting difficulties which arose between the railroad managers and owners and their employees. At that time we were told that we would be asked for further legislation to alleviate certain other conditions arising out of transportation problems.

The fact is that this coal dispute which is threatening is a serious question, but as yet there is no indication that there is need for the strong arm of the law to be placed either upon the operators or upon those who are working for them. In many States of the country there is a large number of coal miners who are willing to return to work, who are willing to accept the pay that is offered to them, but who have been prevented because the leaders and officers and managers of certain organizations that have within their control vast numbers of aliens who have been taken into these unions will not permit them to do so in peace; and while it may result in some discomfort and in some suffering until there has been an utter failure on the part of these men to agree and on the part of the operators and the miners to come to some understanding whereby this agreement which was entered into might be renewed or some other contract or agreement might be entered upon, I submit that there is no occasion for the distinguished gentleman from Alabama to rise and condemn the administration or the President, because the gentleman well knows that the people who toil in this country have no better friend than the present administration or the present Chief Executive of the United States.

And if their problems are brought here to this House they will find that upon the majority side and upon the minority side they will give respectful attention and that whatever relief or remedy is required will be afforded them. The gentleman from Alabama [Mr. HUDDLESTON] has become a spokesman

for the minority side whenever questions affecting organized labor arise. They have their spokesmen upon this side, and we must remember that organized labor, powerful as it is, has men of influence holding positions under high salaries, who are not recreant to the trust imposed in them and who do not let slip any opportunity to bring to the attention of the American people and of legislative bodies, both this Congress and the State legislatures, questions for which they demand solution. When they are right, their demands will be acceded to, and once in a while they are right; but they certainly were not right when they succeeded in holding a gun at the head of Congress in 1916 and put through that measure which has been called the Adamson law. [Applause.]

Mr. HUDDLESTON. Mr. Chairman, I have heard a lot of silly talk on this floor about the labor leaders being eager for strikes, that they always use their influence for strikes. There never was a sillier thing said in this or any other body. The real fact is that the labor leader is always the most conservative member of his organization. I will not take the time to tell why that is so, but it is a fact known to all men who know anything about the subject.

It is also a fact that for a time there has been dissension in the ranks of the United Mine Workers. That dissension grows out of the fact that their president, John Lewis, is more conservative than many of the men that he is supposed to lead. That is really the origin and the root of the trouble. I do not take any side in this dissension. It is not a matter that I feel free to speak upon, except to say that the troubles which Mr. Lewis has in holding his leadership lies in the fact that he holds to more moderate and conservative views than a substantial and important element of the membership of his organization.

And let me say this further to the gentleman from Massachusetts [Mr. WALSH], that Mr. Lewis, just as every other real labor leader, leads merely because he is pushed on by those whom he represents. No labor leader will ask more than his members want him to ask—many leaders ask much less and so soon cease to be leaders. There will be no strike unless the plain coal diggers want that strike. They are the men who will force action. They are the men who move their organization into activity.

The matter involved in the threatened strike is not, as the gentleman seems to believe, a question of wages, nor is it a matter of labor conditions. It is the life of the miners' organization. The proposition is not merely to reduce wages. That is not what the fight is about. The operators refuse to negotiate with the organization. They want to destroy it; they want to take away the miners' only means of protection. That is the trouble. The real purpose of the operators, now that they have got the mine workers on the hip, due to the depression in the industry, due to the thousands of men being out of employment who will be available as strike breakers, now that this is their golden hour, their purpose is to destroy, once and for all, the mine workers' organization. I ask the gentleman from Massachusetts, does he sympathize with that purpose?

The President the friend of the workingman! The present administration the friend of the men who work! How does he prove it? What has he done for the men who toil? How has he demonstrated that he is their friend and that he is interested in their concerns? Has he demonstrated it by proposing here in his address on December 6 measures designed to throttle them and to render their organizations ineffective? Is that the great thing that he has done for them? Did he show himself their friend by putting the machinery of the Government into motion to suppress the threatened railroad strike—to suppress it not in the interest of the public, not in the interest of the workers, but in behalf of the railroad managers and financiers, who feared that there was a chance for the workers to win in a strike? How has the President proven that he is the workers' friend? Heaven save them from such friends!

The President has a splendid opportunity now in front of him. If the President be the friend of labor, let him use a little of his influence as President of this great Nation to get the coal operators to talk to their employees about making another contract. Ought not a contract to be made? Every man will admit that it ought to be made, every man who is fair. Why does not the President try to get these friends of his, these big business men, these profiteers, these people who furnished the money and the brains to put him in there as President—why does he not use his influence with them to get them to talk with these humble, hard-handed men who dig the coal out of the ground miles away from the daylight?

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For ordinary care, repair, and refurnishing of Executive Mansion, to be expended by contract or otherwise, as the President may determine, $50,000.

Mr. BLACK. Mr. Chairman, in line 10, page 3, after the word "determine," I move to strike out the figures "$50,000," and insert the figures "$35,000."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 3, line 10, after the word "determine," strike out the figures "$50,000" and insert in lieu thereof the figures "$35,000."

Mr. BLACK. Mr. Chairman, on page 3 of the hearings on this independent offices appropriation bill I find the following testimony with reference to this particular item now under consideration:

Mr. WOOD. For a long while the annual appropriation for the ordinary care, repair, and refurnishing of the Executive Mansion was $35,000.

Col. SHERRILL. Yes, sir.

Mr. WOOD. For 1916, 1917, and 1918 it was $35,000, and then the amount jumped to $50,000.

Col. SHERRILL. That is largely due to the increased cost of both materials and labor. This is indicated in the different rates paid to mechanics, laborers, and for most of the supplies used there. I have a table showing how those rates have changed.

Now, Mr. Chairman, we find that for many years the appropriation was $35,000, and up to 1918 it was $35,000. For 1919, 1920, and 1921, and the present fiscal year 1922, it has been $50,000. I think it is time we were getting back to the ordinary rate of expenditures on these different matters, and if we ever get back we have got to make a starting place. Looks to me like now is a good time to begin it. I recently visited my congressional district, and I found the people hopeful and optimistic and striving to overcome the difficulties of the present industrial and business depression, but I also found that they are all thoroughly convinced that it is getting high time that the municipal governments, the State governments, and the Federal Government practice the same kind of formula that we recommend to them, to-wit, to work and save. The people are right. It is getting time that the Federal Government should practice actual economy. I do not state this from any sort of partisan standpoint, and do not propose this amendment at this particular time merely because the present occupant of the White House happens to be of a different political faith from the party to which I belong. I propose it because the record shows that for many years the appropriation was $35,000 and was ample for all purposes, and because I believe that the White House can still be adequately maintained with $35,000.

Mr. LAYTON. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. LAYTON. If we cut the amount down from $50,000 to $35,000, is not it really a strike at labor?

Mr. BLACK. No; I do not think that any reasonable economy that we can make is a strike at labor. I do not know of anything that would be of greater benefit to labor, to business, and to farming than a substantial reduction in the burdens of taxation. If we ever get it, we must begin paring appropriations to the bone.

Mr. WOOD of Indiana. Mr. Chairman, I rise in opposition to the amendment. We examined particularly into this item, and the same gentleman now in charge of the public buildings and grounds that was in charge during the last days of President Wilson's administration called our attention to the fact, and it was impressive that during the last month of Mr. Wilson's administration, because of his illness, the White House was closed. It was in need of repairs then, but in order that there might not be any disturbance to the President when he was ill the repairs were not made. Immediately after the advent of the present administration the public grounds were thrown open and the White House was thrown open, and from that time to this goodly hour there have been thousands of people going through there every day. Every time they go through there is more or less wear and tear. They are not as thoughtful as they should be for the privilege of going through, and there is much useless destruction of property. In order that the building may be put in the condition that it should have been during the last days of President Wilson's administration and in order that it may be properly protected it was thought wise to make an appropriation of $50,000, with the hope that with the added improvement it may be reduced next year. The committee wants to economize and retrench as much as possible, and I believe our reputation points truthfully to that assertion. On the other hand, we are equally interested in seeing that the public property is properly maintained and repairs

made when it is necessary to preserve the property as it should be.

Mr. BLACK. Will the gentleman yield?

Mr. WOOD of Indiana. Certainly.

Mr. BLACK. This $50,000 would apply for the fiscal year 1923. As I understand, they have $50,000 for the rest of the fiscal year.

Mr. WOOD of Indiana. Yes; but in their opinion that is not enough. We felt that it was warranted, and I trust that the amendment of the gentleman will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For improvement and maintenance of Executive Mansion grounds (within iron fence), $10,000.

Mr. BLACK. Mr. Chairman, I move to amend, on line 19, page 3, by striking out the figures $10,000 and inserting $5,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 19, strike out the figures $10,000 and insert in lieu thereof $5,000.

Mr. BLACK. Mr. Chairman, this item of $10,000 for improvement and maintenance of Executve Mansion grounds is an actual increase of $5,000 for the same item over the appropriation for the present fiscal year. The appropriation for the present fiscal year is—

for improvement and maintenance of the Executive Mansion grounds within the iron fence, $5,000.

This bill proposes to increase that 100 per cent and make it $10,000.

Mr. GRAHAM of Illinois. Perhaps the additional damage was caused by the sheep. [Laughter.]

Mr. BLACK. Well, of course, my friend from Illinois is speaking facetiously. I admit that these items are small, but I am proposing the amendments in all seriousness. I believe we should be economical in the small items as well as the large ones. I am determined, for my own part, that whenever an item in this bill or in any other bill which may come before the House carries an increase in a given appropriation, unless some real substantial reason can be given for it, I propose to oppose such increase whether I get successful support or not. Our amiable President in the campaign of 1920 used as his slogan that it was time to get "back to normalcy," and I say so, too. But in the matter of economy our Republican brethren are not getting back to it very fast, as such items as this so forcibly attest.

If any man will go among the people of the United States—the business men, the bankers, the farmers, the laboring men—and learn at first hand the difficulties and the hardships under which they are laboring, he will conclude that it is really time to reduce unnecessary expenses, and thereby enable a reduction of taxation. Every item in these appropriation bills should be most carefully scanned, and wherever reductions can be fairly made, even if it is not but $5,000, it should be done.

That is all I wish to say. Of course, it is up to the House as to whether it will adopt my amendment and save $5,000 or defeat it and spend $5,000 more for this particular item than is being spent during the present fiscal year.

I hope my amendment will be adopted and the money saved.

Mr. WOOD of Indiana. The gentleman from Texas [Mr. BLACK] is right in raising the objection that he has to this item, and unless there is justification for it it should not be allowed. The justification we have, I think, is worth while and well merited. The grounds have had but little attention in the last five or six years. Many of those old giant trees are dead and some of them are dying. Many of them need immediate attention in order to preserve them by proper tree dentistry and otherwise. Some of them must be taken out. Some kind of peculiar disease attacked the trees in the White House grounds. Somebody suggested to President Wilson that it could be cured by putting in sheep. He put in the sheep, but that did not seem to cure the disease, however. The sheep ate up all of the shrubbery there was that was get-at-able, and that has also made necessary some of this item of expense. In order that the proper fertilization may be had for those grounds, in order that these trees may be attended to as they should be, and in order that the hedges destroyed by those sheep may be replaced and rebuilt, it is essential that this additional $5,000 be allowed. That is the only excuse for it, and we think it is well warranted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

Mr. LONDON. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of the Congress to a rather interesting incident. On the 8th day of January the President commuted the sentence of a manufacturer who had been found guilty of a violation of the antitrust act. With a great deal of blowing of trumpets the district attorney announced the first triumph of the people, the first case of a prison sentence for violators of the antitrust act. I am not protesting against the commutation of the sentence. The sentence was only for four months. I applaud every impulse of humanity which relieves a man in distress. Nor am I revengeful, nor do I hate the rich, nor would I like to send them to jail. As a matter of fact, I am opposed to the so-called antitrust legislation. It is a farce. Every time the court ordered the dissolution of a trust the stock of the trust rose in value. It is absurd to punish a man because he has succeeded over his competitor.

The final object of competition is to eliminate all rivals and to triumph by removing opposition. Unless the methods employed are dishonest, it is silly to brand as a criminal the successful competitor. Modern industry and modern commerce require concentration, efficient cooperation, and coordination of capital. The punishing of a business man because he had succeeded in getting owners of capital to cooperate and to eliminate competitors runs counter to the law of economic evolution.

What I do deplore is that the administration, which has found it necessary to reduce a four months' sentence of a rich manufacturer by three months, at the same time keeps in jail the victims of war hysteria, many of whom have been sentenced to 10, 15, or 20 years for delivering an address, for expressing an opinion, for trying to tell a story, or presenting a viewpoint that was unpopular. Is it because their views are considered antagonistic to capital? Is it because they have been preaching the necessity of cooperation among the workers?

Mr. JOHNSON of Mississippi. In what respect had this manufacturer violated the law?

Mr. LONDON. This particular manufacturer violated the antitrust act, as far as I am informed, by helping to form a combination which culminated in the stifling of competition in the tile industry. His conviction, along with the conviction of three other manufacturers in the Federal court, resulted after a very thorough investigation made in connection with the evils of the building industry in the city of New York. Those labor men who happened to be caught in the net of law were sentenced to long terms of imprisonment, and are still in jail. Nobody thought of commuting their sentence. I am protesting against the continued imprisonment of 118 political offenders. They released Debs because the name of Debs attracted millions of men and women. Debs is a great figure; Debs was a candidate for the Presidency; but I am as much interested in the plain man who is in jail, in the fellow who distributed a circular and got himself sent to prison for 10 years because some fool of a reactionary judge was anxious to intimidate all dissenters. These unheard-of sentences can be explained only by the excitement and the stress of war. There is no earthly excuse for keeping the political offenders in jail, and there are 118 of them.

The Clerk read as follows:

For lighting the Executive Mansion, grounds, and greenhouses, including all necessary expenses of installation, maintenance, and repair, $8,600.

Mr. COOPER of Wisconsin. Mr. Chairman, has the gentleman from Indiana considered the advisability of changing that expression "Executive Mansion" to "White House"? All official communications from a number of Presidents have been dated "The White House," and they are all now dated the "White House" when sent from there.

Mr. WOOD of Indiana. I do not think we would have any right to do it. Somebody called that to our attention a year or two ago. The building is referred to in the act authorizing the erection of it as "The Executive Mansion."

Mr. COOPER of Wisconsin. Then it would be a change of existing law.

Mr. WOOD of Indiana. Yes; that is the point.

The Clerk read as follows:

ALIEN PROPERTY CUSTODIAN.

For expenses of the Alien Property Custodian authorized by the act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, including personal and other services and rental of quarters in the District of Columbia and elsewhere, per diem allowances in lieu of subsistence not exceeding $4, traveling expenses, printing and binding, law books, books of reference and periodicals, supplies and equipment, and maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, $370,000: *Provided*, That this appropriation shall not be available for rent of buildings in the District of Columbia if suitable space is provided by the Public Buildings Commission.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word, in order to inquire of the gentleman from In-

diana why, if we are short of needed office room here, perfectly good buildings on the Mall are being pulled down?

Mr. WOOD of Indiana. The only reason that the buildings near the Mall were pulled down is because they were very temporary buildings. The only buildings pulled down were those of a very temporary character, and the reason they were destroyed was because of the fact that it was felt that they could better protect the other buildings by getting rid of these. They were of the cheapest manufacture. That is the excuse given for doing it. As far as the other space is concerned, I have but a limited knowledge about it, but it seems they are trying as best they can now to get these activities that are only temporary in nature into these so-called temporary buildings as fast as they can, and they have been doing considerable work in that direction.

Mr. GREEN of Iowa. The gentleman, I have no doubt, is correct in what he says about the nature of the buildings. I was not aware that there was any difference in the construction of the buildings on the Mall. I was aware that some of those buildings are very well constructed.

Mr. WOOD of Indiana. There was quite a difference. I am not able to tell the gentleman the technical difference, but there was quite a difference in the construction of them. Some of them were of the cheapest possible character, and some of them were more or less permanent in construction.

The gentleman will recall that during the time appropriations were being made for the erection of these temporary buildings, it was estimated it would take 10 years after the war was over to wind up the business that was incident to the war, and during that portion of time more or less of these temporary buildings would be needed, and that they should be built in proportion to that necessity, with the idea of taking them down in proportion. The Navy Building and the Army Building down in the Mall are permanent in their character, and I expect will stand for ages, and it was because of that fact that they were made permanent, and some of those that were built, even after the first lot of temporary, were more temporary in their construction than the others. And those of that nature have been torn down first.

Mr. GREEN of Iowa. I would like to inquire a little further in regard to this lump sum of $370,000 that was appropriated. What is the reason the gentleman could not find any way of segregating the items that go into this sum?

Mr. WOOD of Indiana. Because of the fact that there has been a lump-sum appropriation from the beginning and the business is such that while we asked allocation be made for the various parts of it, it consists of so many items that it would be practically impossible for us to proportion it ourselves. The gentleman will understand that there are some 37 trusts in the hands of this Alien Property Custodian. And as I advocated in the speech I made here the other day, some steps should be taken by the proper committee at the earliest moment to wind up this whole affair. There is no reason on earth, in my opinion, why it should be longer continued.

Mr. GREEN of Iowa. I agree with the gentleman's desire, and I hope the Appropriation Committee will use some pressure in that connection, if possible.

Mr. WOOD of Indiana. There is one bill that I know of—and I think possibly two—that have been introduced for this purpose, providing the character or means by which it can be wound up, and it is now in the hands of the Commerce Committee, and I think we can render a splendid service by getting early action on this proposition.

Mr. MANN. If the gentleman will permit, I think there will shortly be presented to Congress, probably, some recommendations on this subject, which probably would have been presented before except for the peace conference in Washington. Of course, it involves our foreign relations in some respects, and I think those who have to deal with the subject have not had very much time in recent months. I have been told it is the expectation before very long that information and recommendations would be presented to Congress with the idea of closing up most of the work of the Alien Property Custodian.

Mr. GREEN of Iowa. Do I understand the gentleman from Illinois that we are waiting on the State Department, then?

Mr. MANN. Well, I prefer not to make a definite statement on the subject.

Mr. GREEN of Iowa. As I was about to state, Mr. Chairman, in line with what the gentleman from Indiana [Mr. WOOD] has said, I think this whole department ought to be closed out, and closed out speedily. There is certain property held by the Alien Property Custodian at this time that ought to pass out of his hands and into the hands of the original owners, and yet, as the law now stands, there is no way of doing anything with it except for him to retain it. And, in addition, this bureau costs $370,000, and we do not know how much of that is for attorneys' fees or salaries, as far as the bill is concerned.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent that the gentleman may have two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BRIGGS. I want to ask the chairman of the subcommittee if there is not a great deal of available space in these permanent buildings in Potomac Park that could be utilized as quarters for the Alien Property Custodian instead of paying for this expensive building on Sixteenth Street that he now occupies?

Mr. WOOD of Indiana. I am informed that there is not. The Alien Property custodian is not the one. We could better keep the building that he is now occupying than some others. I am not chairman of the committee disposing of public space, but we have made some inquiries about the matter, and I am advised that the committee having this in charge is using its best endeavors to get Government offices into Government-owned buildings.

Mr. BRIGGS. Has the committee any information as to how much space is used by the various offices here?

Mr. WOOD of Indiana. That information is available to any Member of Congress. We inquired into it as many times as we could as far as our committee is concerned, and we encourage their getting out of these temporary buildings into other temporary buildings. We are paying many hundreds of thousands of dollars less this year than last year because of this very thing.

Mr. JOHNSON of Mississippi. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I find from the hearings had on this bill that the Custodian of Alien Property has leased on the most exclusive street in the city of Washington, Sixteenth Street, one of the most exclusive apartment houses for offices for this bureau; that they have employed 26 lawyers, according to a statement from the chairman of the committee, at salaries of $4,500 each per year. The custodian asks for an appropriation of $375,000, to be spent in managing the affairs of this bureau. One hundred and sixty-four people are employed in this department. In addition to the 26 attorneys mentioned, there is employed a general counsel, an associate counsel, and one special litigation counsel, a former Congressman, Mr. William W. Wilson. All of these gentleman are drawing $6,000 each per year. An editorial clerk is drawing an unreasonable salary for his imaginary services, and a large number of others are drawing big salaries which I would like to discuss, but in my limited time I can not.

Mr. Chairman, this bureau was created during the war, and no one ever dreamed that it would be continued after peace was declared. There is absolutely no use for it. It only furnishes soft jobs for political pets. We were promised last year by this administration that this bureau would be abolished, and all those unnecessary employees would be discharged, but to-day the expense is just as great as it was then, and the prospects for a continuation of those easy berths for those gentlemen is no doubt encouraging to them.

But, Mr. Chairman, I want to talk some about the United States Shipping Board. The Government of the United States has spent about $4,000,000,000 on this board. Much of it was spent at a time when waste could not be easily avoided, but more of it was spent after the armistice when waste and extravagance could easily have been avoided. Last August, I remember very well, the chairman of the committee having in charge the appropriation, deficiency appropriation bill, gave this Congress to understand that the Shipping Board should be done away with, the ships disposed of, and all those employees should be discharged from the Government pay roll. Mr. WOOD of Indiana, who is chairman of the subcommittee having the present bill under control, made a lengthy speech at the time Chairman MADDEN reported the deficiency bill last August, in which he made the charge that graft and corruption permeated the organization. He said that nothing in all history compared with this Shipping Board for waste and corruption, and he urged that something be done to correct the awful abuses practiced by that organization. It has now been six months since he made his speech. At that time he was asking for $125,000,000, for money that had already been spent by this board in excess of the amount allowed it. This Congress—but not with my vote—gave the board the $125,000,000, every cent of which has been squandered, and it is here to-day asking for $105,000,000 more in addition to some other large items amounting to a very large sum. I do not have the figures at hand just now,

but the sum is very large. It proposes to spend this money in operating and conducting the business of the Shipping Board which, admitted its chairman, Mr. Lasker, in testifying before the committee, is losing more than $4,000,000 per month. On page 951 of the hearings Mr. Lasker said:

It will never become paying.

And yet, with this information before this Congress, you are seriously considering and no doubt will permit this organization to put its hands into the Treasury of the United States and waste all the vast sums that are asked in this bill.

Let us see what is going to be done with this money. There are 78 lawyers already employed. A large number of them were employed this last fall at fabulous salaries. This bill proposes to permit this board to employ seven additional attorneys at salaries of $11,000 each per year. It proposes to create a new commission consisting of seven members whose salaries shall be $12,000 each per year, with a secretary whose salary shall be $5,000. This commission is to sit in judgment on claims propounded against the United States.

Now, let us see something about the lawyers employed. For instance, a man by the name of Gendron, whose salary was $1,000 a year, has been by this board increased to $6,000 per year; Henry P. Anewalt, whose salary has been raised from $1,500 to $4,800; Benjamin Y. Martin, whose salary has been raised from $1,500 to $4,200; Allan McLain, whose salary was increased from $1,200 to $4,800; James R. Frase, an attorney, was employed at $7,500; he was let out and hired over at $10,000. Many others that I have not time to mention have been increased proportionately. Mr. Small is paid $35,000 a year. Mr. Frey had his salary raised from $8,500 to $10,000. He said he quit a $25,000 job to take this job, and he says he feels he can go back to a $50,000 a year position, but that he is so valuable to this organization that the board will not let him go. Mr. Lasker says that Mr. Frey had an offer of $60,000 per year recently to go into the steamship business; yet this peace-time patriot, who cares nothing for money, although admits he is not a very wealthy man, holds on to the Shipping Board. Next we have Mr. Powell, who says he made $300,000 from one corporation, the Bethlehem Shipbuilding Corporation, just before he came to this board, and he is now working for the United States Government for a salary of $12 per year, $1 per month. Mr. Powell left the Bethlehem Shipbuilding Corporation, that has millions of dollars' worth of claims against the United States unadjudicated at this time. He brought with him a number of Bethlehem Shipbuilding Corporation employees, who are working with this board at this time, yet he says he has no interest in the shipbuilding company and is prompted solely by patriotism to work a whole year for $12, but finally admits that he has a contract with the Bethlehem Shipbuilding Corporation, and if certain claims of the company against the Government are adjusted that he could not make more than $5,000 or $10,000. No doubt this patriotic gentleman would refuse to have $5,000 or $10,000 if offered to him. He just naturally does not like Uncle Sam's money. He wants to work for nothing. I think the people of the United States have been gorged on these dollar-a-year patriots, and so far as I am concerned I am in favor of getting rid of all of them. I believe the Treasury of the United States will be safer in the hands of the men who are willing to accept a salary for services rendered.

There are a large number of attorneys drawing $8,000 or $10,000 and upward, in addition to the $5 subsistence per day allowed them by the Government. We have men on this pay roll drawing $35,000 per year, but why should I discuss this further? Any intelligent man in this House can read the hearings and be convinced that the whole thing is a colossal fraud and steal from the Government. Why, we even have a man by the name of Bull, who was employed by this board at $6,500 per year, but it became necessary to send him off on business and he was given $10,800 while away to cover his traveling expenses. No doubt his name—Bull—was very valuable to the board on this occasion.

On page 935 we find that it is proposed by this Shipping Board to spend $900,000 of the people's money to advertise for business for the Shipping Board. Of course, this advertising will be given by Mr. Lasker, who is an advertising man and who owned advertising interests before he came to the Shipping Board, to friends of the Republican Party. It will be to reward them for what they did in the last campaign and to stimulate them in their efforts next November. This dirty scheme ought to be stopped. Every good Democrat and Republican in this House ought to rebel against such a bold attempt to rob the Treasury.

The night before Abraham Lincoln was assassinated he was called upon by his friend, Mr. Amunson, to appoint a commission to consider certain claims Mr. Amunson had against the Government. Mr. Lincoln said:

Amunson, I am done with commissions. I believe they are contrivances to cheat the Government.

And so, Mr. Chairman, I believe a hundred million people in the United States share the opinion expressed by Mr. Lincoln that most commissions do not faithfully serve the people of the United States but represent selfish interests. Of course, there are some commissions no doubt that are absolutely honest, but you will find in the Shipping Board, gentlemen, that it is an organization filled with graft and reeking with corruption. Its operation is the most prodigal and shameful waste and extravagance of the taxpayers' money that was ever tolerated in the United States. It would disgrace hell in its palmiest days.

It is shown that ships leaving ports of the United States for foreign ports, having been furnished with supplies for the voyage, have had these supplies thrown overboard in order that additional purchases could be made for the ships in foreign ports, thereby enabling the purchasers to graft on the Government. This is almost unbelievable, but nevertheless it is shown to be true.

It has been shown that the Shipping Board has gone out into the open market and bought anchors for ships when in the warehouses of the board there were hundreds of anchors that could have been used. In one instance the Shipping Board bought an anchor for 6 cents a pound and the company from which the Shipping Board purchased it paid 1 cent a pound for the same anchor, and it was bought from the warehouse of the United States Shipping Board.

Men who have been working for the Shipping Board for small sums, for supposedly patriotic reasons, are to-day immensely wealthy and have gone into other businesses. There are many connected with it now who are just as guilty of such corruption, and yet this administration retains them.

We have been promised economy and the people of the United States were promised economy and retrenchment by this administration. Where is your economy? You have increased appropriations hundreds and hundreds of millions of dollars since you have gone in.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Mississippi. Yes.

Mr. MADDEN. I wish the gentleman would specify.

Mr. JOHNSON of Mississippi. From the beginning of this bill to the end you have increased appropriations. You have increased the appropriation for the President's Mansion and grounds around the White House from $35,000 to $50,000. You have created soft jobs for seven new lawyers at $11,000 each per year and seven commissioners at $12,000 each per year for the Shipping Board; you have provided for 200 additional employees for the Civil Service Commission; you have increased the subsistence fees from $4 to $5 per day; you do not put any limitations at all on the expenditures in several places in this bill, but leave it open for those who disburse the money to increase salaries and waste the money just as they see fit. You leave it to Mr. Lasker, the politician advertiser, who is to spend the $105,000,000 that you are asking the American people to give him. I know you are going to do it. I know you Republicans, who are in the majority, are going to vote for it. Many of the Republicans can not help themselves because they are hog tied. Many of them will vote for this bill feeling in their hearts that they are doing wrong and voting against the interests of the oppressed taxpayers of this country, but political pressure will force them to do it.

Mr. Chairman, there have been several conferences held at the request of the President supposedly to help the farmers and workers of this country. There will be another conference held here next week, supposedly to correct some of the abuses practiced against the farmers of the country, but nothing will come of it except they will get their pictures made with the President of the United States, get a clever handshake and be told that they should go back home, work harder, save their money, and bring the country back to "normalcy."

Why does not this Congress provide for the establishment of a farm-credits department in each farm loan bank? Why does not this Congress reduce freight rates? Why does not this Congress dispose of Muscle Shoals to Henry Ford or some one else who will develop it and aid the farmers, thereby helping the whole country?

Mr. Chairman, there is nothing constructive being done by this Congress. We are wasting the taxes faster than the people can pay them into the Treasury. It ought to be stopped. This country can never return to a normal condition unless the prodigality and waste in governmental affairs is stopped.

There is a small section of this country that dominates all the other. This Congress is dominated by a small body of men who live in the East. Most of the money of this Nation has found its way into the East, into the hands of a very few men. These men exert great influence at this Capitol. Mr. Chairman, I fear the baneful influence of the money power. No legislation that will hurt the money power and make it carry its just share of the burdens of government can be passed. I do not fear that the people of this country, if they ever learn the true conditions that exist, will not correct the evil, but how are they to learn it? The same power that I mentioned a few moments ago prevents them from gaining the information as to how things are run up here, but in so far as I am concerned I propose to tell it as it is. You are creating unnecessary offices, paying fabulous salaries, and paying political debts with these offices. It ought to be stopped and will some day be stopped, for the people are going to hold you responsible for it.

The gentleman from Ohio [Mr. FESS] said a few days ago in Baltimore, speaking of the Republican Members who have not been voting with the regulars of the Republican Party, that those who "got off the reservation" will get no campaign funds this fall. Mr. FESS is the man through whom the funds will be spent. He is chairman of the Republican congressional campaign committee. There are many of the Congressmen here on that side who want to vote for the interests of the people, but the old guard reactionary forces are absolutely in control of this Congress, and you know, and no one knows it better than the gentleman from Chicago. [Applause.]

Mr. Chairman, I do not fear that my Government will ever be destroyed by forces from without. I do not fear that any foreign Government can ever come to the shores of America and destroy this Government of ours, but the thing that concerns me and every thinking man of this country is the baneful influence of the money power. The giant oak in the forest that has withstood for hundreds of years every storm and to the casual observer appears almost indestructible, can be destroyed by unseen insects that gnaw into the vitals of the giant oak. So it is, Mr. Chairman, with this great Government with its 107,000,000 people, the richest Government on earth, the most intelligent people. It would seem almost indestructible, but this invisible government that is sapping the very life of our Government by its clandestine methods has become a cancer on the very heart of this Nation, and as sure as we live, unless something is done to stop it, this Government of ours will pass like Rome did when the Prætorian Guards offered her upon the auction block.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MADDEN. Mr. Chairman, I rise to oppose the amendment.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last two words.

Mr. MADDEN. I would like to put just a few facts into the gentleman's speech. [Laughter.]

Mr. JOHNSON of Mississippi. I have no objection if the gentleman lets me revise what he puts in. [Laughter.]

Mr. MADDEN. The gentleman makes a lot of charges about putting hundreds of millions of dollars onto the expenses of the Shipping Board. Of course, there is no accuracy in that statement. He knows that. I will give him a few facts.

In the first place, notwithstanding the charge that he makes to the effect that a good many attorneys have been employed, that high salaries have been paid, the number of employees of the Shipping Board since last August has been reduced from 8,324 to 5,035, or a reduction of 3,289, with a pay roll on June 15 of $15,861,400 reduced to $10,919,081, or by $4,942,319. That is a reduction of 39 per cent in the cost of administration.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. JOHNSON of Mississippi. How much do you appropriate this year?

Mr. MADDEN. If we appropriate what is in this bill, it will be $100,000,000.

Mr. JOHNSON of Mississippi. Is it not indefinite? Can anybody tell?

Mr. MADDEN. No; it is not indefinite. It is absolutely definite. If we appropriate what is in this bill, it will be $100,000,000.

Mr. JOHNSON of Mississippi. Can anyone tell how much is going to be spent yet?

Mr. MADDEN. Yes; you can not spend more than $100,000,000, and $50,000,000 of that can not be spent in any way but in operation, and the other $50,000,000 proposed to be appropriated is to pay claims that have been filed against the board for bad management under previous administration.

Mr. TILLMAN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Mississippi. Will the gentleman yield right there?

Mr. MADDEN. Yes.

Mr. JOHNSON of Mississippi. You say they can not spend any more than the amount appropriated. I want to ask the gentleman if the gentleman did not bring in a deficiency bill on the 10th of August last for $61,855,633?

Mr. MADDEN. What was appropriated was $48,500,000.

Mr. JOHNSON of Mississippi. Not one cent of that has been brought back here. If you appropriated a billion dollars, they would waste it all.

Mr. MADDEN. Of course, the gentleman's statement is not in accord with the facts.

Mr. BYRNS of Tennessee. Of course, the gentleman will agree that the appropriation for the Shipping Board next year is not limited to the $100,000,000, because this bill gives them the right to use the receipts arising from operation.

Mr. MADDEN. I say the $50,000,000 appropriated in this bill, if it is appropriated, is appropriated in anticipation of the needs of the service over and above the income from the service. Of course, we might as well be frank about that. That is the truth.

Mr. BYRNES of South Carolina. The truth about it is that Mr. Lasker has expended $300,000,000.

Mr. MADDEN. As to what they will spend from operation, you can not tell what that will be.

Mr. JOHNSON of Mississippi. I notice from the hearings that Mr. Lasker says he can not tell how much money it will take. He would like to have $50,000,000, but he can not tell.

Mr. MADDEN. There is one thing that Mr. Lasker has done, however, and that is he has reduced the annual losses of the past of $200,000,000 to $48,000,000 per annum.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GREEN of Iowa. The gentleman from Mississippi claims that we have retained many of these former employees who caused the waste. I am perfectly willing for my part to admit that we have not thrown out as many Democrats as we ought to have.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DOWELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment the bill (H. R. 7601) to amend an act incorporating Prospect Hill Cemetery, and for other purposes.

INDEPENDENT OFFICES APPROPRIATION BILL.

The committee resumed its session.

Mr. WOOD of Indiana. Mr. Chairman, I can not let pass without reply the statements which have just been made, and I desire the attention of the gentleman from Mississippi [Mr. JOHNSON]. Without any warrant of authority and entirely gratuitously he has sought to slander a man who, I think, is rendering a splendid service to the United States. The gentleman from Mississippi [Mr. JOHNSON] voluntarily charges that the president of this Shipping Board, Mr. Powell, is making contracts with himself as the head of the Bethlehem Steel Corporation. Mr. Powell is not the president of the Bethlehem Steel Corporation. Before he came here he entirely severed all connections that he had with that corporation. He was offered what might be counted a goodly salary to come here and give the benefit of his experience, so that some order might be brought out of the rotten, chaotic condition brought about by the previous administration.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. WOOD of Indiana. No; I will not yield. Mr. Powell absolutely refused to accept a cent other than the nominal sum of $1 a month, giving his time and his service to his country without compensation, and I say it ill becomes any man who has any regard for the future of his country and her economic condition, precarious as it is, to attack and attempt to blacken the name of a man who is patriotically trying to be of some service and who is giving his time and his intelligence gratuitously to his country. In my opinion Mr. Powell is entitled to more credit for the reorganization of this disorganized corporation than any other one man, and he feels it to be his duty to do it, because the Government that he loves gave him his education. So I say instead of trying to blacken the character of men who are endeavoring to be of service to this country we had better hold up their hands and encourage them in these days when we need men of this character. [Applause.]

Mr. JOHNSON of Mississippi. Now will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman.

Mr. JOHNSON of Mississippi. I call the attention of the gentleman to the hearing conducted by himself, in which Mr. Powell appeared before the committee, and having reference in his statement to what Senator BORAH had said about him, put into this record a letter which he had directed to Mr. BORAH, and one from Mr. Lasker to him; and he also said that he had a contract with the Bethlehem Shipbuilding Corporation at that time which could earn him not more at the most than $5,000 or $10,000. That is in this record here.

Mr. WOOD of Indiana. Absolutely; and because of the fact that Mr. BORAH had done Mr. Powell an injustice he wrote him that letter; and Mr. BORAH, when he found that he was mistaken, graciously put it into the record and righted the wrong that he had done this man. The gentleman from Mississippi had better be equally just.

Mr. JOHNSON of Mississippi. Just another question now. Mr. Powell also stated that he had appointed a number of men who were formerly employed by the Bethlehem Shipbuilding Corporation to positions with the Shipping Board, and those men are now holding those same positions, settling claims.

Mr. WOOD of Indiana. I asked him the question myself, whether or not anyone connected with the Bethlehem Steel Corporation was connected with this organization, and he very promptly said "no," but that he had asked some of those men who had formerly been in the employ of the Steel Corporation, who by reason of their experience and fitness could render good service here, to come and take employment here; but they are entirely disconnected with the Bethlehem Steel Corporation and have no concern with its affairs; and he was bringing to the service of this corporation men whom he knew by reason of his association with them in that old corporation in the days when they were employing men in large numbers, and he knew that these men might be of service to him.

Mr. JOHNSON of Mississippi. But these same men are settling claims between the Bethlehem Shipbuilding Corporation and the United States.

Mr. WOOD of Indiana. They have nothing at all to do with the settling of claims, and they are not in that department.

Mr. JOHNSON of Mississippi. That is what the hearings show.

Mr. WOOD of Indiana. No; they do not show anything of the kind.

Mr. JOHNSON of Mississippi. I say they do.

Mr. WOOD of Indiana. The gentleman can say anything he wants to, and it is entitled to about as much credit as what he has said.

Mr. JOHNSON of Mississippi. I repeat my statement.

Mr. CONNALLY of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 4, line 11, by striking out $370,000 and inserting in lieu thereof $250,000.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, I want to call the attention of those on the majority side of the House who have charge of the making of the legislative program to the fact that in this item there is an appropriation of $370,000 for maintaining the office of the Alien Property Custodian. Gentlemen will remember that when the trading with the enemy act was passed it provided that all alien-enemy property which was taken over by the Alien Property Custodian should be retained by him until otherwise provided by Congress. Inquiry at the office of the Alien Property Custodian as to what disposition is being made of estates in his hands elicits the information that the Alien Property Custodian is continuing to administer estates and properties in his hands just as he did before the treaties of peace were concluded with Germany and with Austria. It does seem to me that this Congress ought to formulate some character of legislation providing for the proper disposition of alien-enemy properties, and that it ought to provide for demobilizing the office of the Alien Property Custodian and for giving such properties into the hands of those to whom they belong. So far as I know, no step has been taken looking to that end, but this establishment continues in existence. In the face of all the commissions which have been appointed to consolidate and classify and eliminate duplications and things of that kind in the public service, here is one branch of the Government that ought absolutely to be wound up and demobilized, and yet so far as I know nothing whatever has been undertaken along that line. Can it be that the State Department intends to advise Congress to hold on to alien-enemy property until the claims of American citizens against German citizens and the German Government may be settled? If that is to be its policy, it ought to inform Congress.

It seems to me it is time to determine whether that is to be the policy of this Government or not. If it be the policy of the Government to return these estates to former alien enemies—because they are not alien enemies any longer, as we have concluded a treaty of peace—Congress ought to do something to execute that policy.

Mr. MADDEN. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. MADDEN. The gentleman knows that we could not do that in this bill.

Mr. CONNALLY of Texas. No; but the gentleman is chairman of the Appropriations Committee, he is a member of the steering committee, and occupies a high place.

Mr. MADDEN. The gentleman is mistaken; he is not a member of the steering committee.

Mr. CONNALLY of Texas. Well, he ought to be if he is not. [Laughter.] I will say that, although he disclaims the soft impeachment, I do not blame him. I would deny it, too, if I were a member of the committee.

Mr. MANN. The gentleman never will be a member of the steering committee on either side of the House. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY of Texas. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CONNALLY of Texas. I will say to the other distinguished gentleman from Illinois that I can understand why he interjected that remark. Of course, it is not remarkable when I start to pay a compliment to another gentleman from Illinois that he should be in a hurry to attract the attention of the country to the fact that there are others from Illinois. [Laughter.] I will say to the gentleman who interrupted me as I was about to pay a compliment to his colleague that I believe the gentleman from Illinois [Mr. MADDEN], if he were on the steering committee, would undertake, in the interest of economy and the interest of proper legislative procedure, to see that the steering committee called the attention of the leader on the Republican side and other administration officials to the fact that here is one place where the boasted plea for economy should be put into effect; that here is one place where your campaign cry "Back to normalcy," "Back to the Constitution," "Back to orderly government," "Back to the people" could actually be realized, and that here you can take the Government out of business by taking the property in the hands of the Alien Property Custodian and giving it back to the people who are entitled to it; and if they are not entitled to it, to devise some method by which it may be treated under the rules of international law and treaty obligations.

There are 26 lawyers in the Alien Property Custodian's office. Twenty-six attorneys, and yet they are not able to devise a plan for submission to Congress as to how the activities of this bureau should be disorganized and the property returned to its proper owners.

Mr. BANKHEAD. The gentleman does not expect these 26 attorneys to devise means for putting themselves out of office, does he?

Mr. CONNALLY of Texas. No; there is no danger of the 26 lawyers doing that, because I do not think that a lawyer who is drawing a good salary is going around trying to repeal his office. But in all seriousness, gentlemen, I did not rise to make a partisan appeal. [Laughter.] Oh, well, if it is a partisan appeal to speak for retrenchment and economy, to return to the orderly processes of the Government, let the gentleman from Minnesota, the whip—and he is about the only whip that never hits anything [laughter]—let the whip of the Republican side make a sneer at what I am saying, but here is the place where you can put economy into effect, here is the place that the Government ought to be taken out of business, here is the place to divorce employees from the pay roll.

Mr. KNUTSON. Will the gentleman yield?

Mr. CONNALLY of Texas. I will.

Mr. KNUTSON. I would like to have the gentleman inform the House where they got the idea of the establishment of this bureau in the first place.

Mr. CONNALLY of Texas. If the gentleman from Minnesota had been awake during the war he would have known that Germany seized the property of all American citizens residing in Germany, and a proper system of retaliation necessitated the establishment of this bureau. Great Britain and France pursued the same policy. I dare say the gentleman from Minnesota voted for the bill.

Mr. KNUTSON. I voted for all the war measures.

Mr. CONNALLY of Texas. Then why did the gentleman ask me why this bureau was established? I can only attribute the question to the fact that when he voted for these measures he did not concern himself as to the whys and wherefores but voted in the way somebody told him to.

Mr. STAFFORD. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. STAFFORD. Is it not a historical fact that the Germans did not seize American property until we had passed the alien property custodian act? Great Britain initiated the procedure, but Germany did not attempt to confiscate property of American citizens until the United States had first done it.

Mr. CONNALLY of Texas. I do not think that is material, I do not really know which country initiated the policy. I give the gentleman from Wisconsin credit for keeping in touch with that matter, but France, Germany, and Great Britain all followed it.

Mr. KNUTSON. The gentleman from Texas is well informed. Can he inform the House as to the particulars of the sale of he Bosch magneto and aspirin patents under the Democratic administration? I would like to have some information on that.

Mr. CONNALLY of Texas. I am not surprised that the gentleman from Minnesota [Mr. KNUTSON] is more concerned about the details of the sale of the Bosch Magneto Co., which belonged to enemy aliens, than he is in saving the Government of the United States $370,000 annually appropriated for the maintenance of a wholly useless war-time organization when we have returned to times of peace.

Mr. KNUTSON. Does the gentleman approve of those thefts?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MANN. Mr. Chairman, I do not know that it is worth while to pay any special attention to the remarks of the gentleman from Texas [Mr. CONNALLY], who always makes bright and interesting speeches, purely from a parliamentary viewpoint. As I stated to the House a while ago, it is the desire of the Alien Property Custodian's office very speedily to present to the Congress, although that is not their special duty, some recommendations, directly or indirectly, for the winding up of the Alien Property Custodian's business. That matter has been delayed, as I understand it, by the fact that the peace conference here is absorbing the work in the main of the office of the Secretary of State, and, as international relations necessarily enter into the consideration of the subject, it has not been desirable to present a half-baked plan to the House, such as would undoubtedly have been presented if the gentleman from Texas had had charge of it.

Mr. CONNALLY of Texas. I am glad that my suggestion is getting such prompt consideration.

Mr. MANN. Oh, I made this statement to the House before the gentleman rose, but as usual he was not here when I made the statement.

Mr. CONNALLY of Texas. I frequently try not to be here when the gentleman speaks.

Mr. MANN. The gentleman would derive some information if he would be here not only when I speak but when other gentlemen speak, but as a rule the gentleman is here only when he inflicts himself upon the House.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was rejected.

The Clerk read as follows:

BUREAU OF EFFICIENCY.

For carrying on the work of the Bureau of Efficiency as authorized by law, including salaries and contingent expenses; supplies; stationery; purchase and exchange of equipment; printing and binding; traveling expenses; per diem in lieu of subsistence; not to exceed $100 for law books, books of reference, and periodicals; and not to exceed $150 for street car fare; in all, $125,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum except the following: 1 at $7,500, 1 at $6,000, 1 at $4,250, 6 at $4,000 each, 3 at $3,600 each, 1 at $3,500, 2 at $3,250 each, 5 at $3,000 each, 2 at $2,750 each, 3 at $2,400 each, and 5 at $2,000 each.

Mr. COOPER of Wisconsin. Mr. Chairman, I desire to ask the gentleman in charge of the bill who is receiving a salary of $7,500 in this Bureau of Efficiency, which is as much as a Senator or a Representative in Congress receives?

Mr. WOOD of Indiana. The director of the bureau, Mr. Brown.

Mr. COOPER of Wisconsin. That is Mr. Herbert D. Brown?

Mr. WOOD of Indiana. Yes.

Mr. COOPER of Wisconsin. How long has he been director of that bureau?

Mr. WOOD of Indiana. Ever since it was organized.

Mr. COOPER of Wisconsin. When was it organized?

Mr. WOOD of Indiana. It was a part of the civil service until 1916, when it was made an independent bureau, and he was appointed by the President at that time.

Mr. COOPER of Wisconsin. During 1916, during the war, what was his salary—say, when he was first appointed?

Mr. WOOD of Indiana. This salary, like other salaries——

Mr. COOPER of Wisconsin. What was it then?

Mr. WOOD of Indiana. It was $5,000.

Mr. COOPER of Wisconsin. I think it was $4,000.

Mr. WOOD of Indiana. I may be mistaken about that.

Mr. COOPER of Wisconsin. I think it was $4,000. From 1916 to 1921 it has been increased to $7,500, which is as much as a Senator of the United States receives, as I said a moment ago. In my judgment, he does not render, nor has he ever rendered, services demanding any such salary as that.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman from Indiana yield?

Mr. WOOD of Indiana. Yes.

Mr. BYRNES of South Carolina. Is not the Bureau of Efficiency now engaged in rating the civil-service employees of the Government?

Mr. WOOD of Indiana. The Bureau of Efficiency is now under Executive order, issued by the President, engaged in making efficiency surveys of the various departments, which has been in the main completed, and many of the departments, those receiving lump-sum appropriations, are now reorganizing and fixing the salaries of the employees under that survey.

Mr. BYRNES of South Carolina. Was it not the purpose to have that bureau continue to maintain some standard of efficiency for employees so as to keep the Congress advised as to the efficiency of the various departments and organizations of the Government?

Mr. WOOD of Indiana. Yes.

Mr. BYRNES of South Carolina. That is why they are receiving this appropriation?

Mr. WOOD of Indiana. Yes.

Mr. BYRNES of South Carolina. Is there any other work which the Bureau of Efficiency is engaged in at this time?

Mr. WOOD of Indiana. Yes; it is engaged not only in measuring the efficiency of the employees within the Government, but likewise it is engaged in looking into the conduct of these various offices, and I wish to say in answer to the gentleman from Wisconsin that it is proving of very great value. There has been more or less opposition to the Bureau of Efficiency. I am not here holding any brief for the Bureau of Efficiency. I may not like all the things that Mr. Brown has done, I may not like his personality, but I must give him credit for being not only energetic but proficient in bringing about results, and they have been very salutary, and had these other departments admitted the Bureau of Efficiency as it was the intention so to do when it was created, to make suggestions, and had those suggestions been adopted, we would have had the same good results that came from the application of their plan that we did get in the Post Office Department as adopted by Postmaster General Burleson.

Mr. BYRNES of South Carolina. If this appropriation is made, the Bureau of Efficiency will continue to carry on these investigations for the purpose of devising more economic ways of managing the various departments?

Mr. WOOD of Indiana. Yes.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last word, and I do that for the purpose of calling to the attention of the House one of the activities of the Bureau of the Budget which has just come to my attention. I interrogated the gentleman from Indiana because I understood the duties of the Bureau of Efficiency to be just as he has detailed them. Personally, I think they have been doing very good work, but the Bureau of the Budget, charged with the duty of preventing duplication of work in this Government, is responsible for the issuance of an Executive order which has established another bureau in the Government to do exactly the work which the gentleman from Indiana has stated the Bureau of Efficiency is doing. Think of the Bureau of the Budget, charged with eliminating duplication, saddling onto the executive departments at this time another board to do exactly that which is being done by the Bureau of Efficiency. I want to call attention first to the Executive order to which the gentleman from Indiana referred, which was issued October 24 and is headed, "Uniform Efficiency Ratings," requiring the Bureau of Efficiency to establish such ratings. It provides in section 3:

As of May 15 and November 15 of each year, a rating shall be made of the efficiency of each employee during the preceding six months or such portion thereof as he or she may have been employed.

And then comes the requirements that they shall establish standard ratings, special ratings, and personal changes. And it provides in section 7:

Efficiency ratings made in pursuance of the provisions of this order shall be the basis for all changes of compensation of employees in the classified service in the District of Columbia.

And now here, on December 23, 1921, just two months later, there comes an Executive order, signed by the Director of the Budget, by direction of the President, addressed to the House of Representatives, establishing the Federal personnel board. It says in section 1:

For the purpose of developing in the Federal Government a more effective and economical system of employment and personal management and to promote the general welfare of the employees of the National Government, there is hereby established a Federal personnel board under the supervision of the United States Civil Service Commission.

And then it is provided that there shall be a chief coordinator. We long since discontinued allocating and now we are engaged in coordinating. And we have a chief coordinator—

who shall assign a representative to the Federal personnel board for the purpose of coordination.

And here is what the board is to do:

First. The perfection of a liaison system between the Civil Service Commission and the several departments and establishments to insure cooperation.

We have an appointment clerk in each department, who is in daily touch with the Civil Service Commission, and a chief clerk in each department whose duty it is to maintain a contact with the Civil Service Commission, but now we are to have a liaison officer. And second:

The perfection of methods whereby the Civil Service Commission will be advised regarding the success or failure of persons selected through its examination, and whereby provision will be made for the reassignment or the separation from the service of persons who are unsatisfactory.

If a person is unsatisfactory, the Civil Service Commission must be advised. The Civil Service Commission has not the power to remove him if he is unsatisfactory but the department has.

And then there is section (d), as follows:

The development of an adequate system of personnel records which will furnish a medium for effective control of personnel administration and provide some basic statistics for such matters as retirements and disability, appropriation estimates, salary rate adjustments, etc.

They are to provide a system of basic statistics in order to enable the departments to make salary rate adjustments, and the Bureau of Efficiency two months before was directly charged with the duty of furnishing efficiency ratings every six months in order that the compensation of the employees might be fixed.

There is only one conclusion, that if this board is functioning and a man is detailed from every department to this board, and they can call upon the departments for information upon which to base efficiency rating, and the Bureau of Efficiency is also calling on them for efficiency information, you owe it to the departments to increase the appropriations for clerk hire in order that they may answer the inquiries made of them. This is pyramiding one board on top of another at the expense of the people. It is doing, by Executive order, that which could never get through this Congress. There is no excuse for it all. You are going to have one efficiency rating by this personnel board and one by the Bureau of Efficiency. Suppose they do not agree, which rating are you going to follow? What business has the Civil Service Commission dealing with this question? Their duty is to have examinations held in order to certify employees and not to report to departments how an employee may be separated from the service. They know how that should be done.

Mr. ANDREWS of Nebraska. Under this order, what would become of the unclassified reclassification bill that passed a few days ago?

Mr. BYRNES of South Carolina. I ask you to tell me on what that reclassification is going to be based? Are you going to take the efficiency record under the order of December 3, prepared by the personnel board or the efficiency rating prepared by the Bureau of Efficiency, under the Executive order of October 24, 1921?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MANN. Mr. Chairman, we have a Bureau of Efficiency and a Director of the Budget; we had a Reclassification Commission that went out of existence, and we have now a Reclassification Committee reclassifying the departments, and we have a Committee on Reform of the Civil Service in the House. They have just passed a reclassification bill in the House affecting the departments. The Bureau of Efficiency is the child of the Committee on Appropriations. The Director of the Budget is the younger brother created, or appropriated for, by the Committee on Appropriations. I have always known the members of the Committee on Appropriations, when either one of these children was attacked, to promptly come to its assistance. But I notice that the love of the committee now is for the older child rather than for the younger brother. Here is a row on between the Bureau of Efficiency and the Director of the Budget, and the gentleman from South Carolina, one of the nicest men that ever came to this House [applause], certainly derived his information from Mr. Brown, the head of the Bureau of Efficiency, and takes a crack at the Bureau of the Budget, the younger brother. I do not know, but I would like some one to give an excuse for the existence, or continued existence, of the Bureau of Efficiency. I have great regard for the head of that bureau, Mr. Brown. I believe he is a most efficient public servant, and does great good, but he is the best man to get influence with the Committee on Appropriations that ever and all time has appeared in Washington.

Mr. GALLIVAN. Will the gentleman yield?

Mr. MANN. I yield.

Mr. GALLIVAN. I want to say to my friend from Illinois that ever since I have been on the Committee on Appropriations I have tried to find out what good reason there is for the existence of the Bureau of Efficiency, and I have always opposed the annual increases that my friend Brown has been able to put across in this Chamber. I am with the younger brother, the gentleman refers to. I am with the younger brother.

Mr. MANN. Well, I hope that may continue, although I predicate this statement and make this prediction, that if the gentleman from Massachusetts gets to that place in the committee where he has charge of a committee of this kind, Brown will have him on his back. [Laughter.]

Mr. GALLIVAN. I can assure my friend that will never happen; never in a million years. [Laughter.]

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield to me?

Mr. MANN. Yes.

Mr. BYRNES of South Carolina. I know the gentleman will permit me to say that——

Mr. MANN. I will permit you to say anything——

Mr. BYRNES of South Carolina. While his statement may be true, I do not know Mr. Brown, and I do not think I ever met him, and therefore I have never come under his spell.

Mr. MANN. That shows how wily Brown is, to make men whom he never met act just like automatons at a suggestion to their mind. [Laughter.]

Mr. BYRNES of South Carolina. I did not make myself clear if the gentleman understood me to say that there is any discrimination in my mind as between the Bureau of the Budget and the Bureau of Efficiency. What I am complaining about is the establishment of this personnel board in the Civil Service Commission to do that which is under the Bureau of Efficiency. What I want to do is to put it in one or other, and when the civil-service paragraph is reached I hope to make some remarks along that line.

Mr. MANN. I have made no reflection on the gentleman.

Mr. BYRNES of South Carolina. No; the gentleman was very complimentary to me.

Mr. MANN. I notice that Mr. Brown, according to the morning papers, has stated to the Director of the Budget, acting for the budget, "You can go to ——," the place we frequently name when we talk in private. [Laughter.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ANDREWS of Nebraska. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Nebraska moves to strike out the last two words.

Mr. ANDREWS of Nebraska. Mr. Chairman, I desire to propound a question to the gentleman in charge of the bill. In the Treasury Department the appointment clerk receives $3,000 a year salary. The appointment clerk in the Bureau of Internal Revenue receives $4,500. In the General Accounting Office the appointment clerk receives $2,500. In the Treasury Department the appointment clerk handles all the business of the entire department. The appointment clerk in the Internal Revenue Bureau handles the work of that bureau in detail and turns it over to the appointment clerk of the department for completion. The appointment clerk in the General Accounting Office has 1,500 people to look after. Now, is there any law by means of which an equitable adjustment of ratings may be made in cases like these?

Mr. WOOD of Indiana. Absolutely, and there is provision made for it. Whenever it is applied this discrepancy will no longer exist.

Mr. ANDREWS of Nebraska. What is that provision?

Mr. WOOD of Indiana. I am not prepared to state it offhand, but at the time we had under discussion the reclassification bill I had the figures before me showing that under the classification which I proposed like service would receive like pay.

Mr. ANDREWS of Nebraska. Does not the gentleman believe that it would be wise to make provision in this bill making it impossible to have such wide diversities of salary as these?

Mr. WOOD of Indiana. Yes; I think it would be, but you can not do it under this bill. That is the trouble.

Mr. ANDREWS of Nebraska. If you should adopt a provision that they shall not be allowed a figure beyond a certain salary, that would surely enforce it. I am sure the so-called reclassification bill will not correct such inequalities. The formula, "like service should receive like pay," will not solve this problem under the reclassification bill or any other bill that has yet been proposed.

Mr. Chairman, I want to direct attention for a moment to the connection of the Civil Service Commission with this Board of Personnel. I think that is one of the most mischievous arrangements that can be introduced into the executive service of the Government. That Civil Service Commission is the greatest meddler in outside affairs that there is in the Government wherever they have a chance to meddle. I have witnessed this time and time again. The Civil Service Commission has a specific function to perform, and that is the establishment of eligible registers for the different grades of the public service. They ought to be held to that. There are many people who firmly believe that they should not be given even that much. But they ought at least to be held to that line, and whenever by law or by Executive order we allow them to go outside of that range we are inviting trouble.

How can the Civil Service Commission know anything about the efficiency of clerks with whom they never come in contact? How can the efficiency of a clerk be determined except by the people who make observation of that clerk, who study his ability and adaptability to the particular kind of work on which he is engaged? No Civil Service Commission can ever do that unless you supply them with a force adequate to go into all these various offices and bureaus and study every individual clerk.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit an interruption?

Mr. ANDREWS of Nebraska. Certainly.

Mr. COOPER of Wisconsin. I do not understand that by Executive order it is contemplated that the Civil Service Commission shall enter these departments, or go in there all the time investigating conditions. Not at all; but only when the personnel commission, composed of people in the departments, shall consult with the commission in regard to the advisability of certain changes.

Mr. ANDREWS of Nebraska. Let me call the gentleman's attention to the fact that even with the provision that he suggests that personnel commission must have a force sufficient to learn the facts, just as the heads of each division and every bureau must learn the facts. How can you know what the qualifications of an individual may be or what his adaptability may be to a certain task unless you are in contact with the business and with the individual?

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Nebraska. I yield.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska may have five minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Nebraska may have five minutes more. Is there objection?

There was no objection.

Mr. GREEN of Iowa. I will say to the gentleman from Nebraska that possibly this is provided for on the next page, where the sum of $56,780 is appropriated for additional employees. Perhaps that is where they expect to get the men to perform this additional service.

Mr. ANDREWS of Nebraska. Whether that be true or not—I take it for granted that the committee in charge of the bill would not make that serious mistake—the gentleman from Iowa has performed a public service by calling attention to that point.

Let me emphasize one more point, Mr. Chairman. Take the question of appointment clerks, to whom I have referred. Compare them with law clerks, who receive $2,000 salary ordinarily and some $2,500. Take the clerks who are examining the most intricate accounts in the department, clerks upon whose judgment executive officers will sign papers aggregating the billions of dollars that go out from the Treasury. Their work is far more important than the work of an appointment clerk.

What are the requisite qualifications of an appointment clerk? First, he must understand the rules of the Civil Service Commission, and that is enough to drive anybody crazy in an ordinary period of time. What next? Why, an appointment clerk must be the cleverest liar on earth, able to turn so quickly that even Senators and Members and heads of departments can not catch him. [Laughter.] Now, when you take into account the shifting of the cards, the placing of this man here and that man there, you have the work of an appointment clerk; but the man who studies the law, the man who analyzes the facts, the man who does the work, gets $1,800 or $2,000 a year, while a third-rate appointment clerk gets $4,500 a year in the Bureau of Internal Revenue. Former Secretary McAdoo established that grade. Will Secretary Mellon and Commissioner Blair ratify and perpetuate it? If they do, will they not be compelled to cease talking economy? The appointment clerk for the department handles the record for 67,000 people approximately, while the appointment clerk for the Bureau of Internal Revenue had on his roll 19,637 July 1, 1921. Down with McAdoo, salary profiteer!

Mr. STEVENSON. Will the gentleman yield?

Mr. ANDREWS of Nebraska. I yield to the gentleman from South Carolina.

Mr. STEVENSON. Was that the position which the gentleman held when he was in the Treasury Department? [Laughter.]

Mr. ANDREWS of Nebraska. It was not, sir. When I was in the Treasury Department I never permitted any inequality of that sort when I had the power to stop it; and when I had a chance to disallow a salary on the basis of inequitable distribution, as I have stated, I disallowed it and forced them to the line. Does the gentleman from South Carolina want to ask another question? If he does, come on.

Mr. STEVENSON. I just wanted to know what class of people the gentleman got? He says they are a bunch of the biggest liars in the world. [Laughter.]

Mr. ANDREWS of Nebraska. I did not have any appointment clerk. He was over in the Civil Service Commission or the department.

Mr. BARKLEY. The gentleman is talking about the present administration. [Laughter.]

Mr. ANDREWS of Nebraska. Oh, no. I had two years under a Democratic administration, and that was the worst thing I ever met in my life. [Laughter.]

The Democrats increased the total disbursements of the Government for the fiscal year 1913, $43,000,000; for 1914, $39,000,000; for 1915, $35,000,000; and $129,000,000 by June 30, 1916.

The civil-service rules and regulations were deliberately disregarded, and worthy and competent Republican chiefs of divisions and clerks of higher grades were reduced in order to promote Democrats.

In the old second auditor's office the reduction and displacement of competent Republicans, including many ex-Union soldiers, were made for the sole purpose of benefiting Democrats. The man who was placed in charge of that office by the Wilson administration was soon recognized as one of the most noted political headsmen of his time. The political guillotine never swung more speedily than it did in that office at that time. Even ex-Union soldiers fell under it as though they had been traitors to their country.

Note the profligate waste of public money during the World War. If we had to-day the billions of dollars that were wasted by the Democratic administration during the war we could pay the total running expenses of this Government, according to the Republican standard, nearly two years without levying a single dollar in taxes. If that were not bad enough, how could you make it worse?

Mr. WINGO. Will the gentleman yield for a question?

Mr. ANDREWS of Nebraska. Yes.

Mr. WINGO. Has the service improved any since the gentleman left it? [Laughter.]

Mr. ANDREWS of Nebraska. It has not; but we are trying to improve it now.

Mr. BARKLEY. I hope the gentleman is not going to claim that he comes within that qualification himself.

Mr. ANDREWS of Nebraska. Oh, no. Like the gentleman from Kentucky I stood foursquare and did the right thing. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For additional employees for the Civil Service Commission, $56,780: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum, except three at $3,000 each.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 5, line 23, after the word "commission" strike out the figures "$56,780" and insert "$50,000."

Mr. BYRNES of South Carolina. Mr. Chairman, the experience of this Congress has been that whenever we have placed temporary employees upon the roll it has been almost impossible to separate them from the service. In view of that fact I am going to put this proposition up to the House now, because the House might as well determine what it is going to do. This is not the only bill where the departments are asking for temporary employees. Departmental officers have long since learned that when they come to the Committee on Appropriations and ask for an increase of their statutory force it is difficult for them to "get by," but if they can ever get temporary employees authorized on the ground that there is an emergency demanding their employment they know that at end of the year the fight is no longer theirs; that the employees will go to the Senators and Representatives from their States and beg them to make the fight their fight, and as a result the department head is able to continue on his rolls the temporary employees appointed for an emergency. That is our experience, and the Members of this House know it. Yet at this time, when you are preaching throughout the country about reducing employees in the service of the Government, the departments are asking in several bills for appropriations for temporary employees beyond the appropriations previously authorized. It is true that the Civil Service Commission attempted to do just what I have said they all do. They tried to get this committee to get $26,500 appropriated last year for temporary employees transferred over to the permanent roll, but the committee very properly refused to do that. But my good friend from Indiana [Mr. WOOD] had an unusual softening of the heart—unusual for him, because I will say that he generally makes an effort to hold down the expenses of the Government—and he made a recommendation to the committee of $60,000 for temporary employees for the Civil Service Commission, instead of $50,000, which they have this year. Subsequently in the full committee that was reduced to $56,780.

Now, my amendment is to put them right back where they are this year, at $50,000. When you do that you are doing more than you ought to do. How can you tell the people of this country that you are honest in your statement in reducing the number of employees on the pay rolls of the Government when at the same time you are appropriating more money for the purpose of holding examinations for new employees for the Government?

You can not argue that to any man with any sanity at all. Why, if you are reducing the employees of this Government you must have a roll now in the Civil Service Office of employees having a civil-service status who are being daily separated from the service who are eligible for appointment and whose competency has been tried and proved, and they should be appointed to any vacancies instead of holding new examinations throughout the country at an expense to the Government. Let us see the record you are making. Look at the facts. On June 30, 1916, according to the Civil Service Commission, all the employees of the Government numbered 439,798. During the war they increased, until November 11, 1918, there were 917,760. Now, three years after the war, we have only reduced them down to 597,482, or 162,000 more than we had June 30, 1916.

The Civil Service Commission say they need this money because they now conduct more examinations—at a time when we are supposed to be reducing the number of employees. They say they will examine 300,000 persons next year, and therefore they want an increased appropriation. Well, they examined 461,000 in 1919, according to their own statement, and their total appropriation only amounted to $660,000. This bill carries $673,000, and they only claim that they will examine 300,000. You and I know that they have no business examining 300,000 people, for they have this large number of people on the eligible list that can be reinstated.

Mr. KINCHELOE. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. KINCHELOE. Can the Civil Service Commission reinstate a man who has been discharged if he is on the eligible list?

Mr. BYRNES of South Carolina. Yes; they can do that under the law, as I understand.

Mr. KINCHELOE. The reason I ask the question is that I had an ex-service man who had a civil-service status as a railway mail clerk, and I tried to get the commission to reinstate him, and they refused to do it.

Mr. BYRNES of South Carolina. I am not interested in any one case. They, of course, have discretion and may abuse it.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BYRNES of South Carolina. What I want to know is whether or not Congress is going to embark on increasing the number of temporary employees in this department of the Government—the Civil Service Commission—whose sole business it is to furnish additional employees in the Government service? It will be interesting to other subcommittees of the Committee on Appropriations. There is an additional reason also—my good friend from Illinois said that we are interested in the contest between the Bureau of Efficiency, the elder brother, and the Budget Bureau, the younger brother. I am not interested in it at this time, but what I am interested in is doing what the Budget Bureau was supposed to do—eliminate some of the duplications.

Now, I notice in the last few days that the Civil Service Commission has sent a supplemental estimate to the Committee on Appropriations. The Chief of the Bureau of the Budget sent it for the Civil Service Commission. That the Chief of the Bureau of the Budget has never understood the budget act is evident, because the act provides that he shall not submit supplemental estimates unless there is an emergency. He submits a supplemental estimate only a month after this committee has had its hearings asking an increase of salary for the Civil Service Commissioners. Can anybody say what emergency demanded the submission of a supplemental estimate of that kind?

Mr. MADDEN. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MADDEN. I will say that I will be glad to join the gentleman, or any other gentleman on the Appropriations Committee, to see that whatever recommendations are made in that connection are not made effective.

Mr. BYRNES of South Carolina. I am glad the gentleman joins me, and I assure him that I will be fighting with him, because there is an additional reason. Since the hearings on the bill the commission has submitted within the last few days an estimate for $100,000—some of it to increase the salaries of the commissioners—and for another purpose, to investigate the character of the applicants for civil-service positions. I do not know whether the purpose is to use some of these funds for the personnel board, but I suspect that is intended. If you establish a Bureau of Efficiency you should maintain it, but do not come here and saddle the personnel board on the Government.

The one reason I asked the question of the gentleman from Indiana as to the Bureau of Efficiency, I wanted him to state which one he was in favor of. If he said the Civil Service Commission, I would move to strike out the Bureau of Efficiency, and if he stands for that he can not defend the desire of the Civil Service Commission to establish this personnel board.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. GREEN of Iowa. As I understand the gentleman, if there were not more than 300,000 persons examined they would have plenty for the departments and more than they could use.

Mr. BYRNES of South Carolina. Yes. The gentleman knows that if they have taken many employees off of the rolls they would be eligible for reinstatement. If you say that you are going to reduce the number of clerks in the service and then appropriate $56,000 for temporary clerks, thus increasing the appropriation to hold more examinations, to appoint more employees, you can not defend it.

Before I forget, let me tell my friend this: Do not get the idea that this is connected with the presidential postmasters, because $75,000 is specifically included for that purpose; this $50,000 that is carried can not well be charged up to that, for the reason that they say they have brought the postmaster examinations up to within 60 days and would soon be up with them. If that is true, then many clerks can go back on the regular work. If you appropriate this money, it is simply notice to all of the other subcommittees of the Appropriations Committee that the bars are down and that you are going to put temporary employees on, knowing well that if we do that,

that at the end of 12 months they are going to be begging to be kept and that you never will get them off the rolls.

Mr. GREEN of Iowa. I was merely going to ask what the commission claims these clerks are going to do?

Mr. BYRNES of South Carolina. The commission claims that they are necessary because they are behind with their work and they need them to keep up with that work; but they have as much money as they had a year or two ago when they had more examinations. And if they will certify some of the employees who are daily being separated from the rolls, and who are eligible, they would not have to hold examinations and would not need so many clerks in the civil service.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. WOOD of Indiana. Mr. Chairman, I wish to call the attention of the committee to the situation with reference to this appropriation. The Budget recommended an increase in the salaries of the employees of the Civil Service Commission. The employees in the Civil Service Commission are paid less proportionately for the service being rendered than in almost any other department of the Government. The turnover in the Civil Service is greater than in any other department of the Government. It may seem strange, but the fact is that even with the dearth of employment now existing, the turnover in the Civil Service last year was 76 per cent. This appropriation that is being recommended in this bill is less than that carried in 1922 by $3,220, and it is $10,000 less than that recommended by the Budget. Where the confusion seems to arise is here: It is the policy of the Committee on Appropriations not to increase any salaries, depending, if you please, upon the reclassification that has been promised us for so long. Therefore, when we found that we were not to increase these salaries, as recommended by the Budget, we had to reform the situation, taking those out of the statutory rolls that were put in under the estimate and placing them back again in the lump-sum appropriations. In doing that this increase occurs, but if you will examine it all the way through, you will find that we have absolutely reduced the cost of this activity $3,220, as compared with the appropriations for 1922, and that it is $10,000 less than that recommended by the Budget.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BYRNES of South Carolina. The gentleman does not mean to say that the appropriation is not $50,000 for the current year for temporary employees?

Mr. WOOD of Indiana. No; I do not wish to say that; but I say that in this rearrangement, if you will take the sum appropriated for the statutory roll last year and the sum appropriated for the lump-sum appropriation last year and compare them with the like appropriations this year, you will find that it is $3,220 less than that appropriated last year.

Mr. BYRNES of South Carolina. I have done that, but my figures do not agree with the figures the gentleman gives. Is not the gentleman confused in that he reduced that out of printing and binding?

Mr. WOOD of Indiana. When we take the whole amount of reduction into consideration, the gentleman is correct. I wish to call attention in passing to the increased activity of the Civil Service. In 1916 the total number of examinations was 154,000 in round numbers, in 1919 they were 461,000, and in 1920 they were reduced to 325,000. In 1921 they were increased to 328,000.

I call attention to the further fact that during the war the Civil Service Commission had an appropriation of $250,000 for the extra service for which we are now allowing them only $50,000, when as a matter of fact the volume of the work is almost equal to that which they had on their hands at that time. In addition, there has come this extraordinary work of the post-office examinations. Some one may say that that was true during the Wilson administration, but it was practically over during the last days of the Wilson administration.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD of Indiana. The entire examination of the fitness of postmasters all over this country has now been devolved upon the Civil Service Commission. One reason why this apparent increase in the lump-sum appropriation in the minds of your committee was essential is because of the fact that the service required in the civil service, if it is worth anything at all, is of a very high grade, or should be. Civil-service employees are passing on the fitness of applicants for technical places in the various branches of the Government where the most vital interests of the Government are involved, carrying salaries of four, five, and six thousand dollars a year. Those positions are passed upon by civil-service employees receiving salaries of twelve or fourteen hundred dollars each. The apparent increase is caused here by the fact that in order that they might have some relief in that regard, so that they could employ a few more higher-priced clerks at one hundred or two hundred dollars a year more, a very few, amounting to not more than three or four thousand dollars, in order that they might have more efficiency and that they might have more practical examinations where these technical jobs are involved. So that if we are to do that which is best for ourselves, that which is best for the people we are serving, we ought to have this agency of the Government so equipped that they can best render the service imposed upon them. That is the only reason for this, and, as a matter of fact, we have reduced the entire appropriation $10,000 below that recommended by the Budget and $3,220 below that carried last year.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. KINCHELOE. Why could not the Civil Service Commission, when the civil-service status of any of these clerks is about to expire by reason of limitation, which is a year, extend the status for another year?

Mr. WOOD of Indiana. I understand that the practice is that a person who has disconnected himself from the civil service may be reinstated within a year if he desires.

Mr. KINCHELOE. I am talking about the ones who have acquired a status but who have never been put in a position. As I stated to the gentleman from South Carolina, an ex-service young man in my district wrote to me the other day that his year was out. He had a civil-service status as a railway mail clerk. They absolutely refused to do it. Why should they refuse?

Mr. WOOD of Indiana. I do not know why. That is a matter of administration. We have nothing to do with it.

Mr. WINGO. Will the gentleman explain this policy, too: A man who has been separated from the service and wishes to be reinstated is not asked to file an application for reinstatement—say a clerk in a first-class office or rural carrier. They hold he must make a new application after a vacancy has occurred before there is a certification. And in every case I have had the man did not know of the vacancy until after the Post Office Department had called on the Civil Service Commission for a certification. I know the case of one man where that has happened twice, and he is trying to get back in. They will not treat his application for reinstatement as a general one. They must make the application before the vacancy occurs and after the application of three names is called for to fill it. What is the reason for that policy?

Mr. WOOD of Indiana. I will state in answer to that argument, and it is well taken, that I have run across the same thing. It is absolutely impossible to get his application for reinstatement in in time before some man that is on the original list between the time of the discharge and his time of application for reinstatement. And I wish to say, in answer to the gentleman, that the present head of the Civil Service Commission is trying to invoke a new policy for the purpose of curing that very thing. He is trying to do this, and that is one of the reasons, I understand, that they have sent down an additional request for money; that they can put a little bit of practicability into that examination of these rural carriers. A lot of these boys out of a high school can take the examination and put it all over a man who has had years of experience in that kind of thing, when under the policy he is entitled to preference.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Chairman, I have been interested in the controversy about the duplication of the Efficiency Board and this new organization. Has the gentleman gone into that?

Mr. WOOD of Indiana. I have gone into it some, and I wish to say here and now that we are not in accord with this idea of appointing a commission upon a commission. There has been a pyramiding of the so-called efficiency propositions, and I have never been able to understand why this last one was appointed, but there seems to be somebody who thought there was some reason for it.

That is just the trouble. We are appointing and reappointing and pyramiding these positions. It has become a practice that has been encouraged so much in the last 10 or 15 years

that we have boards that are in constant conflict with each other. So far as I am concerned, I do not approve the action of appointing this last commission.

Mr. FESS. Will the gentleman yield further?

Mr. WOOD of Indiana. I yield.

Mr. FESS. I would not be ready to vote to eliminate until I had looked into the necessity for this new board. It might be essential to the Budget system, but it does seem to me, if it is essential, we ought to eliminate the other.

Mr. WOOD of Indiana. It is not costing the Government anything, because it is made up of selections from these several departments. It is an advisory sort of an arrangement. But, as I say, I do not understand the necessity for it. I want to say in passing that this Bureau of Efficiency—and I have taken some pains to inquire into its workings, because it has been criticized in this House and on the other side more than almost any other activity, I believe—has rendered more service than most any other activity in this Government.

Mr. FESS. Does the gentleman believe the new institution will ultimately involve an appropriation?

Mr. WOOD of Indiana. Yes; that is what I think. I never knew one that did not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WOOD of Indiana. Division, Mr. Chairman.

The committee divided; and there were—ayes 16, noes 63.

So the amendment was rejected.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I want to make one statement in reply to the gentleman from Indiana [Mr. WOOD] about what he called the difficulty of passing the civil-service examination for appointment as rural mail carriers. I am quite sure he has not seen the official statistics. They were given to me seven months or more ago by a member of the Civil Service Commission. The gentleman from Indiana [Mr. WOOD] spoke of the extreme difficulty of passing that examination unless the applicant was fresh from school. Now, as a matter of fact there were 18,000 applications for rural carriers last year, and yet this very difficult examination was passed by more than 11,000 of the applicants, and many of the 7,000 who failed to pass failed because of physical disqualifiation and not on account of any trouble with their mental powers or scholarship. Those are the facts.

Mr. ROACH. Mr. Chairman, I offer an amendment to the section just read.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROACH: Page 5, line 25, after the word "each," insert "*Provided further*, That no portion whatsoever of the sums hereinbefore or hereinafter appropriated shall be employed, used, or expended in holding or defraying the expenses of holding examinations for the appointment of presidential postmasters."

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order against the amendment because of the fact that it is legislation. It is not a limitation.

The CHAIRMAN. Does the gentleman from Missouri wish to discuss the point of order?

Mr. ROACH. I would like to make this statement, if the Chairman please, that I do not believe the point of order is well taken on the grounds on which it is presented. As I understand, the appropriations that are being made are proposed to cover the very items that I am objecting to being paid out, namely, the expenses incurred in holding examinations to fill the offices of first, second, and third class postmasters. It is my information that fourth-class post offices are under what we know as the law of the classified service, but that the first, second, and third class post offices are not under the law of classified civil service, and, if that is true, then this amendment would not be legislation on an appropriation bill.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. ROACH. I do.

Mr. MANN. Is not the gentleman's amendment a mere limitation on the expenditure of the appropriation?

Mr. ROACH. Yes, sir.

Mr. MANN. And simply provides that no part of the funds shall be used for that purpose?

Mr. ROACH. Yes, sir.

Mr. MANN. That is all of it, then.

Mr. WOOD of Indiana. You had better read it.

Mr. MANN. That is the trouble; I did read it.

Mr. ROACH. It says "hereinafter" in this bill, not "hereafter." The amendment I have offered simply provides that money from none of these items mentioned in the section previously read shall be paid out for the examination of first, second, and third class postmasters; neither shall the money in any of the other items mentioned in this bill be used for that particular purpose.

The CHAIRMAN. The point of order is well taken, on the ground that one can not determine at this time what would be or what would not be germane to the subsequent sections of the bill. The Clerk will read.

Mr. WINGO. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. Well, the Chair will hear the gentleman.

Mr. WINGO. Mr. Chairman, as I understand the point of order, it is that this is legislation. There is no legislation on presidential postmasters, because under the Constitution we can legislate only upon the minor civil offices, and we can certainly put a limitation upon the expenditure of any fund, even if it were for a purpose covered by the legislation. It is plain it is a limitation on the expenditure of money. I do not see how the Chair can hold that because in some other places in the bill there might be some legislation that this would affect this is not in order. This is not a legislative bill. This is an appropriation bill. We can put a limitation on any item in an appropriation bill at any place.

The CHAIRMAN. The Chair sees no reason to change his decision. The Clerk will read.

The Clerk read as follows:

Field force: District secretaries—2 at $2,400 each, 1 $2,200, 4 at $2,000 each, 5 at $1,800 each; clerks—1 of class 4, 1 of class 3, 1 of class 1, 7 at $1,000 each, 6 at $900 each, 5 at $840 each; messenger boy, $480; in all, $45,680: *Provided*, That the Civil Service Commission shall include in its estimates for 1924 items covering the field force detailed from departments and offices, and the heads of such departments and offices shall in their estimates for 1924 make corresponding reductions in the appropriations from which the employees detailed to the Civil Service Commission have been paid.

Mr. SEARS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Florida moves to strike out the last word.

Mr. SEARS. Mr. Chairman, I hesitate to address my colleagues, because I know it is usually the custom when a man is down to kick him, and the Shipping Board has certainly received its share of criticism. However, I have received so many letters from my constituents objecting to and protesting against the methods of advertising pursued by the Shipping Board, I feel it my duty to call your attention to same. In this bill, as I understand it, about $900,000 will be spent in advertising. I am the last of my colleagues to object to legitimate advertising, for I appreciate the value of advertising; but I have before me a copy of the World's Work, January, 1922, containing a page advertisement paid for by the Shipping Board, which reads in part as follows:

"You are tired of the old winter vacation round. You want something new—

I will not read the rest of it, but will simply state it tells you to go to South America.

I also have before me a copy of the National Geographic Magazine, January, 1922, which has three full-page advertisements by the Shipping Board in one issue, one of which reads:

You are tired of the old winter vacation round. You want something new—

Then there is this one—

China is the place to go this year. This is the year to see China.

In the Saturday Evening Post, January 14, 1922, there is a full-page advertisement, costing, I understand, $6,000, to this effect:

Now is the time to see South America. Now, as never before, South America, the playground of nations, invites you. These splendid new ships are operated for the United States Government by the Munson Steamship Lines. Write for booklet. United States Shipping Board, information desk 2471, Washington, D. C.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. SEARS. Yes.

Mr. STEVENSON. Is there anything about going to Florida in that advertisement?

Mr. SEARS. Not a word. [Laughter.] But you need not worry about this, for you can not stop the people from going to Florida, as they know about our beautiful scenery and wonderful climate. I am glad my colleague from South Carolina asked that question. I have before me The Miamian, published by the citizens of Miami, Fla., which is costing them thousands of dollars, urging American citizens to go to Florida and spend the winter. I hope he has received this magazine, and while I know he is a very busy man, that he has found time to read it, and if he has, I believe he will agree with me when I say it is not necessary to go to South America or any other foreign country, and also that we have enough places of beauty and interest to go to in this country.

Mr. ANDERSON. And spend their money. [Laughter.]

Mr. SEARS. Yes. Why not there better than in some foreign country?

Mr. KNUTSON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KNUTSON. Is the gentleman going to——

Mr. WINGO. Mr. Chairman, I make the point of order that a Member of the House can not be taken off the floor in that way.

Mr. KNUTSON. I am seeking information——

Mr. WINGO. You will continue to seek it. A Member can not be taken off the floor in that way.

The CHAIRMAN. The gentleman from Florida will proceed.

Mr. SEARS. I would like to call the attention of my colleagues to the fact that this year we are going to appropriate a million and a half dollars in beautifying our magnificent national parks, and why should not our citizens visit these first? Besides Florida, there is the State of California. I have never visited that beautiful State, but some day I hope to go out there and enjoy their climate. There is also the State of North Carolina, also the States of South Carolina, Georgia, and Texas, which are spending hundreds of thousands of dollars in advertising in magazines and newspapers urging the American people to stay at home and see America first, and also urging the people of foreign countries to come to this great country and enjoy our climate.

Mr. Chairman, I do not believe it is fair for the Government to spend the taxpayers' money urging the American people to go to foreign countries when there is so much in America to see. If they were spending their own individual money, then there could be no complaint, but the Government should quit spending the people's money trying to offset the cry that was raised here some years ago of "see America first," and also in so far as possible nullify the advertisements of our own people. Referring to my own district, I will say I realize I have one of the most progressive districts in the world, and——

Mr. KNUTSON. What district does the gentleman represent?

Mr. SEARS. The district reaching from Jacksonville to Key West.

Mr. KNUTSON. Is that the best part of Florida?

Mr. SEARS. The gentleman is unkind in trying to embarrass me. I am speaking for Florida, and if he has listened, for resorts also in other States. I represent a district where a brother of the gentleman from Illinois [Mr. MANN] resides, and he is a fine man, active and progressive. The gentleman who has charge of this bill also owns property in my district. It might interest you, Mr. Chairman, to know that there is not a colleague of mine who does not have a former constituent or relative now living in my district.

Mr. STAFFORD. There is great activity also in liquid goods down there, is there not?

Mr. SEARS. Yes. We have the Gulf on one side and the Ocean on the other. But if the gentleman is referring to that beverage which made Milwaukee famous, I will state Bimini, an English island, is only about 30 miles from Miami, and I am told you can get water or any drink you desire down there. [Laughter.] I also desire to say to my colleague from Wisconsin, I am not alarmed because of the number of northern people moving into my district, for almost all good Republicans when they move there become good Democrats. But I earnestly protest against the Shipping Board advertising to the American people that there is nothing in America to see and that they must go abroad in order to see something worth while. If they are going to continue this policy, then I frankly confess the cities and States who do advertise to such a large extent had just as well stop advertising, for they can not compete with the Government and such advertisement as they may send out. In other words, Mr. Chairman, it is simply a matter of the Government spending the people's money advertising "You are tired of America—go abroad"; while the people of the United States, or at least, the citizens of many States are advertising "There is enough to see in the United States; why spend your money abroad"? I earnestly and emphatically protest against this, and believe my colleagues will agree with me when I say it is neither fair nor just.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SEARS. Mr. Chairman, may I have one minute more?

The CHAIRMAN. The gentleman from Florida asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. SEARS. It seems to me, Mr. Chairman, when we made the railroad rates almost prohibitory for the man of ordinary means that was enough, and that even then the Government had gone too far. But now to come along and advertise page after page—three pages in one magazine and a solid page in the Saturday Evening Post—urging people to believe that there is nothing in the United States to see, and insisting that you must go abroad, is a wanton waste of the people's money, and some limitation should be placed around the expenditure of that $900,000.

Mr. Chairman, permit me to again state Florida can take care of herself, and in proof of this I only have to state when I first entered Congress there were less than 200,000 people in my district, while to-day there are more than 400,000—this does not include the thousands of tourists who are simply spending the winter there—and we are still growing by leaps and bounds. Our climate is unexcelled; our health condition ranks with the best of any State in the Union; our people are whole-souled and happy; our State has only begun to grow, and to those of you who have not had the pleasure of paying us a visit I trust some day you may do so in order that you may not only verify what I have said but can say I did not half paint the picture.

I shall not take up your time telling you about West Palm Beach, Palm Beach, Fort Lauderdale, Daytona, New Smyrna, Sanford, St. Augustine, Jacksonville the gateway to our State, and the many other wonderful and excellent winter and summer resorts in my district, nor shall I go into details of Tampa, Lakeland, St. Petersburg, Gainesville, the home of our university, Pensacola, and the many other places in the districts of my colleagues from Florida. Suffice it when I tell you we have spent millions of dollars for perfect roads and millions of dollars draining the Everglades, the land of which is only equaled by the lands along the banks of the Nile. And yet we have, as previously stated, just begun. All we ask is a fair deal, and again I say there is enough to see in Florida without going abroad. What say California, North Carolina, Texas, and if this same policy is pursued during the summer months New York, New Jersey—the State that boasts of Atlantic City—Maine and other States throughout the Union? [Applause.]

The Clerk read as follows:

For examination of presidential postmasters, including travel, printing, stationery, contingent expenses, additional examiners and investigators, and other necessary expenses of examinations, $75,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum, except five at not to exceed $3,500 each.

Mr. STEVENSON. Mr. Chairman, I make the point of order against that paragraph, that it is a provision for an expenditure that is not authorized by any statutory law.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. STEVENSON. Mr. Chairman, if there is any law that authorizes examinations for postmasters, except the Executive order of the President, I have not been able to find it, and I find that the order of the President itself says that it is merely a presidential regulation, which shows that there is no statutory provision for it. Therefore, if I understand the rule of this House that no appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress—if that rule is in force, and there is no statutory provision for the examination of presidential postmasters, and it depends entirely and solely upon an Executive order, then I think I have brought my case within the rule.

Mr. WOOD of Indiana. I will state to the Chair, as a matter of history, that the present Executive order is a continuation of the Executive order inaugurated by President Wilson. The President of the United States, amongst other things, is authorized to issue Executive orders. Of course, I take it an Executive order can not be authorized unless it is predicated upon a law authorizing it.

Mr. WILLIAMS. Will the gentleman from Indiana yield?

Mr. WOOD of Indiana. I yield to the gentleman from Illinois.

Mr. WILLIAMS. Does not the law specifically prescribe how postmasters of the first, second, and third class shall be appointed?

Mr. WOOD of Indiana. The law provides how the examinations for fourth-class postmasters shall be held.

Mr. WILLIAMS. They are under the civil service.

Mr. WOOD of Indiana. Yes.

Mr. WILLIAMS. But the law provides that postmasters of the first, second, and third class shall be appointed by the President of the United States and their appointment confirmed by the Senate. Now, this Executive order merely provides the ma-

chinery to enable the President to make proper appointments. It is not based on any law.

Mr. WOOD of Indiana. It is based on a law. If it was not, the Executive order would not be authorized at all. Section 2852, prescribing the duties of the Civil Service Commission, provides amongst other things that it shall be the duty of said commissioners first to aid the President as he may request in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in any department to which such rules shall relate to aid in all proper ways in carrying such rules and all modifications thereof into effect. So, as a matter of fact, the Civil Service Commission is appointed as an auxiliary or aid to the President, subject to his Executive order, and there can not be any question about that.

Mr. WINGO. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Arkansas.

Mr. WINGO. The act to which the gentleman refers is an act with reference to the classified service?

Mr. WOOD of Indiana. Yes.

Mr. WINGO. Authorizing the President to cover any particular employees of the Government into the civil service. But the gentleman does not contend, and I understand the President does not contend, that the President's Executive order puts these postmasters under the civil service. It is true the law does provide that the Civil Service Commission shall assist the President in certain things, but that is with reference to the classified service. When the President makes an order covering certain employees into the civil service, then the Civil Service Commission are to do certain things, but it is not contended by anyone that these first, second, and third class postmasters are under the civil service.

Mr. ANDREWS of Nebraska. Will the gentleman from Indiana yield for a question?

Mr. WOOD of Indiana. I yield to the gentleman from Nebraska.

Mr. ANDREWS of Nebraska. Does not the fact that the law vests the appointment of these postmasters in the President carry with it by implication the authority of the President to choose his own methods of appointment?

Mr. WOOD of Indiana. I think the gentleman's position is tenable. I also think that under the law establishing the Civil Service Commission they are appointed as an aid to the President of the United States in inquiring into the classification of Civil Service officers in the first place, and in the second place to aid the President as he may request in preparing suitable rules, and so forth, and as stated it is one of the duties incumbent upon the President of the United States to appoint these postmasters. Now, he may issue an Executive order to any agency appointed for the purpose of assisting the President in carrying out the laws of the United States, to aid him in inquiring into the qualifications and fitness of appointees, or to aid him in anything pertaining to ascertaining the fitness of appointees to these positions. Therefore I say that he has the right, not only by reason of the fact that he is charged under the law with the appointing of these postmasters but it is the duty of the Civil Service Commission to aid him in carrying out that law. It is a purely administrative function.

Mr. STEVENSON. Mr. Chairman, the statement of the distinguished gentleman from Indiana [Mr. WOOD] that this idea originated with President Wilson does not constitute it law. While I admit that President Wilson had a lot of good sense, he never had the constitutional power to enact a law under which an appropriation could be made in this House.

Mr. WOOD of Indiana. He did it on many occasions.

Mr. STEVENSON. He did it because you fellows laid down and did not make a point of order.

Now, Mr. Chairman, the rule is exceedingly clear. There must be an authorization and that authorization must be made by law. There is no provision that an authorization may be made by Executive order.

In construing the rule the Chairman will find the following language:

> As all bills making or authorizing appropriations require consideration in Committee of the Whole, it follows that the enforcement of the rule must ordinarily occur during consideration in Committee of the Whole.

Now, when did it become pertinent for the President to make an Executive order which was considered in Committee of the Whole? In other words, the law authorizing the appropriation must be a law which has been passed upon by the representatives of the people in Committee of the Whole and determining the rights of the people as in Committee of the Whole and reported to the House.

Mr. FESS. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. FESS. Does not the gentleman's argument go to the lack of authority for the Executive order?

Mr. STEVENSON. No, sir. The President may prescribe any method he sees fit to secure the proper appointees for him to name for the Senate. He can make any regulations, but when he calls on the House of Representatives to make an appropriation to defray the expense he is reaching beyond his jurisdiction.

Mr. FESS. Does the gentleman concede that the President has authority under the law to make an Executive order?

Mr. STEVENSON. The President has authority under the law to say: "I am the constituted appointing power of presidential postmasters, and I as the appointing power hereby say that I will only appoint under the following circumstances: I will require an examination and have selections made from the three highest contestants." But when he goes further and says, "I hereby decree that the House of Representatives shall appropriate $75,000 to defray the expenses of this examination," he is invading the province of this House, and he can not get away with it.

The authority says:

> As all bills authorizing or making appropriations—

There must be some bill authorizing the appropriations in order to make it in order—

> requiring consideration in Committee of the Whole, it follows that the enforcement of the rule must follow during the Committee of the Whole.

Then they go on and state:

> The authorization by existing law required in the rule to justify appropriations may be made also by a treaty if it has been ratified by both the contracting parties. And a resolution of the House has been held sufficient authorization for an appropriation for the salary of an employee of the House even though the resolution may have been agreed to only by a preceding House. The omission to appropriate during a series of years for an object authorized by law does not repeal the law, and consequently an appropriation when proposed is not subject to the point of order.

But that has not gone to the point of saying that the dictum of a President shall be the law of the land.

A resolution of the House is held sufficient authorization for an appropriation of a salary to an employee of the House, even though the resolution may have been agreed to by a preceding House.

Now, Mr. Chairman, there is the rule of the House, and the construction that has always been placed upon it heretofore has been that the authorization must be a bill which has been passed upon by a Committee of the Whole representing the whole people and reported by the committee and passed and become a law; that a treaty which under the Constitution has the power of law when it has been ratified by both parties is the supreme law of the land, and a treaty will authorize an appropriation because it has the force of law, like the treaty to pay the United States of Colombia $25,000,000. That was the law of the land ratified by both parties and is authorization for an appropriation. But an Executive order—I do not care what the prerogative of the President is—an Executive order which declares that there must be an examination and which calls upon this House to appropriate for that examination is not a sufficient authorization for an appropriation, to come within the rules which are laid down for the government of this House, but is an executive usurpation by an executive officer to spend the money of the House and is not authorized by law.

The CHAIRMAN. The Chair is ready to rule. The question arises on the paragraph making appropriation for the purpose of examination by the Civil Service Commission of presidential appointees for post offices. It is admitted that this examination is required under existing order by the President. The question is whether or not it is authorized by existing law. What the gentleman from South Carolina [Mr. STEVENSON] says is of course entirely true. There must be some provision of existing law that authorizes the appropriation or else it is not authorized by existing law.

The provision referred to by the gentleman from Indiana as existing law is in this book known as Barnes's Federal Code, page 621, and is a part of section 2859:

> It shall be the duty of said commissioners: First, to aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modification thereof, into effect.

It is suggested by the gentleman from Arkansas [Mr. WINGO] there may possibly be an inference, at least, that these provisions might refer to merely the classified service. However, the broad scope of the power is shown by the provision in the

same chapter with reference to the limitation on the activities of Congressmen:

No recommendation of any person who shall apply for office or place under the provisions of this act which may be given by any Senator or Member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making an examination or appointment under this act.

That evidences, of course, a very broad interpretation of the act, as it applies to any person who shall apply for any "office or place." That would necessarily include applicants for post offices.

As the power is granted without reservation to the President to make such appointments, and as he is authorized to prescribe rules and regulations for the Civil Service Commission, it would appear that the authority is complete in law for the appropriation of funds from the Treasury for such purpose. The giving of additional duties to an appointee of the President by an Executive order of the President, it seems, would clearly imply that such service must be paid for. As the President has the power to make orders to increase the efficiency and to regulate even the duties and prescribe rules for the conduct of the Civil Service Commission, if he has given an Executive order to the Civil Service for the performance of duties with regard to his office, an appropriation for such service is clearly within the provisions of the law. The Civil Service Commission is not limited only to duties with regard to the classified service. The President can create new duties and ask them to perform any duties under existing law that he chooses to do, and he has chosen to do that in this case.

Therefore it seems to the Chair that the appropriation is authorized by existing law, and the point of order is overruled.

Mr. ROACH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ROACH: Page 7, line 10, strike out all of lines 10, 11, 12, 13, 14, and 15, inclusive.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Missouri [Mr. ROACH] has made some very astonishing and, I am certain, some very erroneous statements. He seems to have made them on the authority of the gentleman from Arkansas [Mr. WINGO], but he far exceeded anything the gentleman from Arkansas stated. That gentleman saw fit to put his interpretation upon certain actions of the department, and then the gentleman from Missouri states his further interpretation as actual facts.

Mr. WINGO. I will state to my friend that I have no desire to suffer the proverbial fate of the innocent bystander, but if the gentleman wishes, and will put them in the RECORD, I can furnish two bushel baskets full of letters that will sustain the charge—letters that I have received since I made the charge before.

Mr. GREEN of Iowa. There will be about a two-bushel basket full of complaints from disappointed candidates.

Mr. ROACH. The gentleman misunderstood what I said, that the reports emanate from the Civil Service Commission and the Post Office Department themselves, that the Members of Congress can get anything they want in the matter of post-office appointments, and I believe it is true. I have heard those reports, and have been told that, as a matter of fact, they are true.

Mr. GREEN of Iowa. The gentleman from Missouri is undertaking to make charges that he can not substantiate in any manner whatever. I think I know something about what is going on, and I never heard of such statements emanating from the departments. On the contrary, I know that the statement of the gentleman from Missouri is incorrect, and I know it from statements that my own colleagues have made to me, as I know it from personal experience. I do not know it from my having tried to influence the commission in any improper way, but I know it from my experience and from colleagues, gentlemen who have stated repeatedly to me that the examinations were conducted fairly, and that often the men that they wanted were excluded, but that they could do nothing about it. I have been compelled to write my constituents the same thing, that I could do nothing about it, when, as often occurred, Democrats were marked highest, or the particular party I wanted failed to get a passing grade.

Mr. ROACH. I did not say the reports were true. I said the reports were emanating from the department, and I have heard them and you have heard them. I have not said the reports were true. I have only heard about them.

Mr. GREEN of Iowa. I have not heard any such reports.

Mr. FESS. I would like to state to the gentleman and also to the Membership of the House that owing to a young man's service overseas I was exceedingly anxious to see him appointed postmaster in one of the towns in my district, and I made that known. The examination was conducted with the full knowledge that he had served overseas. But, unfortunately, he could not qualify under the term "necessary experience." He had not had experience. I asked whether the President's Executive order would give him preference because of overseas service and allow his overseas service to count on his experience, and I received yesterday an official answer that it would not.

Mr. WILLIAMS. Such a regulation ought to be abolished.

Mr. FESS. These charges that a Congressman can get anything he wants I do not think ought to be made seriously. If it is a matter of humor, all right; but it is certainly not true.

Mr. BLANTON. Will the gentleman from Iowa yield?

Mr. GREEN of Iowa. I would like to have some of this time myself. I think I can explain some of the ratings of the candidates. I happened to be at the Civil Service Commission's office one day, and while I was sitting there two clerks were reading back and forth and checking up their reports that they had received. I do not know where the candidate lived, nor for what position he was seeking, but evidently some post office.

I listened to some of the questions and answers. Letters had been written to citizens of his town making inquiry with reference to his fitness for the position, and one answer was that he had no fitness whatever; that he had no tact. Another party answered that he was not a public-spirited individual, and that he had refused to buy Liberty bonds, and was very unpopular in the town. Still another said he had no business capacity. There were other answers of that kind, all confidential information, that had been furnished the Civil Service Commission, information that his Congressman could not have acquired, although it would have been well if he could have done so.

Mr. STEVENSON. Does the gentleman think it is a good system that enables a crowd of fellows to paste a man in the back, where he can not see it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. I ask unanimous consent for five minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. Just to show how far the gentleman's question goes, I would advise him that these men from whom the commission received the information were selected by the candidate himself, and their names had been given to the commission as references. Like some other politicians, they had overrated their popularity.

Mr. SEARS. My colleague from Ohio [Mr. FESS] was talking about soldiers. In the first congressional district one passed an examination and was the only one eligible, but they would not appoint him. He passed, I understand, a second time, but because there were not three they would not give him an appointment. In another place in my district both candidates failed, and the lowest one received the appointment.

Mr. GREEN of Iowa. I do not yield for the purpose of a speech. The gentleman can get his own time. The gentleman complains because the Civil Service Commission followed the rules when no candidate passes. The selection is then made without regard to the examination.

I do not believe that there is any foundation for the insinuation made with reference to the commission. The man who can influence them to violate the rules has much more influence with them than I have, or any other Member who has given me his experience.

Mr. ROSE. Mr. Chairman, will the gentleman from Iowa give me time to present a case that came under my own personal observation and which is in support of the statements made by the gentleman from Iowa [Mr. GREEN]?

Mr. GREEN of Iowa. Yes.

Mr. ROSE. I know of a young man who was in France for a long period of time during the late war and who presented himself for examination for postmaster under civil service, but who failed to qualify. He reported his failure to me. I was under the impression that his preference was not allowed him, and I made it my business to ascertain from the department whether or not the 5 per cent to which he was entitled was given to him, and learned that it was allowed. The young man was of opinion that he would be entitled to another examination, and I undertook to find out whether that would be permitted or not. He told me himself that he was unable to pass

the examination with respect to business qualifications, and that a reexamination would not help him in any way, and I made no further effort in his behalf, but commended him for his frankness.

Now, the point I want to make is that, so far as I can see, the examinations are fairly conducted, and that the reports made by the commission are proper, and that there is no foundation upon which to make the statements that have been made upon this floor in public criticism of the work and reports of the commission.

I do not see how the Civil Service Commission could do the things with which it is charged without our knowing about them, and, in my opinion, the work of the commission is properly conducted and fairly conducted under the rules that now obtain. Whether the system employed is proper is another question entirely.

Mr. GREEN of Iowa. I know of many cases showing just contrary to the conditions stated by the gentleman from Missouri [Mr. ROACH], where a Congressman wanted some particular person for a special reason, and there was no way to get him appointed, so far as I can learn. The Civil Service Commission has not been prostituting itself at the behest of Congressmen, but has been enforcing the law to the best of its ability and belief.

Mr. SEARS. I was not criticizing the Civil Service Commission at all. I was referring to the appointment of postmasters. The Civil Service Commission was perfectly fair, so far as I know.

Mr. GREEN of Iowa. The Civil Service Commission is undertaking to carry out the law and the system in good faith and to the best of its ability. If the system is bad, change it; but do not criticize the Civil Service Commission because some of the candidates' records will not stand up under the replies received by the Civil Service Commission from the very persons they have picked out in their own communities to pass upon their qualifications and recommend them to the commission.

Mr. WOOD of Indiana. Mr. Chairman, I wish to call the attention of gentlemen to the fact that I have agreed with gentlemen here that we should rise at 4 o'clock.

Mr. WINGO. I would like to have five minutes before you do.

Mr. WOOD of Indiana. Mr. Chairman, I move that the committee do now rise.

Mr. WINGO. I hope the gentleman will withhold that motion until I have had five minutes in view of some of the statements that have been made.

Mr. WOOD of Indiana. I make that motion, Mr. Chairman.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committe of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 9981) making appropriations for the Executive and for sundry independent bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from Florida asks unanimous consent to revise his remarks in the RECORD.

Mr. SEARS. To revise and extend my remarks made this afternoon on the Shipping Board.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. ANDREWS of Nebraska. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

ANTILYNCHING BILL.

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to address the House.

Mr. WALSH. What about?

Mr. UPSHAW. On the Dyer antilynching bill, inasmuch as I shall be necessarily absent on a sacred mission when the discussion on that bill is resumed.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. UPSHAW. Mr. Chairman and gentlemen of the House, with a passion of patriotic purpose and humanitarian anxiety which I can not put into words I remind the proponents of this misnamed antilynching bill of that ringing declaration of the great English commoner when the "storming of the Bastile" was announced in Parliament: "How much is this the greatest day that freedom has ever known?" and paraphrasing that immortal exclamation I shall feel like exclaiming when the administration leaders "put through" this outrageous measure: How much is this the greatest tragedy against the American Negro and the Federal Constitution which this Republic has ever known! The bill is righteous in name but outrageous in its provisions. But for the blandishment of its name and—I measure my words when I say it—but for political fear, a fear that can not be well defined, but which has voiced itself in subdued tones in cloakrooms and corridors since this bill has been pending, I frankly believe that this unspeakable travesty on constitutional law and elemental justice would not get 100 votes on the Republican side. Of course it should not be made political, but it is both political and sectional in its purpose, and its actual application.

WORSE THAN THE "FORCE BILL."

It is worse than the notorious "force bill" of a generation ago, which so disgusted the fair-minded, conservative people of the North that it was strangled aborning by a groundswell of public indignation. That bill dealt with ballots and election privileges, while this Dyer bill not only strikes at the very foundations of our State governments, making of them an empty shell and a hollow mockery, but it carries provisions and imposes conditions which encourage the criminal and forget the victim of his atrocious crime. And these very conditions—as brought out by the gentleman from Maine [Mr. HERSEY] in that immortal speech which braved party displeasure and eloquently plead for justice and sectional fellowship—will inevitably increase race prejudice and make harder the conditions of the Negro in the section where he is most at home and where he is capable of his highest happiness and prosperity.

OPPOSED TO A "DOUBLE LYNCHING."

Hear me, my colleagues, I am more opposed to lynching than the proponents of this bill. I oppose lynching a human being, and I also oppose lynching the Constitution of the United States. Every Congressman from the South is naturally far more interested in stopping this awful crime than you men of other sections can possibly be, for you hear about it chiefly from a distance, but we sit up with it and suffer with it "every day and Sunday, too."

Lynching is a horrible crime. It is barbarous in spirit and merciless in execution. Declaring itself a protest against the impotence of law, it engenders a reckless and insidious spirit that ultimately tramples all law and endangers the security of society.

Because of these facts—facts too patent to admit of discussion—it is the duty of every patriotic citizen to stand aggressively against every phase and form of mob violence. Personally I have tried to live up to the spirit of my own teaching. Twenty-five years of platform utterance and 15 years of editorial expression will reveal my uncringing attitude against the perpetrators of mob violence as lawless murderers and enemies of community peace and safety. I have pursued this course, allow me to say, in the face of hostile threats and frequent criticism, for there is no State or section that has not its lawless element.

But, Mr. Chairman and gentlemen, I rejoice to declare that for the most part the rank and file of the people have stood with the leaders of thought and action in my own section for the majesty of the law. Editors have denounced lynching, the pulpit has cried out against it, officers have bravely fought it, while publicists and patriots everywhere have honestly tried to build up that wholesome respect for all law that will make lynching impossible.

In face of these outstanding facts and in face of the constitutional provision that police powers are reserved to the States, I must express my great surprise and my keen disappointment that this bill, which proposes to stop lawlessness, invades the sanctity of constitutional law and actually offers the preposterous proposition to penalize thousands of innocent people because of the crimes of the guilty few. Never before in the history of Federal legal procedure have I heard of such a lawless application of law. This bill, whatever the good intentions of its proponents, reads like a "carpetbag" bill.

INNOCENT SUFFER FOR THE GUILTY.

Not only the county in which the mob crime is committed is held guilty before this sweeping Federal statute but—worse than all—the innocent people of the innocent counties through which a mob may elect to carry a criminal to the scene of his crime for execution—yea, though the journey be made in the dark hours of the night while the law-abiding inhabitants are peacefully sleeping—those counties, too, are adjudged guilty in

the eyes of the Nation and of the world. Why, gentlemen, it would be just as sensible and just as just to penalize every innocent citizen in America because this crime is committed on American soil.

TRAMPLES PERSONAL JUSTICE AND CONSTITUTIONAL LAW.

Not only does this proposition trample every principle of elemental justice to the individual citizen, levying a penalty on thousands for a crime of which they are not only innocent but which they absolutely deprecate, but this law clearly tramples the Constitution of the United States, in that it would deprive the penalized counties of the due process of law guaranteed by the Federal Constitution. It would penalize the county without the requirement of any proof of misconduct or neglect on the part of the county officials charged with the duty of the administration of the laws, and would afford no redress whatever for any county, even though its own citizens did not in any sense participate in the lynching. Thus, without allowing the indicted county its day in court, its money would be taken and its people unjustly, outrageously indicted. This constitutes the equity and ethics involved; but I remind you that while a State can make such a law concerning a county, because the county is a part of itself in governmental action, without a change in our Federal Constitution the National Government has no authority to coerce a county.

THERE IS NO ANALOGY.

If it be answered as it was in the preliminary debate, that the Federal Government now invades the State to enforce the prohibition law, I remind you that the National Government did not extend its strong arm into the State or county for the enforcement of this law until after the liquor traffic was outlawed by the Federal Constitution through due governmental process.

The debate thus far has revealed already several honest admissions, even from its friends, that this proposed law against lynching may not stand the constitutional test.

Liquor was a commodity, a devilish sort of commodity, which, as an article of commerce became a national evil, and that national evil required a national remedy. But lynching is not a "commodity"; it is a local crime which can only be cured by a wholesome, individual conscience and a cumulative expression of that conscience.

A FRUITLESS REMEDY.

The sole excuse for urging such a law is an effort to deter from lynching. At present there is a law on the statute books of every State in the Union defining the crime of murder, and every man who participates in a lynching does so well knowing that he is committing murder and subjecting himself to the extreme penalty of the law. If this fear does not prevent lynching, would the knowledge that his county would be mulcted for damages restrain a man who would be willing to expose himself to the extreme penalty of the law? Certainly the fear of infinitesimal taxation will not deter a murder-mad man when the fear of the gallows fails.

WHAT SHALL BE DONE?

Every anxious patriot, every defender of the law, every friend of humanity is asking, "What shall be done to curb this mighty evil?" I have the answer: Stop the crime that produces it. [Applause.] And for God's sake stop the maudlin sentiment that weeps for the lyncher's victim and forgets the poor victim of the rapist and murderer lying yonder in an untimely grave, or living, bleeding, dying amid lacerated hearts in a home shadowed with a sorrow worse than death. Let the honest friends of this unwise measure send wise evangels of purity and purpose among the classes that furnish the criminal victims of the lawless lyncher's wrath and tell them to stop their hellish crimes or they will be promptly sent to hell. We of the suffering South will gladly join every humanitarian friend of law and order from Omaha, from Chicago, from East St. Louis, from Springfield, Ohio, and, God knows, right here in the Nation's Capital, and help them to plant in human hearts, both white and black, the foundation principles of that regenerating Christian truth—yes, and that wholesome fear—that will make them respect the laws of God and man. Do this instead of encouraging that fatal folly of the New York and Boston "Equal Rights Leagues," that are preaching a doctrine as impossible in Boston as it is in Atlanta, and as unthinkable in New York and St. Louis as it is in Anglo-Saxon America everywhere. [Applause.]

A PITIFUL PICTURE.

It is as blindly pitiful as it is dangerous and outrageous that never—not one single time—have I read in a Negro paper or heard from a white sentimentalist in advocating this so-called antilynching bill one earnest plea to stop the crime that started lynching, and which outraged communities everywhere seldom know how to forgive. Flaming headlines and incendiary stories have dealt with the details of the lynchers' crime, but no shocking details of the outraged white girl who was the darling of a happy home; no details of the crime that caused the young farmer to come home at noon or at nightfall to find the violated body of his young wife cold in her own lifeblood or piteously pleading to die; no details, if you please, of how a splendid young man on the border line of my district, who had married a beautiful girl of a noble family, had his head split open, while sitting at the supper table, by a trusted Negro farm hand who held that suffering, helpless, little woman for two hours in his hellish arms. In vain did Gov. W. Y. Atkinson plead with the infuriated mob to "let the law take its course." Maddened, as no man on the floor of this House can understand, they told the governor they would "fix him, too, if he did not get out of their way"—even as the mob recently did the mayor of Omaha—and they took that black fiend who had made himself a beast and sent him to perdition without ceremony or delay.

Do not say that such a swift visitation of mob violence is only meted out to a black beast. I saw the tree on which a white beast was hung for killing a whole family and burning the house down on their dead bodies. These true incidents are recited in shame and sorrow, but likewise in fidelity, in order that you honest men of other sections, who would love to know the truth and do the right thing, may understand something of the provocation we often face in the section where lynching is so often the frantic resort of outraged communities.

OPINION OF GEORGIA'S SECRETARY OF STATE.

A clear and powerful discussion of this angle of the question is herewith presented from Hon. S. G. McLendon, Georgia's brilliant secretary of state. Elected to his present position without leaving his rolling chair in the Kimball House, Atlanta, where I also reside, this remarkable man with his ripeness of general scholarship and his wealth of legal acumen, speaks "at the top of his voice" with a cogency that should command national attention.

I am frank to say that with all my admiration for his learning and his patriotism, I can not go with him quite all the way in his every conclusion, but it will be a wholesome and illuminating experience for honest men and women of other sections to carefully study this patriotic philosopher's reply to my telegram asking for an expression on this vital subject:

ATLANTA, GA., *December 20, 1921.*

Hon. W. D. UPSHAW,
House of Representatives, Washington, D. C.:

Answering your telegraphic inquiry, the law of self-defense and the right of self-defense is inherent in man as an individual and in the State as representing its collective individuality. The United States, through Congress, has the right of self-defense, and whenever in the opinion of Congress public safety requires it exercises the right, but only in case of war can it exercise this right to the fullest extent—that is, to the subordinating of all rights to the right of self-defense. Freedom of speech, of the press, of worship, and of assembly are not guaranteed by the Constitution of the United States except as against congressional abridgement, and only when the United States is at war, Congress, being given the war power and the right to pass all laws necessary and proper to the carrying into effect of war power, can and does deny rights protected and guaranteed only as against congressional invasion. In the late war Congress exercised to the limit the right of self-defense abiding in the Nation. The suspension of the writ of habeas corpus is an act of self-defense on the part of the State. The individual has the right of self-defense. Organized society has the right of self-defense, and unorganized society exercises the right of self-defense whenever that ancient and universal principle, the people's safety, is violated. Whenever and wherever on this earth crime is committed so atrocious as to place the perpetrator beyond the pale of humanity this universal principle, as supreme law, instantly asserts itself. The forfeiture of all right as a human being voluntarily made by the perpetrator or crime does not take away from society its right of self-defense, nor can it effectually deny to those immediately concerned to do swiftly that which others far removed from the scene think should be done slowly. No one defends lynching as a practice, but a lynching on accasion is easily comparable to an execution ordered by a court-martial in time of war. The slow-acting machinery of the courts in the ordinary administration of justice is inadequate to the exigencies of the situation. In both cases lynchings are due to provocation. They are a violation of the State law, and Congress has absolutely no power under the Constitution to make any act a crime because of its moral turpitude. The Constitution does not give Congress any police power or criminal jurisdiction except where the commission of the act complained of prevented Congress from carrying into effect a law constitutionally passed, necessary and proper to the exercise of a delegated power.

That Georgia has a lynching record can not be denied, but over and above this record stands out the fact that Georgia furnishes the best home on earth for the Negro. No Negro who owned his home was ever lynched in Georgia.

In 1880 the Negro paid taxes on less than $6,000,000 worth of property in Georgia. In 1920 he paid taxes on over $68,000,000 worth of property. There are more institutions for the higher education of the Negro in Georgia than in any similar area of the earth, and Atlanta, Ga., is the educational center of the Negro race. The largest bank in the world owned and controlled by the Negroes is found in Atlanta; capital stock half a million dollars. The ablest and most patriotic Negro bishop in America is Bishop J. S. Flipper, of Atlanta, my lifelong friend. The two largest barber shops in Atlanta are owned by a Negro, B. F. Herndon. Every barber he has in his employ is a Negro

and every customer he has is a white man, and his barber shops are patronized without prejudice. The largest Negro life insurance company in the world is in Atlanta, having assets of more than $1,000,000 and 159,806 policyholders. Georgia does not need the aid of Congress, composed of uninformed and misinformed Members, in order to fulfill her obligations to the balance of the Nation and to mankind.

S. G. McLENDON,
Secretary of State.

THE NEGRO'S NATURAL HOME.

Let me urge you, my honest colleagues, to ponder well those striking concluding declarations from Georgia's wise secretary of state. With the Negro thus happy and prosperous in his natural home in the southland, to which he was long ago exiled by slave traders and slave owners of the North for purely commercial reasons, how much better it would be for his solicitous friends, his real friends, to encourage him to discourage crime among his criminal class instead of harboring the criminal and producing more crime.

Note especially the shining fact that no Negro who owned his home has ever been lynched in Georgia, clearly because he has never committed the crime that so often causes lynching. If the time and the energy, the prejudice and the folly which have been spent in behalf of this vicious and futile measure were only dedicated to the sensible task of encouraging Negroes to buy homes and make dependable members of society, there would be no reason for this discussion.

DANGER SIGNALS HERE AND HEREAFTER.

A glaring illustration of this dangerous folly, this positively devilish leadership, can be found in an editorial in the June, 1921, number of the Crisis, a Negro monthly magazine published in New York, which has furnished a good deal of the argument for the proponents of this bill. You will read it with mingled pity and righteous indignation. Listen:

Seldom has efficient organization been demonstrated more effectively than by the Michigan branches of the National Association for Advancement of Colored People in defeating a bill introduced in the State Legislature of Michigan prohibiting intermarriage between white and colored people. On April 11 the national office received a letter from Harold A. Lett, president of the Lansing branch, stating that such a bill had been introduced on the 7th. The Lansing branch had immediately sent copies to each branch in the State and appealed to political and fraternal organizations to unite in exerting all pressure possible upon their respective representatives and senators to defeat the bill.

The national office at once communicated with all the Michigan branches, urging them to unite in sending a delegation to Lansing to appear at a public hearing on the bill. Publicity was secured through the Michigan newspapers and a number of the branches were urged to hold mass meetings to arouse public sentiment against the measure. The arguments on which opposition to the bill was based were, first, anti-intermarriage laws are a denial of equal protection to colored women, placing the colored girl at the mercy of any white libertine. Second, anti-intermarriage laws would be a public declaration that Negro blood is a physical taint, a theory which no self-respecting colored person can accept. It was also pointed out that the passage of such a law by a legislative body composed wholly of white members implied a fear that laws are needed to prevent white women from marrying colored men. A splendid spirit of cooperation and of activity was shown by all the branches in opposing the bill.

On April 13 the national office received a telegram stating that the bill was killed in the committee on the night of the 12th. (Page 66 of June issue of the Crisis.)

Look and listen again. Here is another danger signal, found on page 60 in the same June issue of the Crisis:

Olmstead's famous journey through the seaboard slave States has been repeated not only in fact but in spirit by a young Englishman, Stephen Graham, who came to America last year to see for himself the workings of the race problem. He visited Virginia, Tennessee, Georgia, Alabama, Florida, Louisiana, and Mississippi. In Georgia he tramped the actual road from "Atlanta to the sea," to be able to contrast the modern conditions of ex-slaves with those of 60 years ago.

First impressions are lasting, because usually they are true. Very often, indeed, the vividness, even the effect of those impressions, may be explained away. But the thing which must needs be explained is still there. Talk as you will—expound, interpret, defend—the fact still remains that America does not accord the rights of life, liberty, and justice to her black citizenry.

We quote two or three passages:

"I felt sorry for the white women of the South; there will some day be a terrible reckoning against them. Their honor and safety are being made the pretext for terrible brutality and cruelty. Revenge, when it gains its opportunity, will therefore wreak itself upon the white woman most. Because in the name of the white woman they justify burning Negroes at the stake to-day, white women may be burned by black mobs by and by. There is no doubt that almost any insurrection of Negroes could ultimately be put down by force, and that it would be very bad for the Negroes and for their cause, but before it could be put down what might happen? And should it synchronize with revolutionary disturbances among the whites themselves, or with a foreign war, what then?

"If America does not cast out the devil of class hate from the midst of her, she will again be ravished by the angel of death as in the Civil War. The established, peaceful routine of a country like America is very deceptive. All seems so permanent, so unshakable. The new refinement, the new politeness and well-lined culture, and the vast commercial organization and the press suggest that no calamity could overtake them. The forces that make for disruption and anarchy is generated silently and secretly. It accumulates, accumulates, and one day it must discharge itself."

To the white American this Englishman's conclusion will come as a shock, but to the colored American his words are often an echo.

By a curious coincidence we read in the current issue of Unity:

"People of African descent in this country are either going to be placed on a plane of absolute equality with other peoples or else there is going to be trouble which will make even the Civil War seem insignificant."

This, gentlemen, this, my well-meaning colleagues, is the type of propaganda going on in the camp of foolish Negro agitators, and eventuating at last in the sentimental hysteria and the campaign promise which brought this bill before Congress. The harm which its enactment into law would bring to both races would write a new chapter among the tragedies of human history. When I commented in private conversation on that provision that would take $10,000 from a county absolutely innocent and give it to the family of the criminal, with never a dollar to the family suffering from the first horrible crime, a brilliant Atlanta club woman, who is prominent in church work, declared:

Why, Congressman, such an outrageous law would actually bring on revolution.

RUINED BY "CARPETBAG" RULE.

It only makes stronger the present case of the southern white man in his attitude toward the Negro when some thoughtless man who is in favor of this bill "points with pride" to the loyalty of the Negro slave to his white master before the Civil War, and especially to the safety of the southern white woman in the guardianship of the Negro slave. Certainly. That is at once the strength and the glory of our contention. We stand with uncovered head before the matchless tribute of Henry Grady to the righteous loyalty of the Negro slave to the inviolate purity of his master's home. But that was before the horrors of reconstruction came. That was before Federal statutes, backed by Federal bayonets, placed "the ignorant ballot in the black hand that still trembled from the shackle of the slave"; that was before "carpetbag" politicians tried by unspeakably brutal methods to make the ignorant Negro slave the political ruler of his intelligent white master; that was before Thaddeus Stevens & Co. in fury and blindness dealt a blow to the Negro from which he has never morally nor politically recovered. For the white man said in effect: "If you are fool enough to turn against the best friends you have on earth, you can just go to the devil." And, alas, many of them have been going there ever since.

Not all, thank God. Not the most, thank God. For the rank and file of the best Negroes and the rank and file of the best white people are living side by side in peace and friendship, and that peace would be permanent and that friendship undisturbed if outside agitators would let us alone.

I hold in my hand a cartoon from a Negro paper—look at it—sent me by a Negro physician, who asks me to support this bill, showing the common basis of the misguided black man's appeal. A Negro is here pictured carrying his age-long burdens—"Jim Crow car," "segregation," "lynching," and so forth—showing that he is restive and defiant concerning his failure to get "social equality."

No man can deny the justice of equal accommodation for equal pay, but you know and I know and everybody knows that the social mingling of white and black in trains, in street cars, and in hotels, to say nothing of more intimate social relationships, is an inevitable breeder of trouble, and every consideration of common sense, of community peace, and happiness demands the segregation of which the agitators complain. Sensible southern Negroes do not want social commingling and foolish northern Negroes shall not have it where Anglo-Saxon manhood is at the helm.

THE SOUTH IS FIGHTING UPWARD.

We are fighting upward in the loyal South, wrestling with problems a hundredfold more difficult than you honest men of other sections can possibly understand. Let us alone—save only to give us that comradely hand of sensible sympathy and understanding fellowship which is due a noble and chivalric people of proven loyalty and consecrated purpose. What shall be done? Create the sentiment that will cause every State to pass such a law as Alabama has, a law impeaching the sheriff and other county officials that do not do their duty. Pass also a State law that requires mounted machine guns in every jail and automatically dismissing the sheriff that does not use them on the crowd bent on murdering a man without law. Do this—do anything that will protect the prisoner and preserve the majesty of the law, but do not wipe out our State laws and our county courts and rape the Federal Constitution in this frenzied effort to correct a giant evil.

And in the name of all that is sane and practical, do not put the $10,000 forfeit in the hands of the criminal's family, who are often themselves a hotbed of criminals. They and their companions in crime would live yet more in idleness and crime.

and some of the worst ones would be tempted to bring on another "lynching bee" in order that another pampering bounty might come from the county treasury.

And if you are determined to outrage the white virtue of the Federal Constitution and penalize the innocent for the sins of the guilty and encourage more crime by causing the rapist and the murderer to feel that "Uncle Sam" is, somehow, taking his part, then go a step further and give another beautiful $10,000 to the family of the victim of the barbarous fiend. To give sympathy to the family of the human devil who is lynched and give neither sympathy nor money to the family of the first and greater sorrow would brand every man who votes for this strangely horrible discrimination as guilty of barbarous sympathies and legal and moral blindness.

MR. FISH AND SENATOR WATSON.

Gentlemen of the House, you will remember that when the debate closed the other day the gentleman from New York [Mr. FISH] had just finished an impassioned invective against the record of Georgia and against the activities of the junior Senator from Georgia in causing a certain investigation to be held about military cruelties. He said that the Georgia Senator ought to be spending more time in trying to stop lynching than he was in trying to bring about reforms in our Army life.

Mr. Speaker, I hold no brief for the Senator from Georgia. He has proven amply able to take care of himself. But since Senator WATSON'S name was unnecessarily brought into this debate, it must be admitted that, although there are countless noble and knightly men in the Army before whose gentleness and greatness I stand with uncovered head, that Senate investigation has proven with an avalanche of evidence from all over America that there has been a great deal of harsh cruelty on the part of many officers which ought to be forever smashed by the American people. [Applause.]

And it would doubtless be interesting to the gentleman from New York, and perhaps other proponents of this bill, to know that the Senator from Georgia has twice risked his own life in his own community to stop the lynching of Negroes; and when other proponents of the bill have that much to their credit they can then, with greater propriety, indict the Senator from Georgia. He knows the Negro and is his practical friend. I know the Negro and am known as his practical friend. For many years I have visited the Negro churches and the Negro schools, and I have tried to inspire those people, young and old, along worthy lines of righteous and dependable living. And this kind of work, may I say, multiplied by friends from the North and friends of the South will do a thousandfold more good than impossible and incendiary efforts like this so-called antilynching bill.

A MONUMENTAL CONFESSION.

The gentleman from New York [Mr. FISH] confessed with monumental candor that the bill was intended especially to "protect the colored race," as he put it, and also was especially leveled at the South. I thank him for his refreshing candor. This means, then, that this bill is both racial and sectional; it means that its discussion now and its operation, if enacted into law, must have but one effect, as the gentleman from Maine [Mr. HERSEY] so strikingly said, "the revival and keeping alive of race prejudice and sectional feeling." In the name of our common heritage and our common destiny as Americans it is time to stop this evil thing. It positively grieves me, as I think of that brilliant portrayal of the increasing commercial and social desolation of the Negroes who have gone North, as brought out by my friend, Mr. COCKRAN, to remember that paid agitators and reformers are spending their time and prostituting their leadership to a propaganda that will not help but will ultimately hurt the Negro.

Indeed, it is hurting him now. These galleries, crowded with Negroes to-day, tell the story of a tragic racial and national pathos. They honestly think that this proposed law will help them. They have been misled by the flaming headlines and incendiary articles in certain Negro publications. And I tell you frankly that those publications are much like the discussions by the proponents of this bill—all sympathy spoken for the fiend whose hellish crime brings on his swift and terrible fate—but never a line, never a word of sympathy for the victim or the family of the victim of rape or murder, or both.

Men, you are riding to your ruin. You are riding your supposed "beneficiaries" to their ruin. Civilization can neither be builded nor preserved by such a blind, one-sided sentimentality. We men of the South, who know the Negro as you men of the North can not know him, are anxious to help him, but our help is helpless and hopeless as long as they shield criminals and do nothing to stop the crime.

Let them come back to the land where they have had an understanding welcome and such a free commercial hand, where their wealth has grown by marvelous strides into more than $2,000,000,000 in farm lands alone, and let them take the advice of their great pioneer, Booker Washington, when he uttered, in my own city of Atlanta, the immortal sentence that gave him international fame. Hear him again:

> My colored friend, remember it is worth far more to you to be permitted to make an honest dollar working side by side with the white man than to be allowed to spend that dollar sitting by him in a theater.

It will be a good, wholesome thing also if they will remember that great truth uttered by Dr. H. H. Tucker when he was editor of the Christian Index, "What God has put asunder let not man join together." And I say with my last word that the thing that has been appealing to me on this side, where I treasure my Republican friends, is the fact that many of them have said to me in the cloakrooms and elsewhere, "We wish to God this bill had not been brought before us. If we vote for it we stultify our conscience and outrage our judgment, and if we vote against it we lose every Negro vote in our community." Gentlemen, such loss would be a badge of honor.

Let me say to you in frankness and in an honest desire for fellowship in the solution of this great question that Anglo-Saxon manhood of the North should shake hands with the Anglo-Saxon manhood of the South and the East and the West, remembering that only in intelligent Anglo-Saxon supremacy, dominated by a restraining and transforming Christian spirit, can be found a sure guaranty for the safety and happiness of this weaker race, the perpetuity of our American institutions, and the inspiration and uplift of all mankind. [Applause.]

ADJOURNMENT.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p. m.) the House adjourned until Monday, January 23, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

486. A letter from the Comptroller General of the General Accounting Office, transmitting report of balance of $233,196.73, which was found due the United States in the settlement of the accounts of Oberlin M. Carter, former captain in the Corps of Engineers, United States Army; to the Committee on Expenditures in the War Department.

487. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Wrangell Harbor, Alaska (H. Doc. No. 161); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. JEFFERS of Alabama: Committee on the Public Lands. S. 2124. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands contained within sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Ala.; without amendment (Rept. No. 585). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 9051. A bill 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 makes rules and regulations affecting health, sanitation, quarantine, taxes, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including process as to certain fees, money orders, and interest deposits," approved August 21, 1916; with amendments (Rept. No. 586). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McCORMICK: Committee on the Public Lands. H. R. 5762. A bill providing for a municipal park for the city of Butte, Mont.; with amendments (Rept. No. 584). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9821) granting a pension to Mary Thomas, 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. McCORMICK: A bill (H. R. 10052) providing for the purchase of a site and the erection of a public building at Anaconda, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. HARDY of Colorado: A bill (H. R. 10053) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916; to the Committee on the Judiciary.

By Mr. FREAR: A bill (H. R. 10054) to amend an act entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes," approved November 23, 1921; to the Committee on Ways and Means.

Also, a bill (H. R. 10055) to amend Title II of the revenue act of 1921; to the Committee on Ways and Means.

By Mr. McSWAIN: A bill (H. R. 10056) to further amend the Federal reserve act; to the Committee on Banking and Currency.

By Mr. TEMPLE: A bill (H. R. 10057) to provide for the completion of the topographical survey of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON: A bill (H. R. 10058) to amend the Federal farm loan act by establishing a farm credits department in each Federal land bank; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNE of Wisconsin: A bill (H. R. 10059) granting a pension to Elizabeth Darling; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 10060) granting a pension to Julia Allen; to the Committee on Pensions.

Also, a bill (H. R. 10061) granting a pension to Charles E. Kidder; to the Committee on Pensions.

Also, a bill (H. R. 10062) granting a pension to Emma F. McClaughry; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 10063) granting an increase of pension to William D. Semans; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 10064) granting a pension to Jeremiah Hays; to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 10065) granting a pension to Carrie B. Billman; to the Committee on Invalid Pensions.

By Mr. LEE of New York: A bill (H. R. 10066) authorizing the reinstatement of Stewart Blackman as first lieutenant in the Regular Army; to the Committee on Military Affairs.

Also, a bill (H. R. 10067) for the relief of James M. Fitzsimmons; to the Committee on Claims.

By Mr. NORTON: A bill (H. R. 10068) for the relief of Della Deanovic; to the Committee on Claims.

By Mr. SHELTON: A bill (H. R. 10069) granting an increase of pension to Lucretia Davy; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 10070) granting a pension to Nellie A. Storrs; to the Committee on Invalid Pensions.

By Mr. IRELAND: Resolution (H. Res. 270) authorizing the Doorkeeper of the House to appoint an assistant to the superintendent of the House press gallery; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3595. By the SPEAKER: Petition of John J. Blaine, governor of Wisconsin, urging, on behalf of the State-wide conference of citizens, the carrying out of plan to improve the St. Lawrence River; to the Committee on Interstate and Foreign Commerce.

3596. Also, petition of the Baltimore Quarterly Meeting of Friends (orthodox) approving recent appropriation for relief of the suffering people in Russia; to the Committee on Foreign Affairs.

3596½. By Mr. CAREW: Petition of Eugene H. Porter, commissioner, department of farms and markets, New York, urging the passage of the Voigt bill, H. R. 8086; to the Committee on Agriculture.

3597. By Mr. CHINDBLOM: Petition of Emil A. Fick and 69 other citizens of Lake Zurich, Ill., urging immediate collection of foreign debt, etc.; to the Committee on Foreign Affairs.

3598. By Mr. CULLEN: Petition of the Aero Club of America, urging support of the Wadsworth bill, S. 2815; to the Committee on Interstate and Foreign Commerce.

3599. By Mr. GALLIVAN: Resolutions adopted by the Boston Allied Printing Trades Council, during its meeting held January 3, urging Congress to favor American valuation upon all imports; to the Committee on Ways and Means.

3600. By Mr. KISSEL: Petition of U. S. Grant Post, No. 327, Department of New York, Grand Army of the Republic, and of Wilkenfeld Bros., all of Brooklyn, N. Y., urging the observance of the centenary of the birth of Gen. U. S. Grant, April 27, 1922; to the Committee on the Library.

3601. By Mr. LUCE: Petition of the Massachusetts Federation of Churches, indorsing the bill to exclude fraudulent devices and lottery paraphernalia, H. R. 6308; to the Committee on the Post Office and Post Roads.

3602. Also, petition of the Massachusetts Federation of Churches, indorsing the Sterling bill, for the regulation of immigration; to the Committee on Immigration and Naturalization.

3603. Also, petition of the Massachusetts Federation of Churches, indorsing the Jones-Miller bill, to prohibit the importation of opium for other than medicinal purposes; to the Committee on Ways and Means.

3604. Also, petition of the Massachusetts Federation of Churches, indorsing the Bland bill, for the regulation of immoral motion pictures in interstate commerce; to the Committee on Interstate and Foreign Commerce.

3605. Also, petition of the Massachusetts Federation of Churches, indorsing the Dyer antilynching bill; to the Committee on the Judiciary.

3606. Also, petition of the Massachusetts Federation of Churches, urging that the payment of the Austrian debt be deferred; to the Committee on Ways and Means.

3607. By Mr. MEAD: Petition of Elizabeth T. Force, Oteen, N. C., urging the passage of House bill 9291, relative to the Public Health Service; to the Committee on Interstate and Foreign Commerce.

3608. Also, petition of Dr. Eugene H. Porter, commissioner of foods and markets, department of farms and markets, New York State, urging the passage of the Voigt bill (H. R. 8086) prohibiting interstate traffic in imitation or bogus canned milks; to the Committee on Agriculture.

3609. By Mr. PATTERSON of New Jersey: Petition of the Study Circle of West Collingswood, N. J., favoring relief of the Armenians and people of the Near East; to the Committee on Foreign Affairs.

3610. By Mr. ROGERS: Petition of the Massachusetts Federation of Churches, urging immediate and positive action in cooperation with the other great powers, if possible, to save the Armenian people from extinction; to the Committee on Foreign Affairs.

3611. By Mr. SINCLAIR: Petition of citizens of Shields, N. Dak., urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

3612. Also, petition of citizens of Wildrose, Lunds Valley, Van Hook, Parshall, and Coulee, N. Dak., urging the revival of the United States Grain Corporation and legislation for stabilization of prices of farm products; to the Committee on Agriculture.

3613. Also, petition of 250 citizens of Regent, Wildrose, Williston, Cogswell, Brampton, Straubville, Ryder, and Rhame, N. Dak., and Newark, S. Dak., urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

3614. Also, petition of farmers and business men assembled in a public gathering at Aneta, N. Dak., urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

3615. By Mr. VARE: Memorial of the Pennsylvania Forest Commission, protesting against the transfer of Federal jurisdiction over national forests from the Agriculture to the Interior Departments; to the Committee on Agriculture.