States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3848. Also, petition of G. S. Mundhjeld and 31 others, of Niagara, N. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3849. Also, petition of H. A. Thomas, president of the Commercial Club of Driscoll, and 53 other members, of Driscoll, N. Dak., asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3850. Also, petition of John Klipfel and two others, of Monango, N. Dak., asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3851. Also, petition of Mrs. Will Diemert and 18 others, of Eckelson, N. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3852. Also, petition of Mrs. Sven Erikson and four others, of Cooperstown, N. Dak., urging the revival of the United States Grain Corporation and the fixing of a guaranteed price on wheat; to the Committee on Agriculture.

3853. Also, petition of A. A. Hartman and 19 others, of Kulm, N. Dak., asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3854. Also, petition of J. A. Knapp and 40 others, of Binford, N. Dak., asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3855. Also, petition of A. C. Y. Sund and 25 others, of Cleveland, N. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3856. Also, petition of John W. Krueger and 54 others, of Bowdon, N. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3857. Also, petition of Iver Jacobson and 21 others, of Nome, D. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3858. Also, petition of John Kjelstrom and 20 others, of Knox, N. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3859. Also, petition of Mrs. J. C. Hanson and 25 others, of Maddock, N. Dak., asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3860. Also, petition of Alfred Westrum and 64 others, of Maddock, N. Dak., and vicinity, urging the passage of the Christopherson bill (H. R. 7735), for the stabilization of prices on farm products; to the Committee on Agriculture.

3861. Also, petition of George W. Krueger and 21 others, of Drake, N. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3862. Also, petition of G. Nelson and 25 others, of Harvey, N. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3863. Also, petition of C. W. Fine and 23 others, of Sheyenne, N. Dak., urging the passage of Senate resolution 133, in regard to investigation of grain prices; to the Committee on Agriculture.

SENATE.

TUESDAY, *February 7, 1922.*

(Legislative day of Friday, February 3, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the following Senate bills and joint resolutions:

S. 1831. An act to amend section 237 of the Judicial Code;

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 section 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama;

S. 2468. An act providing for the sale and disposal of public lands within the area heretofore surveyed as Tenderfoot Lake, State of Wisconsin;

S. 2802. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920;

S. 2994. An act to revise and reenact the act entitled "An act to authorize the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, to construct a bridge over and across the headwaters of Mobile Bay and such navigable channels as are between the east side of the bay and Blakely Island in Baldwin and Mobile Counties, Ala.," approved October 5, 1917;

S. J. Res. 99. Joint resolution providing a site upon public statue of Dante; and

grounds in the city of Washington, D. C., for the erection of a

S. J. Res. 140. Joint resolution relative to payment of tuition for Indian children enrolled in Montana State public schools.

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

H. R. 6750. An act for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes;

H. R. 7598. An act authorizing the Secretary of the Interior to dedicate and set apart as a national monument certain lands in Riverside County, Calif.;

H. R. 8010. An act to authorize the leasing for mining purposes of unallotted lands on the Fort Peck Reservation, Mont.;

H. R. 8690. An act to add a certain tract of land on the island of Hawaii to the Hawaii National Park;

H. R. 8924. An act to amend the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920;

H. R. 9344. An act providing for the appropriation of funds for acquiring additional water rights for Indians on the Crow Reservation, in Montana, whose lands are irrigable under the Two Leggins Irrigation Canal;

H. R. 9633. An act to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty;

H. R. 9931. An act to extend the time for completing the construction of a bridge across the Delaware River; and

H. R. 10009. An act to authorize the State of Alabama through its highway department to construct and maintain a bridge across the Tombigbee River at or near Moscow Landing, in the State of Alabama.

The message further announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes.

THE MUSCLE SHOALS PLANT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, relative to the development of the power plant and navigation at Muscle Shoals, Ala., transmitting copies of the proposals of Mr. Henry Ford relative to that project.

Mr. UNDERWOOD. Mr. President, I move the reference of the document to the Committee on Agriculture and Forestry; and I ask permission to make a short statement with reference to the matter.

Mr. KING. Mr. President, there are very few Senators present this morning, and I suggest the absence of a quorum.

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

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

Ashurst	Fletcher	Keyes	Overman
Ball	France	King	Page
Brandegee	Frelinghuysen	Ladd	Pepper
Broussard	Gerry	La Follette	Phipps
Calder	Glass	Lenroot	Pittman
Cameron	Hale	Lodge	Poindexter
Capper	Harreld	McCormick	Pomerene
Caraway	Harris	McKinley	Ransdell
Colt	Harrison	McNary	Sheppard
Culberson	Heflin	Moses	Shields
Cummins	Hitchcock	Nelson	Shortridge
Curtis	Jones, N. Mex.	Newberry	Simmons
Dial	Jones, Wash.	Nicholson	Smoot
Ernst	Kellogg	Norris	Spencer
Fernald	Kendrick	Oddie	Stanfield

Stanley	Townsend	Walsh, Mont.	Willis
Sterling	Underwood	Warren	
Sutherland	Wadsworth	Watson, Ind.	
Swanson	Walsh, Mass.	Williams	

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained on business of the Senate. I ask that this announcement may stand for the day.

Mr. FLETCHER. My colleague [Mr. TRAMMELL] is necessarily absent. I ask that this announcement may stand for the day.

Mr. CARAWAY. I wish to announce the unavoidable absence of my colleague [Mr. ROBINSON] on account of illness.

Mr. HARRIS. I desire to announce that my colleague [Mr. WATSON of Georgia] is absent on official business.

The PRESIDENT pro tempore. Seventy-three Senators have answered to their names. There is a quorum present. The Senator from Alabama will proceed.

Mr. UNDERWOOD. Mr. President, if the Senate will pardon me to make a statement, I will state the reason why I have moved that the offer of Mr. Ford to purchase the nitrate plant at Muscle Shoals and to lease the dams at that point and pay the interest on the cost of construction be referred to the Committee on Agriculture and Forestry for consideration and action. I realize, of course, that there are a number of legislative problems involved in the proposition and there are a number of points of reference.

The matter involves navigation and the committee having charge of that endeavor might say that it should go to that committee. It involves hydraulic power, and committees having charge of that class of legislation might claim that the proposition should be referred there. But it also involves the question of making nitrate. One might say that should carry it to the Committee on Military Affairs, because it involves a question of the national defense. But it also involves the question in times of peace of converting that nitrogen into fertilizers for the development of agriculture.

The question before the Senate is which is the prime object of the proposal? I ask the Senate to bear in mind that less than a year ago the same matter was before the Senate, but in a different form. Then it came here by bills reported from the Committee on Agriculture and Forestry relating to all the propositions involved in the Henry Ford offer. The Senate acted favorably on the report of the Committee on Agriculture and Forestry, although unfortunately the bills were lost in the House of Representatives.

The reason why the matter previously went to the Committee on Agriculture and Forestry is apparent. It was sent there, so far as the bills were concerned, because the proponent of those bills, the Senator who introduced them, asked that they be referred to the Committee on Agriculture and Forestry. That Senator was the senior Senator from New York [Mr. WADSWORTH], chairman of the Committee on Military Affairs. Evidently he believed at that time that the Committee on Military Affairs should not have jurisdiction of the matter, but that its prime object was one of agriculture. I believe that myself, Mr. President. If you bear in mind the history of the legislation you go back to the national defense act, when the Government of the United States made an appropriation of $20,000,000 authorizing the President of the United States to select a dam or dams for the purpose of making nitrogen and to build a plant or plants for the purpose of converting air nitrogen, and the act stated that this should be done for the national defense in time of war and to make fertilizers to develop agriculture in time of peace.

The war clouds have rolled by. The law which was embodied in the national defense act is the law to-day; it is the law which governs this proposal. Now we are in times of peace, and the primary purpose of the development at Muscle Shoals is the production of nitrogen in order that the agriculture of this land may flourish. The action of the Senate heretofore has been to give jurisdiction of this matter to the Agricultural Committee. The report of the Agricultural Committee, both in reference to the nitrate plant and in reference to the building of the dams, was approved by a majority vote in the Senate of the United States.

Mr. WARREN. Will the Senator pardon an interruption?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. UNDERWOOD. I yield.

Mr. WARREN. I hope the able Senator from Alabama, who has already spoken of the possible reference of this matter to several committees, will also recall that at one time a measure dealing with the subject to the extent of $10,000,000 was referred to and acted upon by the Appropriations Committee. Now, waiving the question whether it is desired to use the plant at Muscle Shoals for the purpose of producing power and nitrates in this instance, it seems to me there will be involved to a large extent the question of appropriations. Also, it seems to me that about the first move to be made by any committee having charge of the subject would be to examine from a legal standpoint the question of the contract, and that would perhaps indicate the necessity of sending the matter to the Judiciary Committee. The Ford proposition and contract, as I understand, is to extend over a period of a hundred years. Has the Senator from Alabama taken that matter into consideration?

Mr. UNDERWOOD. Yes; I know there are outstanding existing contracts. Under options on the part of the men who constructed the nitrate plant and one other minor plant they had the right within a year's time to purchase those plants. I do not say that their options have expired, but I do say that Secretary Weeks, more than six months ago, stated that he desired to turn these plants over to private endeavor instead of having them operated by public effort; and it was clearly a matter for the Secretary of War to consider when he had the Ford proposal before him. Therefore I do not think a legal question is now involved. If it be, I suppose that Secretary Weeks would have referred to the subject in his report, which he does not do. I am also advised that this report was passed on by the law officers of the War Department.

Mr. WARREN. If the Senator from Alabama will pardon me, I was alluding more particularly to future contracts, extending for a period of a hundred years. Perhaps the matter may have had sufficient investigation on the part of the legal authorities of the Government, but it seems to me a very large question is involved as to the contract to which we may commit ourselves for the future.

Mr. UNDERWOOD. If the Senator will allow me, I think that is not a legal question. I have not a doubt in my mind that the Congress of the United States may enter into this contract for a hundred years if it desires to do so.

Mr. WARREN. Undoubtedly.

Mr. UNDERWOOD. I repeat, it does not involve a legal question; the question for determination is as to whether or not it is a wise thing to do. I myself think it is a wise action to take under existing circumstances; but it is not a question which involves a legal equation; it is a question which involves a business proposition for consideration.

However, there is a better reason than any of these why the Agricultural Committee should be given jurisdiction of this matter. It is this: This subject has been before that committee, more or less, for the last three or four years; it has been acted on by the Committee on Agriculture within the last year. The members of that committee are informed upon the subject; they are acquainted with the questions which are involved. It is to be assumed that they are in a better position to pass on the matter, having considered all the other questions that are involved, than would be some new committee which must start from the bottom and work to the top, and which has not had the information or heard the witnesses in reference to the matter.

More than that, Mr. President, I believe that there is no more important question to the life of this Republic in the future than the question of furnishing the farmers of America in the days to come with an adequate and ample supply of nitrogen for the fertilization of the soil. There has grown up in this country an intense interest in this subject on the part of the agricultural classes. I know—and I can speak with authority, because I know it personally—that all the proponents of the development who are interested in the subject from an agricultural standpoint feel that this report should go to the Committee on Agriculture and Forestry.

More than that, although this is a very small point in the consideration of the question, this plant and these works are located in my own State, and, while the project is national in its scope and involves a national problem, I think under all of the existing circumstances I should have a right to some voice in the matter of reference.

I realize that when it comes back to the Senate the question will have to be debated and decided on its merits; so that there can be but one question involved. As every Member of the Senate knows, I endeavored last year to secure favorable action on the proposal to make this enterprise a function of the United States Government, to be pursued as a governmental activity, but that proposal was rejected.

The Secretary of War, in whose jurisdiction it was, took the position that it should not be carried on by the Government but should be carried on by private individuals. He took affirmative action in calling for bids and requesting some one to operate this plant and carry on the work as an individual or as a corporation and not have it carried on by the Government. Now a proposal has been made, and the only question

involved is whether the Congress is going to accept the proposal or reject it. Of course, if it is not accepted, then there may be other questions involved; but there is before us now one issue, and one issue only.

We can not amend Mr. Ford's offer, because we are not making the offer; he has made the offer; he has said what he will do, and it is up to Congress to say they will take it or leave it. It is not a question for the committee to work out as to future details; it is a question as to whether we are going to accept or reject the offer. I repeat, the Agriculture Committee has been fully informed on this matter. It is the great desire of those interested in agriculture to have this subject go to the Agriculture Committee, and I sincerely hope the Senate will sustain my motion to refer it to the Committee on Agriculture.

Mr. WADSWORTH. Mr. President, will the Senator yield for just a moment?

Mr. UNDERWOOD. I yield.

Mr. WADSWORTH. Does the Senator mean that the Congress is estopped from suggesting any modification of the proposal?

Mr. UNDERWOOD. That would be a rejection of the proposal.

Mr. WADSWORTH. It might result in continued negotiations for a time. The Senator said that there was nothing for Congress to do but accept or reject the proposal absolutely.

Mr. UNDERWOOD. That is all I see that Congress can do, because if we amend the proposal that is a rejection of it. Of course, if the Senate desires to reject the proposal, the Secretary of War may continue negotiations, if he can, with Mr. Ford or somebody else; but this is not a legislative proposal; it is a proposal from an individual citizen of the United States, and we can not tell him how he shall make the proposal or submit the contract. He has offered a contract.

Mr. WADSWORTH. But the Congress might very well say, "We will accept this proposal on a certain condition not contained in the original proposal." Certainly the Senator would not care to assume the position that the Congress may not make a suggestion of that kind?

Mr. UNDERWOOD. Of course, the Congress has a right to make any suggestion it wants to make.

Mr. SIMMONS. Mr. President, but does not the proposal itself——

The PRESIDENT pro tempore. The Chair desires to make an observation. It will require unanimous consent for the consideration at this time of the motion of the Senator from Alabama. Is there objection to the present consideration of the motion made by the Senator from Alabama? The Chair hears none.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. The Chair recognizes the Senator from Washington.

Mr. UNDERWOOD. Mr. President, just a moment. I had not yielded the floor. I will yield in just a moment; but the Senator from North Carolina [Mr. SIMMONS] was about to ask me a question, as I understood.

Mr. SIMMONS. I ask the Senator from Alabama if the proposal itself did not contain the stipulation that it was not subject to any modification?

Mr. UNDERWOOD. Undoubtedly; and if it is modified it amounts to a rejection.

Mr. SIMMONS. I should like to ask the Senator a further question. The Senator has stated, according to my recollection, that this matter has been previously before the Senate, and at that time it was referred to the Committee on Agriculture.

Mr. UNDERWOOD. Yes.

Mr. SIMMONS. And was reported back from that committee. Does the Senator know of any reason or has any reason been assigned why now it should be taken away from the Committee on Agriculture and sent to some other committee?

Mr. UNDERWOOD. I do not; I think the Committee on Agriculture is entitled to consider the matter, and I hope very much it will be referred to that committee.

Mr. JONES of Washington. Mr. President, I appreciate the situation in its relation to the Senator from Alabama and his interest in the matter. Personally I am also very much interested in this proposition from the agricultural standpoint, possibly as much as any of the other Senators. I feel that properly and technically it should go to the Committee on Commerce. The primary purpose of the improvement is the development of navigation and of water power, although, of course, I realize that the primary purpose which it is hoped to accomplish under the proposition of Mr. Ford is the production of fertilizer with a resulting benefit to agriculture.

The proposition involves a change in the water-power law. It involves the development of water power primarily under different conditions from those imposed by that law. It involves the development of navigation. Both of these questions are dealt with by the Commerce Committee; and I think very clearly, under the rules and practices of the Senate, the bill should go to the Commerce Committee. I desire to say, however, that I am not going to be contentious over this matter. I appreciate the fact that this proposition has been dealt with and considered heretofore very largely from the agricultural standpoint, that that has been urged probably more than anything else, and that this proposition has the eyes of the people centered upon it now more from the agricultural standpoint than from any other.

As the Senator from Alabama says, this proposition from the fertilizer standpoint has been considered by the Agricultural Committee, and that committee probably has that phase of the problem better within its knowledge than any other committee. It may be assumed that as a general proposition it does not have the knowledge with reference to water power and water-power legislation or navigation that the Commerce Committee has; but I take it if the Agricultural Committee should report this matter, and its report should involve such material changes in water-power legislation or other matters as might affect navigation, if there was a desire to have the subject referred to the Commerce Committee to consider those phases of it, the Senator from Alabama would not make any serious objection, with the assurance, of course, that that committee would act promptly on those matters. It may not be deemed desirable or advisable, when the Agricultural Committee shall report, that this be done, so I am not going to interpose serious objection to the Senator's motion. I feel that the Agricultural Committee will look into this matter very carefully. I feel that it will protect the interests of the people, and promote the interest of the farmers of the country and of agriculture generally, with a due regard to the other interests of the country.

Mr. UNDERWOOD. I want to thank the Senator for the kindly attitude he takes in reference to the matter.

Mr. JONES of Washington. I should like an expression from the Senator with reference to the suggestion I have made.

Mr. UNDERWOOD. Of course I would not want to do anything or say anything that would commit the proponents of the measure to delay if we have a favorable report; but I should be willing, of course, to make any reasonable agreement that could be promptly acted upon. When the matter comes back here, however, I do not think there will be a question of that kind involved.

Mr. JONES of Washington. I do not ask the Senator at this time to make any specific agreement. I know his fairness, and I am satisfied that he will act fairly upon the proposition as it confronts us at the time the report is made. So, Mr. President, while I have not had an opportunity to confer with any of the members of the committee, as the matter came up suddenly this morning, so far as I am concerned, as chairman of the Commerce Committee, I am not going to oppose the motion of the Senator from Alabama. I think the sooner we get action upon the matter the better. I think the matter ought to be acted upon promptly, so with that I shall not discuss it further.

Mr. FLETCHER. Mr. President, the situation is that Mr. Ford has made a certain definite offer with reference to the whole subject, entitled:

> Proposal of Henry Ford for the completion and leasing of the dams and hydroelectric power plants at Muscle Shoals, and for the purchase of nitrate plant No. 1, nitrate plant No. 2, the Waco quarry, and the Gorgas Warrior River steam plant, all in the State of Alabama.

That offer has been transmitted to Congress by the Secretary of War. It is now for Congress either to accept that offer or to reject it, or possibly to submit, as has been suggested by the Senator from New York, a resolution of acceptance with certain modifications, which, of course, would get us nowhere unless those modifications were acceptable to the party making the offer, Mr. Ford. There is, however, that alternative; and the Secretary of War recommends in his report that—

> If Mr. Ford's proposal be accepted by Congress, I suggest there should be certain modifications made to safeguard the Government's interests. As heretofore stated, there should be some assurance that the contracts made by his proposed company will be carried out.

A resolution could be offered which would provide, for instance, that Mr. Ford should give a surety bond or something of that sort, which no doubt he would be willing to do, but other modifications he might not be willing to accept; and therefore I think primarily we should consider the matter from the standpoint of either accepting this offer or rejecting it. If the offer is accepted by Congress, that would place the matter in this position: Mr. Ford would proceed to organize his corporation,

and the agreements, the instruments of contract, would be executed by him and by the agency of the Government—the Secretary of War, I presume—and after those contracts were executed, then would come the question of taking care of the situation. Having accepted the offer and having entered into the formal contract, it would be simply a question of executing and carrying out those contracts. If further legislation should be necessary in that respect, it undoubtedly could be had, because Congress would have committed itself to the acceptance of the offer.

The present motion is, as I understand, to refer to the Committee on Agriculture and Forestry the letter of the Secretary of War transmitting this offer to Congress. That committee has no matter before it in the way of a proposal by the Senate, or any bill to report, or any resolution to report. I think it would be in order, if the Senator from Alabama agrees to that—and I make no objection whatever to its reference to the Committee on Agriculture and Forestry—that the proceedings should be instituted by a formal resolution, and I submit the following:

Joint resolution.

Resolved, etc., That the offer of Mr. Henry Ford, submitted to the Secretary of War and dated January 25, 1922, entitled "Proposal of Henry Ford for the completion and leasing of the dams and hydroelectric power plants at Muscle Shoals, and for the purchase of nitrate plant No. 1, nitrate plant No. 2, the Waco quarry, and the Gorgas Warrior River steam plant, all in the State of Alabama," be, and the same is hereby, approved by Congress, and the Secretary of War is hereby authorized to enter into and execute on behalf of the United States such appropriate instruments of contract as will effectuate the agreement in accordance with said offer.

That is something definite, which the committee can report out favorably or unfavorably or modified as they see fit.

Mr. UNDERWOOD. Mr. President, I will say to the Senator that I think he is entirely right. Whatever committee has jurisdiction of this matter, if it makes a favorable report—as I hope it will, and expect it will—of course, it must report a resolution. I think the object of making this motion for a reference is to give jurisdiction to one committee of the Senate to take up the matter, and I think it would be very proper, whatever committee it goes to, for the Senator then to introduce his resolution and have it referred; but the Senate can not act on this resolution now, because it has to receive the consideration of the committee. It would be only a question of reference.

Mr. FLETCHER. Merely a question of reference.

Mr. UNDERWOOD. What I suggest is that we take the vote on the question of referring the document which gives jurisdiction. Then the Senator can introduce his resolution, have it referred to the same committee, and they will have the resolution before them.

Mr. FLETCHER. I was simply suggesting that the resolution might now be offered, and the whole referred to that committee, and the basis of action would be the resolution.

Mr. UNDERWOOD. Undoubtedly, the Senator is right. Either the Senator's resolution or some resolution along that line must be reported by the committee, and it would be very proper for the Senator to introduce his resolution and have it referred; but that does not affect the action on this motion.

Mr. FLETCHER. I did not mean for it to affect it, except to be in line with it, and as a basis for the reference, really.

Mr. BRANDEGEE. Mr. President——

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

Mr. FLETCHER. I yield.

Mr. BRANDEGEE. I want to suggest to the Senator that the course he proposes seems to me to be at least unusual. Here is a matter to be referred to a committee for investigation and report. What is the use of a Senator having referred to the committee at the same time a proposed report for the committee to make in favor of the matter? Of course, another Senator may draw a resolution anticipating an adverse report of the committee and ask to have that referred to the committee.

Whichever way the committee decide the case; of course they have ability enough to draw their report and resolution, either to accept Mr. Ford's offer or to reject it, as the case may be; and I fail to see any effect from the resolution of the Senator from Florida. Of course, it in no way commits the Senate, any more than if I should offer a resolution that the offer of Mr. Ford should be rejected, and have that, together with the Senator's resolution, referred to the committee. Unless the Senator thinks the mere reading of his resolution will have a persuasive effect upon the intelligence and disposition of Senators, I can see no reason for its introduction.

Mr. FLETCHER. My idea was that the committees of the Senate usually act upon bills or resolutions. I thought that was a part of their function. Here is a resolution for them to act upon. They can report it out favorably or unfavorably or modify it as they see fit. It is perfectly in line with the practice and rules of the Senate to offer a resolution as a basis for the action of the committee to which the matter has been referred, and that is my object in offering this resolution. Merely referring a communication from the Secretary of War to a committee does not give the committee any rights except possibly to have hearings about it, but there is no proposal by Congress anywhere for them to act upon. Nobody has suggested a bill. Nobody has suggested a resolution. The committee are simply left to investigate the subject. Possibly they can report out a bill eventually; but why not offer something for them to act upon, and let it take its usual course? That is my idea about it.

Mr. BRANDEGEE. Mr. President, where a matter involving action by Congress in the way of the acceptance or rejection of a proposition is referred to a committee, of course the committee, when it reports, whether it recommends that the proposition be accepted or rejected, will report a resolution embodying the views of the committee for the action of the Congress. I have no objection to the Senator's drawing for the committee a resolution anticipating a favorable report, but if his resolution is referred I simply ask that I shall have the privilege of drawing a resolution reading, in substance:

Resolved, That the proposition of Mr. Ford is hereby rejected.

And have them both referred to the committee for such aid as they may furnish to the committee.

I have no predilections about the matter. I know little about it. I do not know how I should vote upon the subject if it were here now, and I do not think the drawing of a resolution pro or con by either the Senator from Florida or myself would aid the committee or shed any light upon the subject; but if the Senator's resolution goes to the committee I want to offer one, and shall offer one, to the effect that the committee recommend the rejection of the offer without having heard any evidence upon it.

Mr. NORRIS. Mr. President, I sincerely hope that both Senators will offer their resolutions, if the matter is to be referred to the Committee on Agriculture.

Mr. BRANDEGEE. It would contribute to the gaiety of nations.

Mr. NORRIS. Yes; because, if the Senator from Florida offers his resolution, the Senator from Connecticut, fearing, perhaps, that the committee would be influenced by the resolution of the Senator from Florida, clothed in such beautiful language, would himself try to go one better by offering a negative proposition, and thus counteract the other resolution.

Mr. BRANDEGEE. I was under the impression that the whole Senate had already been influenced by it.

Mr. NORRIS. That may be.

Mr. BRANDEGEE. I wanted to offset it.

Mr. NORRIS. The Senator's resolution will probably offset all that. But, Mr. President, I would not have anything to say on this question if it were not that I do not want any misunderstanding, if the proposal is to go to the Committee on Agriculture. I think, as a matter of fact, that is where it belongs, although it could very appropriately go to the Committee on Military Affairs. In my judgment, it ought to go to the Committee on Agriculture, first, because the fundamental proposition involved in the Muscle Shoals question, at least in times of peace, is the making of fertilizers for farmers. That is really the main object to be attained.

The only other object involved is to provide a means for making explosives in time of war. So it seems to me that either the Committee on Agriculture or the Committee on Naval Affairs or the Committee on Military Affairs should have jurisdiction. The question of increasing or improving the navigability of the river is only incidental. That will follow as a matter of course when the dams are constructed, and the only thing necessary to bring that about is to see, when the dams are constructed, that the proper gates are made and navigation protected.

There is another reason why the proposal ought to go to the Committee on Agriculture, and that is because in a previous Congress that committee gave a great deal of consideration to the question. At that time the Senator from New York [Mr. WADSWORTH] was a member of the committee and assisted the committee by his attendance upon those hearings. He is now the chairman of the Committee on Military Affairs, so that it would not make any difference, as far as one member at least is concerned, where the matter went as between those two committees.

At the time the hearings took place I was sick and was not able to attend more than one of the meetings, but the hearings before the Committee on Agriculture, which extended over a

considerable time, were quite exhaustive, and the members of that committee were enabled to obtain a knowledge of the matter which was very desirable and, in fact, necessary for a proper consideration of the subject.

But I do not want any misunderstanding which might come about from the suggestion made by the Senator from Washington [Mr. JONES] that it might go to the Committee on Agriculture with the understanding that when it came back, if the Committee on Agriculture had not done the right thing, it might go to some other committee. I do not want any such understanding. If it can not go to that committee with the understanding that it will have the same jurisdiction every other committee has of every bill or resolution or proposition, then take it away from them to begin with.

Mr. JONES of Washington. Mr. President, I know the Senator does not want to put me in a false light. I did not intend to give the impression that it should go to the Committee on Agriculture with that understanding. I merely made that as a suggestion, that is all. I disclaim any intention to have it understood that it was going to the Committee on Agriculture with any understanding.

Mr. NORRIS. I would like to have it understood that when it goes to that committee it goes as anything else goes to a committee.

Mr. JONES of Washington. Certainly.

Mr. NORRIS. That the committee is absolutely free, without any strings to it whatever; and when it comes back the Senate can do what it pleases with it, of course.

Mr. JONES of Washington. That is what I suggested.

Mr. NORRIS. I consider the proposition as one of great importance, involving a great deal of money, and involving a policy which, under the circumstances, it is very difficult to decide upon. I confess that if it were left to me to decide today, I would not be able to tell whether I was in favor of accepting Mr. Ford's proposition or rejecting it, although I have read it twice. I do not believe the committee ought to be confined to saying yes or no to the proposition. It may be that upon a careful investigation of the question the committee will reach the conclusion that it ought to be accepted, if at all, with modifications.

In other words, Mr. Ford has made a proposition to us. It may be that when Congress gets through with the consideration of it, we may want to make a counterproposition to him, which he may be willing to accept. It has been my idea that he ought to be called before the committee and his testimony taken, and that the committee ought to go into the subject rather in detail. I believe the committee ought to send a subcommittee to the Muscle Shoals plant and make a physical examination of the property on the ground. While none of the committee are technical engineers, they can always get a better idea of a proposition when they have been out over the ground and have examined it, the same as a lawyer would go out and look over the ground if he were about to try a lawsuit in which the topography of the country or the construction of buildings might in any way become directly or indirectly a matter in issue.

Having said this much, and having, I think, with the explanation made by the Senator from Washington, cleared the atmosphere, I desire to add that if it is referred to the Committee on Agriculture, that committee should go into it fully, and when it comes back, unless reasons can be given to the contrary, there ought to be a final determination of it. I have not anything else to say, except that the Committee on Agriculture has a great deal to do. It now has hearings running which will take practically all their time nearly every day, and as far as I am personally concerned, I would be glad to be relieved of any additional work that might come to the committee on this account.

The PRESIDENT pro tempore. Does the Senator from Florida ask unanimous consent to introduce a joint resolution at this time?

Mr. FLETCHER. I will first let the vote be taken on the motion of the Senator from Alabama, and then I will ask unanimous consent to introduce the joint resolution.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama to refer the communication just laid before the Senate to the Committee on Agriculture and Forestry.

Mr. UNDERWOOD. For its consideration and action.

Mr. WADSWORTH. Mr. President, in view of one or two observations made by the Senator from Nebraska, perhaps it would not be out of place for me to say just a word.

In spite of the fact that this matter has been referred to the Committee on Military Affairs of the House of Representatives, I for one, speaking only for myself, do not believe it should be referred to the Committee on Military Affairs of the Senate. May I say, also, in partial correction of something the Senator from Nebraska stated a moment ago, that I am no longer a member of the Committee on Agriculture.

Mr. NORRIS. Certainly, the Senator is not now a member of the committee. I stated that while the Senator was a member of that committee he participated in the hearings, and as he is chairman of the Committee on Military Affairs, the more reason would exist, so far as he is concerned, at least, for sending it to his committee.

Mr. WADSWORTH. Mr. President, there is one phase of this question I would like to discuss for just a moment. As I understand the proposed contract, the company to be formed under its terms is to proceed with the completion of the locks and the dams at a cost estimated at something over $40,000,000, to be paid for by the Government of the United States. Other provisions are included in the agreement, one that the company shall pay a certain amount of interest annually to the Government, which, taken in the aggregate, I understand, will amortize finally the expenditure made by the United States Government.

Mr. LODGE. May I ask one question? I have not read the proposition. Is it proposed that the Government shall advance $40,000,000?

Mr. WADSWORTH. I will read paragraph 2.

Mr. LODGE. I thought the object was to get rid of it, as far as the Government is concerned.

Mr. WADSWORTH. Paragraph 2 of the offer reads as follows:

> 2. The company shall complete for the United States the construction work on Dam No. 2, its locks, power house, and all necessary equipment, all in accordance with the plans and specifications prepared or to be prepared or approved by the Chief of Engineers, United States Army, and progressively install the hydroelectric equipment in said power house adequate for generating approximately 600,000 horsepower, all the work aforesaid to be performed as speedily as possible at actual cost and without profit to the company, it being understood that the necessary lands and flowage rights, including lands for railway and terminal connections, have been or will be acquired by the United States.

The Senator from Alabama will correct me if I am in error, but I think the proposal is that the Government shall proceed, using the company as its agent in a sense, to complete the power installation and that the Government shall pay for it. I am not criticizing that.

Mr. UNDERWOOD. I did not go into a discussion of the merits of the question, because this is a mere matter of reference.

Mr. WADSWORTH. I am not talking about the merits, either.

Mr. UNDERWOOD. As I understand the proposal, it is that Mr. Henry Ford shall pay the entire cost of completing these dams through a period of 100 years, and that he shall pay 4 per cent interest on the money during that time; in other words, that the dams shall be built by Mr. Ford, that the Government shall advance the money in building them, and that Mr. Ford shall return all the money to be paid in the future for the building of the dams by annual installments, going over 100 years, creating an amortization fund in that way, and in addition to that 4 per cent interest on the money which the Government is out. In other words, at the end of 100 years, if this contract is carried out, the Government will be out nothing, will get the dams back as the sole owner of them, and will have had 4 per cent interest on the use of the money.

Mr. WADSWORTH. I think my original statement was not inaccurate that the Government is to advance the money for the completion of this project.

Mr. UNDERWOOD. Yes; that is correct.

Mr. WADSWORTH. That is the point I wanted to bring out. We have a Budget system now. Just how the Senate will reorganize its committee system to meet it I do not know, but it is obvious that something will have to be done in order to meet the conditions imposed upon the Senate by another legislative body, coupled with the new Budget system.

The problem in the future for Congress and for the Senate, if this agreement shall be accepted, will be the appropriations to be made from time to time for the completion of the project, and I think it inevitable that more than one committee of the Senate will eventually be called upon to exercise jurisdiction, for those appropriations, if they follow the course which has been followed for many years, will emanate from the Committee on Appropriations and not from the Committee on Agriculture and Forestry or from the Committee on Military Affairs if in the first instance the last-named committee should be given jurisdiction.

Mr. UNDERWOOD. If the Senator will allow me to interrupt him, of course that will occur in every legislative endeavor. The creative legislation coming from the Committee on Military Affairs, for instance, to buy new guns will be legislative, but if the policy of the House is pursued, then it must go to an Appro-

priations Committee after the legislation is passed. At present this is a legislative matter. After the legislative status is determined and Congress has determined whether it will or will not accept Mr. Ford's offer, then, if it accepts it, it may involve, as a further step, the question how it will be paid for.

I am not trying to foreclose the action of the committee. So far as my own judgment is concerned, in a matter of this kind, if I were the committee, I would report in favor of selling bonds to the extent requisite to finance the proposition and allow the amortization fund to take care of those bonds, and not make any strain on the Treasury at all. It can be done readily without any strain on the Treasury whatever; but that is a question for future determination.

Mr. WADSWORTH. I did not intend to discuss the ways and means of carrying on the proposition. I merely wanted to make the observation that there is just one committee of the Senate to-day which, in my humble judgment, is bound to assume eventually jurisdiction in whole or in part of the completion of the contract, and that is the Committee on Appropriations. It is bound to come to that committee in one form or another next year or the year thereafter. It may be inaugurated in the Committee on Agriculture and Forestry on what we call a legislative program, but primarily it is a financial and fiscal problem. However, I do not speak for the Committee on Appropriations.

Mr. UNDERWOOD. The Senator's statement, then, would apply to any legislative problem that ultimately contemplates an appropriation.

Mr. WADSWORTH. I am only giving my own opinion, as I am not a member of the Appropriations Committee. The Senator would not contend that it would be unusual to refer it to the Appropriations Committee to-day, because the Appropriations Committee has also delved into this very problem, as the Senator well knows. Extensive hearings were held before it and the financial and fiscal side of it was particularly before that committee.

Mr. UNDERWOOD. If the Senator will allow me, the proposition of the legislative or creative status is no different from what it is in reference to a dozen other matters. Before the Rules Committee, of which I am a member, there is a resolution pending to put the entire control of appropriations in the Appropriations Committee. If that is adopted, undoubtedly all legislative jurisdiction of the Appropriations Committee ought to be jealously taken away.

This is merely a preliminary legislative consideration, and essentially it should not go to the Appropriations Committee before its legislative status is first determined. Then I concede that unless we provide for an issue of bonds, ultimately the money to pay for the legislative contract which Congress makes must come through the Appropriations Committee, but that is a subsequent matter.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama to refer the communication of the Secretary of War, with the accompanying papers, to the Committee on Agriculture and Forestry for its consideration and report.

The motion was agreed to.

Mr. FLETCHER. Mr. President, I ask unanimous consent to introduce the joint resolution which I have heretofore mentioned. I ask that it be read at length and referred to the Committee on Agriculture and Forestry.

There being no objection, the joint resolution (S. J. Res. 159) approving the offer of Mr. Henry Ford of January 25, 1922, for the completion and leasing of the dams and hydroelectric power plants at Muscle Shoals and for the purchase of nitrate plant No. 1, nitrate plant No. 2, the Waco quarry, and the Gorgas Warrior River steam plant, all in the State of Alabama, was read the first time by title, the second time at length, and referred to the Committee on Agriculture and Forestry as follows:

Resolved, etc., That the offer of Mr. Henry Ford, submitted to the Secretary of War, and dated January 25, 1922, entitled "Proposal of Henry Ford for the completion and leasing of the dams and hydroelectric power plants at Muscle Shoals and for the purchase of nitrate plant No. 1, nitrate plant No. 2, the Waco quarry, and the Gorgas Warrior River steam plant, all in the State of Alabama," be, and the same is hereby, approved by Congress, and the Secretary of War is hereby authorized to enter into and execute on behalf of the United States such appropriate instruments of contract as will effectuate the agreement in accordance with said offer.

CROP INSURANCE.

Mr. SHEPPARD. Mr. President, early in January Mr. Theodore H. Price, the editor of Commerce and Finance—a prominent financial publication of New York City—suggested the study of crop insurance as a remedy for the agricultural situation. Shortly after he made that suggestion I introduced a resolution authorizing the Committee on Agriculture and Forestry to investigate the practicability and desirability of a bureau of crop insurance, to be operated by the United States Government or otherwise, as might be found desirable. I ask to have that resolution set out at this point in the RECORD.

The PRESIDING OFFICER (Mr. FERNALD in the chair). Without objection, it is so ordered.

The resolution (S. Res. 214) submitted by Mr. SHEPPARD on January 18, 1922, is as follows:

Resolved, That the Committee on Agriculture and Forestry of the Senate be, and it is hereby, authorized and directed to investigate the practicability and desirability of a bureau of crop insurance, to be operated by the United States Government or otherwise, as may be found desirable.

Mr. SHEPPARD. When the agricultural conference assembled in Washington on January 23, 1922, Mr. Price submitted to the conference a paper on the subject of crop insurance which I deem to be of great interest, especially at this time. I ask now to have that paper set out in the RECORD.

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

The matter referred to is as follows:

CROP INSURANCE—IS IT FEASIBLE?

[By Theo. H. Price, editor of Commerce and Finance, a paper submitted at the agricultural conference convened at the instance of the President in Washington, Jan. 23, 1922.]

In my study of the agricultural problem that we are asked to consider I find myself asking whether a partial solution of it is not to be had by a resort to crop insurance. I submit the suggestion in the form of a question rather than as a recommendation, because it is plain that much thought and investigation will be required to determine whether the hazards of agriculture are insurable. During the last two centuries the principle of insurance has been greatly extended in its application. The first "underwriters" were the merchants who wrote their names under an agreement to share the marine risks and losses to which the ships and cargoes of their fellow merchants were subject.

The business of fire insurance was next developed.

Then, as the law of probabilities became better understood, life insurance began to be written, and the business has grown until in the United States alone there are 40,000,000 policyholders in life insurance companies or associations whose resources are in excess of $7,000,000,000. No one will deny the benefits of life insurance.

After life insurance came accident insurance and credit insurance, and now we can insure against losses caused by burglary, defalcation, rain, snow, hail, and tornado, as well as against war, unemployment, old age, strikes, and many other ills or accidents of life. It is said that at Lloyds in London policies have been written that called for the payment of a "total loss" to parents to whom twins were born, and just before the disarmament congress met in Washington the New York Times reported that 15 per cent was paid at Lloyds to insure that the British West Indies would not be surrendered to the United States by or before December 31, 1922, in full or partial payment of Great Britain's debt to this country.

CROP FAILURES CAUSE NATIONAL CRISES.

From a very remarkable essay upon "War and Insurance," written by the late Prof. Josiah Royce, of Harvard, just after the outbreak of the World War in 1914, I quote the following passages:

"Experience shows that the insurance principle comes to be more and more used and useful in modern affairs. Not only does it serve the ends of individuals or of special groups of individuals, it tends more and more both to pervade and to transform our modern social order. It brings into new syntheses not merely pure and applied science but private and public interests, individual prudence, and a large regard for the general welfare, thrift, and charity. It discourages recklessness and gambling. It contributes to the sense of stability. It quiets fears and encourages faithfulness.

"Floods, famines, pestilences, earthquakes, and volcanoes may interfere in various fashions with the economic as well as with the rest of the social life of the peoples thus afflicted. Apart from actual famines, the considerable failure of their crops may impair, for a season, the normal supplies of individual nations. Internal crises, social and political, may interrupt their healthy development in ways involving not only moral disasters but heavy expenses. Such evils come upon various nations with irregularly recurrent, but also with widely different weight and seriousness. Only a vast and long continued collection and an exceedingly difficult statistical analysis of the facts regarding such calamities could determine the regularities which a sufficiently large number of instances of national disaster would be, if properly studied, certain to show. Such regularities, however, if once discovered, would furnish an 'actuarial basis' upon which an insurance of individual nations against such risks could conceivably be undertaken."

And in the eleventh edition of the Encyclopædia Britannica, in the article upon "Insurance," written by Charlton Thomas Lewis, Ph. D., a great authority upon the subject, I find these words:

"The value of insurance as an institution can not be measured by figures. No direct balance sheet of profit and loss can exhibit its utility. The insurance contract produces no wealth. It represents only expenditure. If a thousand men insure themselves against any contingency, then, whether or not the dreaded event occurs to any, they will in the aggregate be poorer, as the direct result, by the exact cost of the machinery for effecting it. The distribution of property is changed, its sum is not increased. But the results in the social economy, the substitution of reasonable foresight and confidence for apprehension, and the sense of hazard, the large elimination of chance from business and conduct have a supreme value. The direct contribution of insurance to civilization is made not in visible wealth but in the intangible and immeasurable forces of character on which civilization itself is founded. It is preeminently a modern institution. Some two centuries ago it had begun to influence centers of trade, but the mass of civilized men had no conception of its meaning. Its general application and popular acceptance began within the first half of the nineteenth century, and its commercial and social importance have multiplied a hundredfold within living memory. It has done more than all gifts of impulsive charity to foster a sense of human brotherhood and of common interests. It has

done more than all repressive legislation to destroy the gambling spirit. It is impossible to conceive of our civilization in its full vigor and progressive power without this principle, which unites the fundamental law of practical economy, that he best serves humanity who best serves himself, with the golden rule of religion, 'Bear ye one another's burdens.'"

INSURANCE THE TRUE SOCIALISM.

It might almost be said that if insurance were universal and included all the hazards of life it would be a practicable form of socialism, for it distributes the losses of the few among the many without diminishing the incentive to individual effort. But the question is, Can it be applied to the hazards of agriculture and would the Government be justified in undertaking it? We all know that one of the farmer's greatest difficulties is that he is compelled to be a speculator and to take risks that are not calculable. He is, in fact, a gambler against his will, for gambling is defined as hazard without calculation in contradistinction to speculation, which is hazard with calculation. The farmer must cultivate his land or see it go to waste. He has to plant some crops, such as winter wheat, in the autumn and others in the spring, but he can not have any assurance of the prices that will be obtained for them 6 or 10 months later. He is, moreover, exposed to the hazards of the weather and innumerable agricultural pests in the interval.

The merchant who is not reasonably certain that he can sell goods will not buy them or will reduce his inventories, and the manufacturer who is not assured of a profitable market for his product will shut down his factory and let his labor remain idle. But the farmer can not follow these examples. He has to plant his land at planting time or allow his investment to remain idle and deteriorate for a year.

If he decides to plant he will probably become a borrower on obligations that mature concurrently with his crop. The whole financial system of the northern hemisphere is organized upon a plan which contemplates an autumnal liquidation of agricultural debts. Within one or two months the farmer is compelled to sell the crops that represent the labor of the year just ended and the world's consumption for another year just commencing. The result is congestion and a buyers' market, in which the seller is at a great disadvantage.

What is the remedy? Surely there must be one. If it is to be found in crop insurance it should be speedily applied.

CROP INSURANCE NOT A NOVELTY.

Crop insurance is not a new idea. At least two joint-stock fire insurance companies and several mutuals have tried it, but they had no experience upon which to base rates and found that in order to get a fair average they would have to blindly accept risks so large that their capital might be jeopardized. Even to those who know but little about the science of underwriting it is plain that a very large number of widely scattered crops would have to be insured before the probable percentage of loss could be ascertained.

A rate so high that it would absolutely protect the insurer would be regarded as extortionate and no one would take out a policy, while a rate that was too low might bankrupt the underwriter if he did a large business or had many risks in one locality.

Then there is the question of determining or measuring the farmer's loss. Manifestly it would be unwise to allow him to insure his crop for any valuation he chose to put upon it. An overvaluation would be an incentive to neglect and extravagance and would lead to the presentation of many unfair or fictitious claims. On the other hand, an undervaluation would not give the protection required.

In so far as any rule has been applied by those companies who have written crop insurance the practice seems to have been to insure the actual cost of production up to a certain maximum per acre and to require that the farmer insured must furnish satisfactory proof that the amount claimed has been actually expended.

In some cases crop policies have also contained a provision making the farmer a coinsurer for 20 per cent of the risk, so that he would have an additional incentive to avoid loss. The price of the crop insured at planting time is another factor that must be taken into consideration if the indemnity provided is to cover a possible deficiency between the proceeds finally realized at harvest time and the ascertained cost of production.

It seems reasonable to assume that if prices were low when the crop was being sown the risk would be less than if prices were high. The cost of production would be smaller and the chance of an advance in values that would offset crop failure would be greater. As a generalization, therefore, we may conclude that rates ought to have a direct relation to the prevailing values for agricultural products when the policies were written. But in its other aspects the problem is not so simple.

FARM SURVEY PRACTICABLE.

The cost of producing a crop varies in different regions or on different lands. In the Atlantic States fertilizer is required to produce a good cotton crop. In Texas fertilizer is not used. The cost of labor also varies in different sections.

These are factors that would have to be taken into consideration in determining the insurable maximum of production costs.

It might be necessary to have each insured farm surveyed in order to fix rates and insurable values fairly. This would seem to involve an appalling amount of detail; but does it? Every building in almost every city and town of the United States has been surveyed in the interest of the fire insurance companies.

In most fire insurance offices there are to be found huge books of maps on which the area, height, construction, fire exposure, and hazards of every building in every city of the United States and Canada are accurately set forth. These maps are kept up to date by the company which issues them. The corrections are made by pasting the maps of new buildings over those which have been demolished.

According to the last census there are 6,448,336 farms in the United States. The number of buildings in our cities is not known, but New York City alone has over 600,000, and the total in all cities is probably well over 6,000,000. If they can be mapped as they are, the feat of surveying the farms would not seem so difficult and the information in regard to soil, area, and productivity thus made available would be invaluable.

With it as a basis equitable rates for writing crop insurance could be speedily established, and, with a crop insurance policy added to the other security that a farmer can offer, his financial problem would be much simplified.

The general use of crop insurance would benefit the farmer and the country in many other ways upon which it is not now necessary to elaborate. The fact that the farmer could if he chose protect himself against the great risks and ruinous losses to which he is now exposed is a sufficient reason for considering whether the Government ought not to provide the machinery and credit requisite if crop insurance on a large scale is to be made immediately available.

Most people are wisely opposed to having the Government enter any business that its citizens can handle, but here is a business that private capital can not undertake because of its novelty and magnitude. Would it not therefore be well for the President or Congress to immediately appoint a committee to make a careful study of the subject with a view of ascertaining whether it would be practicable and expedient for the Government to establish a crop insurance bureau from which the farmer could buy policies that would indemnify him for his actual and reasonable expenditure and from which, after a few years, the larger insurance companies who were willing to do the business could obtain data upon which to base rates?

WAR RISK INSURANCE PROFIT $17,000,000.

Shortly after the outbreak of the war on the 1st of August, 1914, the British Government undertook to insure the marine war risks to which vessels and cargoes under its flag were subject. Almost concurrently, the then Secretary of the Treasury, Mr. William G. McAdoo, asked Congress for authority to organize an American war risk insurance bureau for insuring hulls and cargoes under the American flag. The necessary legislation providing an initial fund of $5,000,000 was passed. The bureau was organized and was functioning by the 2d of September, 1914. It continued in existence until the end of the war. Its record is remarkable.

The total of the policies issued was $2,250,000,000. The premiums received amounted to $46,000,000, and the losses paid were $29,000,000, leaving a profit of $17,000,000. The expense of conducting this enormous business for the four years was only $165,000, or hardly more than one-third of 1 per cent upon the premiums received. When compared with the cost of conducting the insurance business under private auspices these figures seem to be almost incredible and they are an effective refutation of the frequently repeated assertion that Government management is always inefficient and extravagant.

It is, however, only fair to say that the bureau had the advantage of being able to commandeer the services of some of the ablest underwriters in America. Its director was William C. De Lanoy and its advisory board consisted of Hendon Chubb, William N. Davey, and William R. Hedge. For little or nothing these men gave their time to the work as a war duty, and while the great success of the bureau was largely due to the authority and credit of the Government it would be uncandid not to recognize the share that those named and many others had in the results achieved. As the business grew Congress appropriated a further $45,000,000 as additional working capital for the bureau, but not a dollar of the total of $50,000,000 put at its disposal was ever drawn, as almost from the first the premiums received exceeded the losses and expenses incurred.

I have been unable to obtain exact information with regard to the insurance business conducted by the British Government, but those that are "in the know" believe that it was also highly profitable and it is generally admitted that both the American and the British bureaus rendered a very substantial and necessary service to the shipping and trade of the respective nations.

IF SHIPS, WHY NOT CROPS?

In an article published in the New York Times of Monday, December 26, 1921, advocating a ship subsidy there is included a proposal that "the Government should create a nonprofit making corporation to insure its own ships and to offer hull insurance at cost to privately owned American vessels." It is explained that "for the organization of a nonprofit making insurance corporation a $10,000,000 loan will be necessary" and that the cost of handling cargo insurance is estimated at about $1,000,000 for the first year and a decreasing amount each year thereafter, the loss ultimately vanishing.

If the Government is willing to do this for shipping it ought not to hesitate in doing at least as much if not more for our infinitely more important agricultural industry, and I earnestly recommend the idea to its consideration.

The difficulties that seem so great in prospect would, I believe, disappear in practice, and it is highly probable that after the first year or two the business would show a profit and produce an income that would more than pay the cost of conducting it.

Mr. SHEPPARD. The conference itself then passed a resolution on the subject, urging that an investigation be made, and I ask to have the resolution set out in the RECORD.

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

The resolution referred to is as follows:

JANUARY 25, 1922.

REPORT OF SUBCOMMITTEE ON AGRICULTURAL INSURANCE.

Whereas the Government through scientific research has provided safeguards for agriculture and the live-stock industry against plant and animal disease; and

Whereas farmers are subject to the hazard of loss from insect depredation or other pests, or loss from the elements, against which they have no present means of protection; and

Whereas the furnishing of such protection would greatly stabilize and materially improve the credit risk of our national agriculture: Now, therefore, be it

Resolved, That this National Conference on Agriculture recommends that the United States Congress take steps to investigate the subject of crop insurance with the view of determining the practicability or expediency of creating a crop insurance bureau.

Mr. SHEPPARD. The chairman of the Committee on Agriculture, Mr. NORRIS, has kindly consented to hold a hearing on the resolution S. Res. 214, and this hearing will occur at an early date.

HOUSE BILLS REFERRED.

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

H. R. 8690. An act to add a certain tract of land on the island of Hawaii to the Hawaii National Park; to the Committee on Territories and Insular Possessions.

H. R. 8924. An act to amend the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920; to the Committee on Military Affairs.

H. R. 9931. An act to extend the time for completing the construction of a bridge across the Delaware River; and

H. R. 10009. An act to authorize the State of Alabama through its highway department to construct and maintain a bridge across the Tombigbee River at or near Moscow Landing, in the State of Alabama; to the Committee on Commerce.

H. R. 8010. An act to authorize the leasing for mining purposes of unallotted lands on the Fort Peck Reservation, Mont.; and

H. R. 9344. An act providing for the appropriation of funds for acquiring additional water rights for Indians on the Crow Reservation, in Montana, whose lands are irrigable under the Two Leggins Irrigation Canal; to the Committee on Indian Affairs.

H. R. 6750. An act for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes;

H. R. 7598. An act authorizing the Secretary of the Interior to dedicate and set apart as a national monument certain lands in Riverside County, Calif.; and

H. R. 9633. An act to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty; to the Committee on Public Lands and Surveys.

PETITIONS.

Mr. NELSON presented a telegram in the nature of a petition from the president and members of the faculty of Augsburg Seminary, of Minneapolis, Minn., praying that investigation be made of alleged political and trust activities of the film interests, and also that the Senate concur in the so-called Walsh amendment to bar race-gambling tips, etc., which was referred to the Committee on the Judiciary.

He also presented a communication from Milton Conover, of Washington, D. C., commending the attitude of Senator NELSON on the soldiers' bonus question, which was to the effect that the bonus matter should not be made the football of politics, etc., which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. STANFIELD, from the Committee on Claims, to which was referred the bill (S. 2095) to reimburse the city of Baltimore, State of Maryland, for moneys expended to aid the United States in the construction of works of defense during the Civil War, reported it with an amendment and submitted a report (No. 484) thereon.

Mr. SHORTRIDGE, from the Committee on the Judiciary, to which was referred the bill (S. 2745) to amend subdivision (3) of subsection (B) of section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, reported it with an amendment, and submitted a report (No. 485) thereon.

BILL AND JOINT RESOLUTION INTRODUCED.

A bill and joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 3124) granting a pension to Deborah J. Harris; to the Committee on Pensions.

By Mr. LODGE:

A joint resolution (S. J. Res. 160) authorizing the extension for a period of not to exceed 25 years of the time for the payment of the principal and interest of the debt incurred by Austria September 4, 1920, for the purchase of wheat from the United States Grain Corporation, and for other purposes; to the Committee on Finance.

TREASURY DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN submitted a conference report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20 and 21.

F. E. WARREN,
W. L. JONES,
WM. J. HARRIS,
Managers on the part of the Senate.

MARTIN B. MADDEN,
WALTER W. MAGEE,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. WARREN. I ask unanimous consent for the immediate consideration of the report just read, and I move its adoption.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming?

Mr. SMOOT. Mr. President, I wish to ask the Senator from Wyoming a question or two before consent is given. I wish to ask the Senator first what was done with the appropriation for the archives building?

Mr. WARREN. The item making appropriation for the archives building and the item making appropriation for vaults in the Treasury Department were lost. The Senate conferees were compelled finally to concede the striking out of those items. The report now presented is a final report. We have already had a partial report, in which the House receded upon various amendments, but the two amendments from which the Senate conferees were finally compelled to recede are the items covering the two buildings, one a million dollars for new vaults in the United States Treasury and the other a half million dollars for a site, preparing the land, and so forth, for an archives building.

Mr. SMOOT. Mr. President, I can not help believing that there has been a serious mistake made on the part of the House in not agreeing to the appropriation of $500,000 for the purchase of the land upon which to erect an archives building.

When I appeared before the conference there was not a member of the conference who did not recognize the fact that there ought to be an archives building. But we are told that no appropriation shall be made by Congress toward the erection of an archives building until there is a general public buildings bill, and then it can be included in that bill. The Government has purchased a site in one particular State, and there was not money enough appropriated to erect a post-office building, so this great question of preserving the records of the Government of the United States is to wait until Congress will give the necessary amount of money for the erection of that post-office building.

So far as I am concerned, as chairman of the Public Buildings Commission, I desire to say now that I shall assume no further responsibility for the safekeeping of the Government records. I have told the Senate what the conditions are. I desire to say now that there is not a Senator or a Congressman who will take the time to visit the departments of our Government and see the condition the records are in who would hesitate a minute to vote to appropriate money for the erection of the proper building. So if within the next year or two some of the most valuable Government records are destroyed by fire I want the responsibility to rest where it belongs, and that will not be with the Senate of the United States. The Senate did its duty in making provision for purchasing the land, but now we are told we can not have it until we provide for a general public buildings bill.

Mr. KING. Mr. President, will my colleague yield?

Mr. SMOOT. I yield.

Mr. KING. I saw some report, and I wish to be advised whether the report was correct or not, that the opposition of the House was not upon the ground stated by my colleague, but rather upon the ground that the Government of the United States owned a large amount of unoccupied real estate in the District, and that the House was entirely willing to vote a sufficient amount for the building, but they were not willing to vote for the purchase of additional land, which they thought would inure to the benefit of real estate owners in the District. If that report is wrong, I shall be very glad to be informed.

Mr. SMOOT. I wish to say to the Senator that there is nothing whatever in the claim. If we put this building up on the Mall, where some are talking about erecting it, we could not build a plain, substantial building, such as the commission wants to build, one that will stand for a hundred or more years and the cost of which would not be largely in polished columns and marble floors. What we want is a building where we can keep the records in a fireproof place, and that is all we want. If it were put upon the Mall, where some are talking about erecting it, the building would cost twice as much as we would be able to complete it for on the land where we desire to put the building, because it would be necessary on the Mall to erect a much more expensive building than is really necessary. If I owned the whole thing myself, if I were able to raise every dollar of the money, if I owned every foot of land that the Government of the United States owns in the District and did not own that which we desire to purchase, from a business standpoint I would purchase that land and build the necessary building, and the kind of building desired, because by so doing I would save at least $500,000 to the Government, and perhaps $1,000,000.

The PRESIDENT pro tempore. The Chair desires to remind the Senator that the Senate has not yet given its consent for the consideration of the conference report.

Mr. SMOOT. I recognize the condition and I know that the report will have to be adopted. The House has already voted upon it. I know the attitude of the House. I am not going to object to the consideration of the conference report. All I rose to say was simply that I wash my hands of any responsibility hereafter if anything should happen to the Government records. We have them in cubby-holes all over Washington, we have them in New York, we have them in other places. Many of the most valuable records—records that could not possibly be replaced for any amount of money—are in danger to-day.

Mr. WALSH of Montana. Mr. President——

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

Mr. SMOOT. Certainly.

Mr. WALSH of Montana. I simply rose to inquire if the unfinished business is before the Senate?

The PRESIDENT pro tempore. The request of the Senator from Wyoming to consider the conference report is now before the Senate.

Mr. SMOOT. That is all I have to say. I say, again, that I am not going to object to the report, but I think there was an awful mistake made when the House insisted upon striking that particular item out of the appropriation bill.

Mr. POINDEXTER. Mr. President, my understanding of the procedure in the consideration of the archives building amendment is that the conferees on the part of the House contended that it is not authorized by law, and under that contention additional legislation being necessary, it was submitted to a vote of the House of Representatives. I noticed in the RECORD that it was argued upon the submission of the question that there is no law authorizing the appropriation.

It seems even those gentlemen who claimed that it was authorized based their argument entirely upon the original archives building act which was passed in 1914, and that they overlooked the fact existing subsequent to the enactment of the general public buildings act of 1914, which included in its provisions, among provisions for a number of other buildings, an authorization for an archives building specifying certain conditions and certain qualities which the building should have and under which it should be erected. Subsequent to that time, because the question arose as to whether or not the original act really authorized the building, and in order to remove any doubt on that subject, Congress passed a supplemental act in which, in the most specific language that could be used, employing the word "authorized," it was expressly provided that the archives building was thereby authorized. In pursuance of the terms of the original act of 1914 which provided for a commission for the selection of the site, on which the Vice President of the United States and the Speaker of the House of Representatives had places, and including certain members of the Cabinet, the Secretary of the Treasury having been authorized to acquire a site, my opinion is that under the terms of that act, if strictly and fairly construed, the Secretary of the Treasury could bind Congress on a contract for this property, because he was authorized to acquire it.

Then it would simply be a question of whether or not Congress should fulfill its obligations in connection with the property which he had acquired. He selected this particular site under that authority, and it was approved by the commission over the signatures of the Speaker of the House of Representatives and the Vice President of the United States. Furthermore, that action was in accordance and in harmony with the recommendations of a special public buildings commission, which, upon an investigation of the need of the Government for public buildings in the District of Columbia, dealt in one of the sections of its report with the question of an archives building and recommended the particular site for which the appropriation contained in this bill was intended; and the special archives building commission, to which I referred a moment ago, adopted the recommendations of the general Public Buildings Commission in the selection of this site.

Mr. WILLIAMS. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I should like to ask the Senator from Washington if he does not think that the Government owns property in the District of Columbia sufficient in area and properly and conveniently situated for an archives building and all other public buildings without acquiring any more sites?

Mr. POINDEXTER. No; I do not agree with the Senator from Mississippi in that respect. A great deal of the property which the Government does own is intended to be kept as open property, and it should not be encumbered with buildings of any kind. For instance, there is an open space, which I believe is owned by the Government, lying between the Senate Office Building and the Union Station. I would much prefer that that remain open and that it be enjoyed by the citizens as a piece of open land.

Mr. WALSH of Montana. I call for the regular order.

The PRESIDENT pro tempore. The Senator from Montana demands the regular order. The regular order is the unfinished business. The question is on agreeing to the committee amendment to House bill 2373.

Mr. POINDEXTER. I have not yielded the floor. I want to complete what I was saying in regard to the archives building.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. POINDEXTER. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, the Senator from Washington just said something about open space which ought not to be encumbered with buildings. While I am not a professional esthete or an artist, I say that open spaces with buildings in them, if the buildings are appropriate and beautiful, are not at all encumbered by the buildings; they are beautified by them; and that there ought not to be any great open spaces outside of the public playgrounds and parks of cities without some building in them. Nothing more beautifies a square in a city than a building in the center of it and a nice fountain along with it. Each one of the squares between here and the Union Railway Station ought to have somewhere near the center of it a beautiful building in keeping with the architecture of the city of Washington, which is the old republican architecture of Greece and Rome; and so far from encumbering a site it would improve it in every possible sense. It is a combination of utility with beauty that recommends itself to my mind very much.

Not only have we open spaces between the Capitol and the Union Station but we have other spaces which we have condemned long ago, on the south side of Pennsylvania Avenue, for example, which we can put into service at some time. I remember, Mr. President, when it was objected that the new Pension Bureau Building, in Judiciary Square, would ruin the square, but if the building placed there had been a beautiful building it would not have done it. However, unfortunately, the people who had charge of the architecture at the time erected a brick barn there instead of a really beautiful classical building. Even the brick barn, however, did not deface the square. It has added immensely to its utility, of course, but outside of that it has not destroyed its beauty. Just as monuments are placed in squares to beautify them, so, a fortiori, if a beautiful building be placed in a square, the square is still more beautified.

Mr. POINDEXTER. Mr. President, I realize the good taste of the Senator from Mississippi, and it is merely a matter of taste. The practical object we have in view in this instance, however, is getting an archives building. I do not agree with the Senator from Mississippi about the use to be made of the parks and open spaces in the city. I would rather have grass and trees in the public parks. That, however, is aside from the present question. If there is no other means of getting an archives building, I will agree with the Senator from Mississippi that we build it in the middle of one of the public parks, because it is essential that we should have an archives building.

Mr. WILLIAMS. I do not wish to have the archives building erected in the center of a public park.

Mr. POINDEXTER. Let us build it somewhere; that is the proposition.

Mr. WILLIAMS. Yes.

Mr. POINDEXTER. This appropriation did not specify the site at all; and if the conference committee was of the opinion which the Senator from Mississippi holds, that the archives building should be erected upon land which the Government already owns, then they could have somewhat changed the amendment and provided for an appropriation for the erection of the building upon land which the Government already owns and specified the land. That is a mere matter of detail.

Mr. WILLIAMS. Mr. President, as I understand what the Senator is contending for—perhaps I am mistaken, as my hearing is not so acute as it has been—is that we should acquire the land?

Mr. POINDEXTER. Yes.

Mr. WILLIAMS. That means to purchase additional land and to go outside of the areas already owned by the Government?

Mr. POINDEXTER. That was my proposition; but I was adding to it that, if there is objection to acquiring the land, in order to secure the main object, which is an archives building, I am perfectly willing as one Member of Congress to forego the plan to acquire new land and to accept the proposition of the Senator from Mississippi and to erect the building upon land which the Government already owns.

Mr. WILLIAMS. But if we pass a bill which contains a provision for acquiring land, then the Government would be compelled to acquire it.

Mr. POINDEXTER. I am stating to the Senator from Mississippi that if there is objection to that language some other language may be substituted for it——

Mr. WILLIAMS. Very well.

Mr. POINDEXTER. The main object to secure the erection of a building for the uses which have been described and which everybody realizes are quite pressing.

Mr. WILLIAMS. I will ask the Senator to hand me the bill and I will suggest an amendment.

Mr. POINDEXTER. In just one moment. I merely wish to call attention, Mr. President, further to the fact that I think on three separate occasions the Senate has attached amendments to appropriation bills providing for an archives building, and I sincerely trust it will continue to do so, and that at some time when the appropriation bills come back here from the House of Representatives the Senate will make a stand for an appropriation of money for the erection of an archives building, either on Government land or upon land to be acquired for that purpose, and that the deplorable condition in which the records of the Government are now placed will be done away with. It is essential not only that the archives should be accessible and available for examination on the part of those who desire to examine them to secure the information which they contain or for historical research, but, in addition, that the waste and possibility of destruction by fire, by moisture, by dryness, and by heat, under which they are crumbling away, shall be stopped, and that the proper care of these invaluable records of the Government be taken by a Government which is wealthy and perfectly able to do so.

Mr. WILLIAMS. Mr. President, I must apologize to you and to the Senate for not having known the real situation. I thought when I asked the Senator from Washington a moment ago to hand me the bill so that I might word the proper amendment to it that the subject matter was before the Senate. I now learn that it is not.

Now, Mr. President, I wish to make a few general observations in connection with the main proposition. There undoubtedly ought to be an archives building. Undoubtedly the United States Government owes it to history and to art and to its own administration of public affairs to have an archives building. Undoubtedly that archives building ought to have certain advantages. In the first place it ought to be fireproof, and in the second place—and if possible more important still—it ought to be so isolated as not to be subject to fire from other buildings.

The archives building ought to be erected in the center of some great square which the Government owns in the city of Washington and so distant from each street and so distant from each house around it as to be free from any chance of catching fire from some other building. If such an archives building is erected in the center of one of the squares which the Government owns or upon Pennsylvania Avenue, after the buildings on the property which the Government there owns shall have been removed, those two essential conditions will have been complied with. The first is that the building itself shall be fireproof—not allegedly fireproof, not fireproof according to any insurance company's report, but fireproof sure enough, like the old Treasury Building, which, by the way, is one of the most magnificent specimens of architecture in the world to-day. There is hardly anything in ancient Greece or ancient Rome that exceeds it in beauty or in substantiality. I repeat, it is essential that the archives building shall be really fireproof in its walls, in its floors, and in every part of it—in the receptacles, the shelving, and whatever else there may be to contain the archives—so that there will be nothing inflammable in the building at all except the paper itself containing the archives; but it is still more important, Mr. President, to isolate it in the center of some region of ground so that it will not be apt to catch fire from the surrounding buildings, and there is no way of doing that except by putting it in the center of a square.

There is nothing that beautifies a square so much, and does not deprive the people of a single pleasure in its enjoyment, as a building in the center of the square which shall give character to it. The Senator speaks of the grass and the trees; but neither grass nor trees nor buildings are as beautiful in themselves as when the three are together. The building surrounded by grass and in the midst of trees is the ideal union of nature and art which makes beauty.

I hope that, whatever occurs later on, we shall not compel the Government of the United States to buy a site to put this building on, but that we shall leave it at least within the discretion of the committee considering the question to determine whether or not it shall be placed upon property which we already own.

Mr. TOWNSEND. Mr. President, do I understand that the unfinished business is now before the Senate?

The VICE PRESIDENT. It is before the Senate.

AGRICULTURAL ASSOCIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2373) to authorize association of producers of agricultural products.

The VICE PRESIDENT. The pending question is on the amendment of the Committee on the Judiciary.

Mr. TOWNSEND. Mr. President, I have just a few words that I wish to submit to the Senate in reference to this proposition.

A great deal has been said from the beginning of the last session of Congress until this hour relative to the unfortunate condition in which agriculture generally finds itself in the United States. I think it is conceded that that condition is more deplorable than the condition of any other industry of the country, and it is the real basis of all industry. I have felt that some propositions have been presented to Congress which could not be reasonably expected to accomplish any great relief to the farmers. Here is a proposition, however, which does not offer to him any nostrum, any fictitious hopes, but allows him to help himself. The American farmer always has been of that character that he could be depended upon to help himself to the limit of his possibilities, and in so doing he has always contributed to the welfare and the general prosperity of the country itself.

It has been our proud boast that from the farms of the country have come the men who have developed the country in every department of its enterprise.

Some years ago we passed what is known as the Sherman antitrust law, which was never even remotely considered in connection with agriculture. There was not any danger then, any more than there is danger now, that the great mass of agriculturists throughout the United States could combine to the detriment of the people generally. They can not unduly enhance prices. They can not create a monopoly judged by what is known as the "rule of reason." The Sherman law was never, I say, considered as being applicable to farmers. The farmer has always, however, been subjected to conditions beyond his control, and over which he did not even remotely exercise any control. He produces his products largely without any knowledge as to what the cost is to himself, because he does not keep books. He does not account for his own work, or for that of his family, generally; but in late years some farmers have commenced to keep accounts and they have discovered that they have received no compensation adequate to the investment either of their capital or of their labor. This has been due largely to the fact that their products have been controlled by outside influences. They do not control the market, and the spread between the price which the farmer receives and what the consumer pays is all out of proportion. Wherever extortion in farm products has been practiced it has been done after the farmer parted with his products. It seems to me to be absolutely necessary, if we are to consider the economic good of the country, that this increase of cost should be avoided if possible, to the end that the producer and the consumer both might benefit. If by allowing cooperative understandings we can shorten the distance between producer and consumer and eliminate the toll gates on the way the farmer and the consumer will both be benefited.

The House bill proposes that farmers may organize—I think they can do it under the law now—for the purpose of controlling markets in the sense of taking advantage of the best market possible, consistent with the good of the country. Threats of prosecutions, however, hinder them from organizing. The House bill proposes to permit proper organization. The proponents of the amendment say that they have no objection to eliminating the possibility of section 1 of the Sherman antitrust law applying to agricultural organizations, but they lay especial emphasis on their claim that section 2 must apply to these organizations. Why, sir, if this amendment is agreed to, then I submit that the Congress has specifically stated that even though the original intention of the makers of the Sherman antitrust law was not to cover farmers' organizations, it shall cover those organizations henceforth from the passage of this bill. It would be better to defeat the measure than pass it with this amendment.

I have not been able to attend all of the discussions on this bill, because the Committee on Post Offices and Post Roads is in session constantly on the annual appropriation bill; but I

listened to some interrogatories submitted yesterday by the senior Senator from Ohio [Mr. POMERENE] to the Senator from Montana [Mr. WALSH]. It appeared to the Senator from Ohio, as it does to me, that the Senator from Montana makes a distinction without a difference in defining the relative power of the first and second sections of the Sherman antitrust law. It seems to me there can be no restraint in trade entitled to the consideration of Congress which is not effected through a monopoly of some kind; and if we say that the first section of the Sherman law shall not apply, but the second section shall, we are giving to the Sherman antitrust law a special force which was not intended by its makers. That law was intended to cover aggregations of capital so consolidated that they could get together, determine prices, and control markets absolutely; and it was that danger which the Congress had in mind when it passed the Sherman antitrust law. No such danger is possible from the agricultural interests of the country; and if we are to help the farmers, we must do something that will enable them to take advantage of the possibilities of the markets to which they are entitled.

There may be some examples such as that to which the Senator from Montana called attention—namely, the milk supply of large cities—where possibly there might be combinations which would produce injury and injustice to the consumers of milk; but, sir, the House bill provides that that question may be reviewed by the Secretary of Agriculture—that he may pass upon the question; and while the Senator from Montana says that all he can do is to disapprove the agreement, and that he can not fix the prices, nevertheless I think the provision of the House bill should be amended so that the courts finally could make any order which is applicable to all conditions.

Mr. KELLOGG. Mr. President, I will say to the Senator that the Senator from Kansas [Mr. CAPPER] has offered an amendment which authorizes the court to make any decree necessary to do justice in the premises, thus giving the court absolute power, the same power that it would have now under the law.

Mr. TOWNSEND. Mr. President, I may have some peculiar notions in reference to the Sherman antitrust law or in reference to combinations. They are not original with me. Others have held those views, but I am one of those who believe that there are good combinations and bad combinations. I recognize that it is very difficult to frame a general law which would apply under those conditions; but I think that when we passed the Federal Trade Commission act, for instance, we thought we were investing a commission with power to pass upon certain questions which would enable the business men of the country to determine in advance whether what they were proposing to do would be in conflict with a law which was subject to various kinds of interpretations by the courts. I am in favor of that principle, and it is involved in this bill. It enables the Secretary of Agriculture to pass upon this question in case complaint is made or his attention is called to the fact that prices are unduly enhanced to the consumers of agricultural products. Then, I repeat, it goes to the courts, if it is deemed advisable on the part of either party to take it to the courts.

So, Mr. President, I am not anticipating any injury to come from the passage of this bill; and it is, as I have said, an effort to furnish self-help to the farmers in their efforts to take advantage of conditions from which they have suffered throughout our whole history, and from which they are suffering intensely now—their hitherto inability to get together and take advantage of the conditions of a market which properly belongs to them, but which is manipulated by others.

I have said thus much as giving some of my reasons why the House bill should pass with any proper amendments that may be made to safeguard and carry out the original intent of its framers. I hope the bill will pass. I am certain it would pass if we were all familiar with the conditions as they exist. Congress can not do much to restore normal conditions. We all know that to be a fact. We are attempting in Congress to legislate for conditions existing which no law can remedy. No law can help, indeed, some of the laws can hinder, a return to normalcy; but there has been no normal condition in agriculture, so far as the markets are concerned, for years and years before and during and after the war, so far as that is concerned, and it is because I want a better opportunity afforded to farmers to help themselves that I favor the bill as it passed the House.

Mr. CALDER. Mr. President, in the pending bill there is no suggestion that the farmers of this country be given any special privileges. On the contrary, Congress is merely asked to clarify the position of cooperative farm organizations which may operate business institutions or business plants in relation to the Sherman antitrust law. I do not understand the Capper-Volstead bill to allow agriculture any exemptions. It merely states just what cooperative farm organizations may do.

The uncertainty of the legal status of farm organizations which conduct business in a collective way has had a paralyzing effect on the efforts of men and associations who are brought together so that they may more economically and efficiently administer their affairs. In some sections of the country, I am informed, officers and members of such organizations have been arrested, indicted, and even thrown into prison. United States attorneys and other officials have so construed the Sherman antitrust law as to make it cover the operations of nonstock, nonprofit farm associations.

These associations have provided a means through which the farmers may come into more direct contact with their urban customers. They have aimed to eliminate many of the costly intermediary agencies of distribution by themselves doing the work of such agencies. These efforts through organization to more economically distribute their products have in many cases aroused the suspicion of officers who are always on the lookout for offenders against the antitrust laws of the Nation.

Such vigilance, while commendable, has had an embarrassing effect on perfectly honest men who have never been able to get their legal bearings when making agreements with their fellow citizens engaged in the same occupation regarding the sale of their products. Able lawyers have contended that the provisions of the antitrust law should never be invoked against farm organizations which deal only in the things which their members produce. But there is no general agreement on this subject among men associated with the Department of Justice, hence it is very necessary to enact some measure which will clearly show just what farm organizations can do and continue to live within the law.

Personally I am convinced that the authors of the Sherman antitrust law and the Clayton Act never contemplated the application of the provisions of these measures to men engaged in the collective sale and distribution of products which they themselves bring to maturity. Such application seems to me to be altogether too strained an interpretation of what was in the mind of Congress when these bills were assented to.

The Sherman and Clayton Acts forbid combinations in restraint of trade, but they rather encourage associations designed to foster trade. Farmers are asking for this cooperative law so that they may be able to do a larger and safer business founded upon scientific trade principles. They are not asking to be released from liability for acts of commercial or industrial oppression. They are only asking that by affirmative action Congress recognize the principle of collective bargaining.

Farmers have the natural and inherent right to approach their customers through agencies of their own creation. This right should be clearly and positively recognized by Congress. If the Sherman and Clayton Acts had been generally interpreted as their authors intended they should be, there would be no necessity for the enactment of the bill which we are now considering. The right of the farmers to collectively market their products would generally have been conceded.

If I could find in this bill any privilege to agriculture which is withheld from any other element in our citizenship, I would not be among its supporters. It has been said by statesmen and publicists that the bill constitutes class legislation, that it confers favors at the expense of the urban population, and that it permits agriculture to do those things which are forbidden to other interests. I confess I am unable to so interpret the bill. To my mind it merely removes from the shoulders of the farmers burdens and restrictions which are not imposed upon ordinary commerce and industry.

The farmer is a business man. It is most commendable and only natural that he would desire to use modern methods in the conduct of his enterprise. It is not fair that he should be denied the use of these methods. Cooperation is not "combination." While there is a pretty general demand that big business be forced to yield to necessary regulation, no modern thinker will seriously propose that the business which serves all the people shall be crippled or its ability to function impaired. It is only through cooperation that the highest service to the public can be assured. This fact is recognized by agriculture just as it is recognized by industry, finance, and commerce.

Agriculture is the biggest of all business. Industrially it is a Titan. It is bigger than all the railways, the steel mills, and the coal mines in the United States combined. In the year 1919 the total value of farm products reached the staggering sum of $25,000,000,000, enough to pay America's share of the cost of the war. But this vast business was done largely by men who are unorganized, who were compelled to take whatever they could

get for their products, who had no voice in naming the reward they should receive for the service they had performed. If they met and suggested that they should at least obtain cost of production, they were in peril of arrest, indictment, and imprisonment.

Other business concerns were able to get the ear of the public because they were intensely and intelligently organized. They were able to control to some extent at least the markets in which they sold their wares. But agriculture, though spread over the whole country, stretching from the extreme north to the extreme south and from the extreme east to the extreme west, was helpless. It must take what was given it, and we all know that in the past two years it has been impossible for the farmers to collect a sum which even approximates the cost of production.

Why, then, should they not be legally permitted to organize for business purposes? To establish a producers' trust appears to be entirely impossible. There is no danger that the farmers will ever be able or even attempt to corner the food supplies of the Nation. But they ought to be permitted through organization to have some say about how their products shall be distributed, in what markets they will be sold, and how much they will receive for them.

So far agriculture has been a wounded and almost helpless giant, depending entirely for the sale of its products upon agencies which it had no hand in creating. The time has come, however, when it appears to be the full purpose of the farmers to take some hand in directing the selling end of their business. They know that this can not be brought about through individual action. They know that if they are to give any real or effective attention to the sales department it must be through intelligent organization.

Collectively the farmers of the United States, according to the latest census report, own about $80,000,000,000 worth of property. This property has failed to pay anything like substantial dividends; at all events, during the past two years. Scores of thousands of good citizens have left rural America to take their places beside their brethren in the congested centers of population. They have found farm life unattractive and unprofitable. They have become tired of producing at a loss and have finally exchanged broad acres and country air for a hard present and a doubtful future in the cities.

If by cooperative effort these conditions can be ameliorated and farm life made more attractive, Congress ought to enact the necessary permissive legislation. In a country like ours there ought always to be a thriving, wholesome, progressive, and contented agriculture. It is not a wholesome sign of national progress to witness the constantly moving and ever enlarging procession of ruralists toward the centers of urban life. Every effort should be made to arrest the progress of this procession.

It is obvious that a contented and prosperous agriculture means a more wholesome and more prosperous urban population. An abandoned farm is an eyesore. It is evidence of local decay, threatening the national fiber, and if permitted to continue imperiling the national health. Let us keep our boys on the farm.

But it is useless to urge this if agriculture is to continue to be conducted at a loss. I am for this bill because I believe it will give the farmers an opportunity to so organize and so adjust their business as to make the business of farming more profitable. We who live in the cities should be the last to discourage enlightened and cooperative effort among those who provide us with our food, our clothing, and largely our shelter.

Mr. President, I speak with some interest on this subject, because I live in the greatest city of the Nation, and I am confident that the people whom I represent in that city are perfectly willing that the farmers shall organize in such a way as to bring to them not only fair prices for the things they produce, but in the end will tend largely to decrease the prices of the things the people in the cities have to buy which the farmers produce.

Mr. STERLING. Mr. President, although a member of the Committee on the Judiciary, I was not present when the substitute for House bill 2373 was considered by the full committee on a report made by a subcommittee of the Judiciary Committee. Of course, I am in hearty sympathy with the purposes of the bill and with what are perhaps the purposes sought to be attained by the amendment to or substitute for the bill as it passed the House; but, Mr. President, after giving some further thought to this subject my belief is that the substitute of the Senate committee would cut the heart out of the bill, would render nugatory the purposes intended to be attained by the original bill, and would render nugatory, I think, the intent of those who framed the substitute for the bill.

I appreciate the needs of the farmers, those who produce our agricultural products, whether they be in the shape of grain or in the shape of stock, milk, or fruits. The farmer has stood alone. Nearly every other business is organized. Manufacturing, mining, commercial interests, are supported and carried on usually by the great aggregations of capital, and those interests, in addition, have had the support and assistance of men long skilled and experienced in the business. They have had the assistance of counsel to guide them in their several business interests, but the farmer has been isolated, and he has been left to depend on his own unaided resources in the operation of his farm, in the carrying on of his farming industry, and in the finding of a market for his products. Yet it is the great basic industry, the one essential industry, fundamental and upon which all the others more or less depend. So he has worked and toiled at a great disadvantage as compared with the rest. The purpose of the bill is to allow him to combine, to cooperate with his fellow farmers in the matter of processing, preparing for market, and finding the market for his products. It seems to me it is one of the most reasonable and just propositions that ever came before us for consideration.

But, Mr. President, what about the proposed substitute? I said the effect of it would be to take the heart out of the bill and render nugatory the purpose which was intended by the bill. Why will that be so? It is because primarily of the close relationship, if not the almost identity, between sections 1 and 2 of the Sherman Antitrust Act. There is something peculiar even about the reading of the two sections to which I would like to call the attention of the Senate. Section 1 provides:

> Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

So much for the provision relating to contracts alleged to be in restraint of trade. They are in that one sentence declared to be illegal. But are monopolies or attempts to monopolize declared in terms to be illegal? Under section 2, that relating to monopolies and attempts to create monopolies, the language is as follows:

> Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States—

shall be liable as provided in the act. The one relates to the thing, the contract or combination; the other, section 2, begins with reference to the person or persons.

So, Mr. President, it is as though in enacting the second section of the Sherman antitrust law Congress wanted to bring together in that one section everything that could have been included in the first section and make it like what we sometimes call a common count in a pleading at common law, the one thing under which all evidence might be introduced. I submit that the evidence under a charge of combining or contracting or conspiring in restraint of trade would be the same as in a case where the party or parties were charged with monopolizing or attempting to monopolize.

What does the substitute do? The first part of it, of course, is practically the same as part of section 2 of the original House bill, but the rest of it, that which provides that nothing herein shall be construed to exempt from procedure as for a violation of the law against monopoly—such is the substance of it—upon its face invites a prosecution as for the offense of monopolizing or attempting to monopolize. Ambitious United States district attorneys or persons envious of or feeling that their business might possibly be injured by a company or an association of farmers would be quick to seize upon section 2 of the Sherman Antitrust Act for the purpose of instituting a prosecution.

Mr. President, I said in the beginning that there was a close relationship between a monopoly or an attempt to create a monopoly and an agreement or combination or conspiracy in restraint of trade. The evidence that would fit the one and support a charge of the one would be evidence that would be brought to bear to support a charge of the other, namely, of a monopoly. The theory is that both ultimately tend to bring about the great abuse which the Sherman Act was intended to remedy, namely, the undue enhancement of prices. Now, I wish to show from the opinion of Chief Justice White in the Standard Oil case this close relationship between the two, the agreement in restraint of trade and what we would technically call monopoly.

The Chief Justice goes into a discussion of monopoly at common law and tells what it is. Under the common-law definition, and many Senators will recognize it, an allowance or permission by the king or the sovereign for some one person or persons to make, to buy, or to sell some commodity or article to the exclusion of everybody else was often granted. English law, of course, in the course of time remedied that evil. Why was it an evil? Because, of course, it tended to bring or actually brought the undue enhancement of the price of the article for which a monopoly had been given. Chief Justice White

compares the definition of monopoly with the definition of engrossing at common law that old common-law offense of engrossing. Let me read:

As by the statutes providing against engrossing the quantity engrossed was not required to be the whole or a proximate part of the whole of an article, it is clear that there was a wide difference between monopoly and engrossing, etc. But as the principal wrong which it was deemed would result from monopoly—that is, an enhancement of the price—was the same wrong to which it was thought the prohibited engrossment would give rise, it came to pass that monopoly and engrossing were regarded as virtually one and the same thing. In other words, the prohibited act of engrossing, because of its inevitable accomplishment of one of the evils deemed to be engendered by monopoly, came to be referred to as being a monopoly or constituting an attempt to monopolize. Thus Pollexfen, in his argument in East India Co. v. Sandys (Skin. 165, 169), said:

"By common law, he said that trade is free, and for that cited 3 Inst. 81; F. B. 65; 1 Roll. 4; that the common law is as much against 'monopoly' as 'engrossing'; and that they differ only that a 'monopoly' is by patent from the king, the other is by the act of the subject between party and party; but that the mischiefs are the same from both, and there is the same law against both. (Moore, 673; 11 Rep., 84.) The sole trade of anything is 'engrossing' ex rei natura, for whosoever hath the sole trade of buying and selling hath 'engrossed' that trade; and whosoever hath the sole trade to any country, hath the sole trade of buying and selling the produce of that country, at his own price, which is an 'engrossing.'"

The Chief Justice then comes to apply this to the rule or to the evolution of the principle recognized in this country. He says:

In this country, also, the acts from which it was deemed there resulted a part, if not all, of the injurious consequences ascribed to monopoly, came to be referred to as a monopoly itself. In other words, here, as had been the case in England, practical common sense caused attention to be concentrated not upon the theoretically correct name to be given to the condition or acts which gave rise to a harmful result but to the result itself and to the remedying of the evils which it produced.

As I have already said, and as we all understand, the result, being the controlling thing, is an undue enhancement of the price, and we may indifferently call it by the old common-law name of engrossing or we may call it a monopoly.

The Chief Justice continued:

The statement just made is illustrated by an early statute of the province of Massachusetts—that is, chapter 31 of the laws of 1778–1779, by which monopoly and forestalling were expressly treated as one and the same thing.

The Chief Justice comes, then, to discuss the word "monopolize," and says:

Undoubtedly, the words "to monopolize" and "monopolize," as used in the section, reach every act bringing about the prohibited results. The ambiguity, if any, is involved in determining what is intended by monopolies. But this ambiguity is readily dispelled in the light of the previous history of the law of restraint of trade to which we have referred, and the indication which it gives of the practical evolution by which monopoly and the acts which produce the same result as monopoly—that is, an undue restraint of the course of trade, all came to be spoken of as, and to be, indeed, synonymous with, restraint of trade. In other words, having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section seeks, if possible, to make the prohibitions of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section.

Hence my reason for saying, as I said at the beginning, that the same evidence to be adduced in a charge that there has been a combination or contract or conspiracy in restraint of trade may be adduced in support of a charge that there is a monopoly or that there has been an attempt to monopolize. I think we can see the evil now of adopting the proposed substitute, which is ostensibly for the purpose of preventing monopoly. A man who desires to prosecute a combination or association of farmers has only to say, "There is here an attempt to create a monopoly" and he produces the evidence; and he would have produced the same kind and class of evidence had the charge been that there had been an agreement in restraint of trade and commerce.

Mr. POMERENE. Mr. President, may I inquire from what is the Senator from South Dakota reading?

Mr. STERLING. I am reading from Chief Justice White's opinion in the Standard Oil case. I am now reading from page 61. Let me read that passage again:

In other words, having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section seeks, if possible, to make the prohibitions of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section—that is, restraints of trade—by any attempt to monopolize, or monopolization thereof, even although the acts by which such results are attempted to be brought about or are brought about be not embraced within the general enumeration of the first section. And, of course—

Says the court—

when the second section is thus harmonized with and made, as it was intended to be, a complement of the first, it becomes obvious that the criteria to be resorted to in any given case for the purpose of ascertaining whether violations of the section have been committed, is the rule of reason guided by the established law and by the plain duty to enforce the prohibitions of the act and thus the public policy which its restrictions were obviously enacted to subserve.

In other words, the rule of reason which Chief Justice White applied in the Standard Oil case applies as well to monopolies or to attempts to create monopolies as it does to combinations or contracts in restraint of trade.

And it is worthy of observation, as we have previously remarked concerning the common law, that although the statute by comprehensiveness of the enumerations embodied in both the first and second sections makes it certain that its purpose was to prevent undue restraints of every kind or nature, nevertheless by the omission of any direct prohibition against monopoly in the concrete it indicates a consciousness that the freedom of the individual right to contract when not unduly or improperly exercised was the most efficient means for the prevention of monopoly, since the operation of the centrifugal and centripetal forces resulting from the right to freely contract was the means by which monopoly would be inevitably prevented if no extraneous or sovereign power imposed it and no right to make unlawful contracts having a monopolistic tendency were permitted. In other words, that freedom to contract was the essence of freedom from undue restraint on the right to contract.

Mr. President, the bill as it came from the other House is exactly in conformity with the principles laid down in the opinion of Chief Justice White. The bill conforms to the rule of reason, both in regard to contracts in restraint of trade and in regard to attempts to create a monopoly. According to Chief Justice White, the rule of reason applies to any contract in restraint of trade as well as to the distinct attempt, if it can be distinct, to monopolize or to create a monopoly.

What does the House bill propose to do and why should we fear that bill? The House bill, the bill for which a substitute is offered by the Senate committee, reads in part:

SEC. 2. That if the Secretary of Agriculture shall have reason to believe that any such association monopolizes or restrains trade to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint—

And so forth.

The undue enhancement of prices is made the test as to whether or not the Secretary of Agriculture may take steps to prevent the acts complained of, and that pertains both to monopoly and to contracts in restraint of trade.

I understood from the Senator from Montana [Mr. WALSH] that he construed the House bill as in terms and expressly authorizing the creation of a monopoly. I can not agree with that. If there is a monopoly, however, or if there is an agreement which it is feared might be in restraint of trade to such an extent as to unduly enhance prices, the public, which is injured or any person believing the public to be injured, may make complaint. It will then be for the Secretary of Agriculture to determine whether or not the agreement or the combination is such as to bring about undue enhancement of prices. Mr. President, that statement applies to anything in regard to which a combination or association of farmers is authorized under this bill. So the producers of milk would be no exception to the rule, and any attempt of any association of milk producers under this bill unduly to enhance the price will subject them to the same inquiry and investigation as it would subject those associated together for any other agricultural business.

So, Mr. President, believing, as I do, that the proposed substitute would thus seriously injure, if not altogether destroy, the effect and purposes of the bill as originally intended, I shall vote against the substitute and for the original bill.

Mr. WALSH of Montana. Mr. President, before the Senator from South Dakota takes his seat I should like to make a further observation. The Senator concludes his remarks with the statement with which he introduced them, namely, that the amendment proposed by the Senate committee, referring of course to the monopoly amendment, takes the heart out of the bill.

Mr. STERLING. Yes.

Mr. WALSH of Montana. The Senator also refers to the fact that he was not present at the time the bill was considered by the Judiciary Committee. I believe that is correct. The Senator, however, was present when the prototype of this bill was under consideration by the Senate on December 14, 1920. He advocated and approved the entire bill at that time, and called especial attention to the feature that he now condemns. I read from the RECORD, at page 316, from a colloquy between the Senator from South Dakota [Mr. STERLING] and the Senator from Idaho [Mr. BORAH]:

Mr. STERLING. * * * Mr. President, my theory was simply this, as I have stated, that the real purpose of this bill was to make it certain that such associations could not be prosecuted under the Sherman antitrust law. It has never yet been decided by the Supreme Court of the United States that they are acting in violation of the Sherman antitrust law, and my proposition is merely that this measure is in the

spirit exactly of the Sherman antitrust law as interpreted by the Supreme Court of the United States. The following language:

"To such an extent that the price of any agricultural product is unduly enhanced by reason thereof"—brings it exactly within the "rule of reason" first announced by the court. It is not a combination in restraint of trade under the Sherman antitrust law unless the result of the combination is to unduly enhance the price of the product or create a monopoly.

To show that the feature which the Senator now condemns did not escape his attention I continue reading:

The last provision, being an amendment proposed to the bill by the Judiciary Committee, is as follows:

"Nothing herein contained shall be deemed to authorize the creation of, or attempt to create, a monopoly or to exempt any association organized hereunder from any proceedings instituted under the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, on account of unfair methods of competition in commerce."

So that not only the bill as a whole received the approval of the Senator from South Dakota, but this specific provision received his approval.

Mr. STERLING. Mr. President, I think, perhaps, I recall the statement made, but it was not with reference to the pending bill or the substitute which has been offered; it was with reference to the original bill to which the Senate committee or a subcommittee had attached a short amendment without changing section 2, as I recall, of the original House bill, except that section 2 had been amended so as to substitute the Federal Trade Commission instead of the Secretary of Agriculture as the body which should determine whether there had been an undue enhancement of price.

Mr. WALSH of Montana. But the Senator has not been condemning particularly the excision of section 2; his argument has been addressed to that amendment which forbids monopoly.

Mr. STERLING. However that may be, Mr. President, whatever I said then in regard to that proposed amendment, I have this to say now, that after I have given the subject full and careful attention and after reading the opinion of Chief Justice White in regard to the close relation between monopoly and restraint of trade, and realize the fact that the same evidence would be produced on a charge that a monopoly existed or that there was an attempt to create a monopoly as would be produced where the charge was that there had been a combination in restraint of trade, I became satisfied that we never could agree, of course, if we want to preserve anything of benefit to the farmers in this bill to the provision in regard to monopoly.

Mr. WALSH of Montana. Of course, no fault can be found with the explanation now made by the Senator from South Dakota that he has changed his mind about this matter. Of course, it is perfectly obvious that he has, but he felt sufficiently familiar with the general subject when it was here on a prior occasion to debate it upon the floor against those who were opposed to the bill as it stood. He did not at that time advocate the excision of the provision nor suggest the adoption of the House bill in lieu of it.

Mr. LENROOT obtained the floor.

Mr. KELLOGG. Mr. President——

Mr. LENROOT. I yield to the Senator from Minnesota.

Mr. KELLOGG. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FERNALD in the chair). The Secretary will call the roll.

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

Ball	Fletcher	La Follette	Ransdell
Borah	France	Lenroot	Sheppard
Brandegee	Hale	McCormick	Shortridge
Broussard	Harris	McKinley	Simmons
Bursum	Harrison	McNary	Spencer
Calder	Heflin	Moses	Stanfield
Cameron	Hitchcock	Nelson	Sterling
Capper	Johnson	Newberry	Sutherland
Caraway	Jones, Wash.	Norris	Swanson
Colt	Kellogg	Oddie	Underwood
Culberson	Kendrick	Page	Wadsworth
Cummins	Kenyon	Pepper	Walsh, Mass.
Dial	Keyes	Phipps	Walsh, Mont.
Ernst	King	Poindexter	Warren
Fernald	Ladd	Pomerene	Williams

Mr. HARRIS. As I stated on the previous call, my colleague [Mr. WATSON of Georgia] is absent on official business.

Mr. SIMMONS. I wish to announce that my colleague [Mr. OVERMAN] is absent in attendance upon the duties of the Senate.

Mr. BRANDEGEE. I desire to announce that the Senator from Ohio [Mr. WILLIS], the Senator from North Carolina [Mr. OVERMAN], the Senator from Tennessee [Mr. SHIELDS], and the Senator from Georgia [Mr. WATSON] are detained on committee work.

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum is present.

Mr. LENROOT. Mr. President, I shall support the House bill with the amendments that have been proposed. I believe that if the Senate substitute should be adopted we had better have no bill at all, for it seems to me very clear that the last paragraph of the Senate substitute nullifies all that was intended to be accomplished in the previous provisions of the bill. That I shall discuss, perhaps, at some length a little later. Before coming, however, to the discussion of the merits of the bills I wish to take up very briefly some of the objections that have been urged to the House bill.

We all listened with very great interest to the very able argument of the distinguished Senator from Montana [Mr. WALSH], one of the ablest lawyers of this body, and the position that he takes with reference to monopoly; but I confess that after listening closely to his arguments against permitting any monopoly, even under regulation, I was surprised, at the conclusion of his speech, to hear him suggest that the Senate bill should be amended so that any producer covered by the terms of the bill should have the privilege of entering into an association formed under it.

Mr. WALSH of Montana. Mr. President——

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

Mr. LENROOT. I yield.

Mr. WALSH of Montana. If the Senator so understood me, I must have misspoken my sentiments.

Mr. LENROOT. I shall be very glad to be corrected.

Mr. WALSH of Montana. The Senator is quite right in saying that if monopoly is to be forbidden that feature should not be incorporated in the bill; but I intended to say, if I did not say, that it should be made a feature of the House bill, not the Senate bill. That is to say, if we are going to authorize monopoly, then we should permit anyone qualified under the statute who desires to do so to be admitted to membership in an association claiming its protection.

Mr. LENROOT. The Senator, I think, will concede that we had every reason to believe that in suggesting the amendment yesterday he was speaking of the bill that he supports and not the House bill.

Mr. WALSH of Montana. That was not my purpose.

Mr. LENROOT. I very gladly accept the correction, which, of course, removes any possible controversy between us upon that subject.

The Senator from Iowa [Mr. CUMMINS], the distinguished chairman of the Interstate Commerce Committee, yesterday expressed the fear that the power delegated in the House bill to the Secretary of Agriculture to determine in the first instance whether there had been an undue enhancement of prices by reason of the association was an unlawful delegation of power; and I am frank to say that if the House bill, either in its original form or as it will be amended, did grant authority to the Secretary of Agriculture to fix prices for the future, in that event the question raised by the Senator from Iowa would be a very serious one, because, of course, authority legislative in its nature which may be exercised by the Congress can not be delegated to any administrative body unless the rule be also laid down and determined by the legislative authority. But, Mr. President, if there be no authority here to fix prices in the future then, of course, it necessarily follows that there is no rule for the legislative authority to lay down to govern the administrative body; and with the amendment that has been proposed, it is clear now that there is no authority to be vested in the Secretary of Agriculture to fix prices in the future or at all. His power with reference to dealing with restraints of trade or monopoly, and the orders that he is given authority to issue, will be directed against the cessation of the monopoly itself or the restraint of trade, and there will be no finding upon his part with reference to what is a reasonable price, either in the future or in the past, except he must find, in order to have jurisdiction to make the order, that there has been in connection with the monopoly or restraint of trade an undue enhancement in price by reason thereof.

So, Mr. President, with this amendment, I submit to the distinguished Senator from Iowa that there being no legislative authority delegated, there is no reason or proper place for a rule to be laid down to govern the Secretary of Agriculture in making that finding.

Mr. CUMMINS. Mr. President——

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

Mr. LENROOT. I yield.

Mr. CUMMINS. I want the Senator from Wisconsin to distinctly understand the point I made. I have no doubt there is a law under which the Secretary of Agriculture or any other administrative officer can find whether an association or combination is in restraint of trade. I have no doubt that there is abundant law to guide the Secretary of Agriculture in deter-

mining whether a particular association or combination is a monopoly, or is an attempt to create a monopoly. So far the Senator from Wisconsin and myself entirely agree.

I do not believe there is any law which will enable the Secretary of Agriculture to determine whether a given price which may exist at that time for any particular commodity is an undue price. That is the point I have made.

Mr. LENROOT. Then I would like to ask the Senator this question: If an undue enhancement of the price in connection with the monopoly be a vital question, suppose it were an undue restraint of trade. In other words, suppose this bill were so changed that if the Secretary should find that there was an undue restraint of trade, we would authorize him to issue such an order which is provided in the bill. Does the Senator think we could do that?

Mr. CUMMINS. I do, because we have done exactly that thing with an administrative body.

Mr. LENROOT. What is the difference between delegating to the Secretary of Agriculture the power to issue an order, if he finds there be an undue restraint of trade concerning which there is no statutory law, and delegating such power where he finds there is an undue enhancement of price?

Mr. CUMMINS. I think there is a very great difference. I want the Senator from Wisconsin to understand that I am not opposing this general proposition.

Mr. LENROOT. I understand.

Mr. CUMMINS. I think the proposed substitute reported by the committee would be unavailing. I think it would give very little, if any, relief to the farmers of the country, because what is or what is not an attempt to create a monopoly is so indefinite and so vague that I think if that section were preserved the farmers would be subject to practically all the difficulties they now experience; but the Supreme Court has said more than once that the antitrust law is but the reenactment or restatement in substance of the common law, which has prevailed both in Great Britain and in this country from time immemorial. Around the expression "restraint of trade" there has been built up a legal interpretation and construction so that although it may be difficult anyone has a guide to determine whether a given association constitutes an undue restraint of trade, because the Supreme Court has said that that was the common law also, that not every restraint of trade was unlawful, but when you come to price I do not know of any law anywhere which will enable any person to determine authoritatively what constitutes an undue price. If the Senator from Wisconsin can point out what those words mean, perhaps it would satisfy my mind upon the question.

I put this question yesterday: Suppose wheat were selling at $1.50 per bushel, and the Secretary of Agriculture were to enter upon the industry, is that an undue price? To what sources of information or to what guide would he resort in order to ascertain whether $1.50 a bushel was too much for wheat?

Mr. LENROOT. I would answer the Senator, to exactly the same sources of information and to the same guide which now govern our courts with relation to the interpretation of the Sherman law. There is nothing more vague or more indefinite in the term "undue enhancement of prices" than there is in the words "undue restraint of trade." One is just as shadowy as the other.

Mr. WALSH of Montana. Will the Senator permit me to interrupt to call attention to a decision of the Supreme Court of the United States in relation to this very subject?

Mr. LENROOT. I would be very glad to have the Senator do so.

Mr. WALSH of Montana. I refer to the case of the International Harvester Co. against Kentucky, one of the cases referred to by the Senator from Kentucky. In that case certain statutes were under consideration. I read from Two hundred and thirty-fourth United States, page 220, as follows:

> On March 21, 1906, a statute was enacted that made it lawful for any number of persons to combine the crops of wheat, tobacco, corn, oats, hay, or other farm products raised by them for the purpose of obtaining a higher price than they could get by selling them separately. (Session Laws, 1906, ch. 117, p. 429.) And later, by an act of March 13, 1908 (Session Laws, 1908, ch. 8, p. 38), not only was the legality of these last-mentioned combinations reaffirmed, but they were protected by injunction, and the sale by or purchase from the owner contrary to his agreement was punished by a fine.
>
> When the Court of Appeals came to deal with the act of 1890, the constitution of 1891, and the act of 1906, it reached the conclusion, which now may be regarded as the established construction of the three taken together, that by interaction and to avoid questions of constitutionality they were to be taken—
>
> This is the meat of the statute—
>
> to make any combination for the purpose of controlling prices lawful unless for the purpose or with the effect of fixing a price that was greater or less than the real value of the article.

That was held unconstitutional by the Supreme Court because it was impossible to determine the real value. I read now the conclusion of the court upon that point, an argument which, I take it, is substantially like that now suggested by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. From what case is the Senator reading?

Mr. WALSH of Montana. I read from the case of the International Harvester Co. *v.* Kentucky (242 U. S.) this language:

> It seems that since 1902 the price of the machinery sold by the plaintiff in error has risen from 10 to 15 per cent. The testimony on its behalf showed that meantime the cost of materials used had increased from 20 to 25 per cent, and labor 27½ per cent. Whatever doubt there may be about the exact figures we hardly suppose the fact of a rise to be denied. But in order to reach what is called the real value, a price from which all effects of the combination are to be eliminated, the plaintiff in error is told that it can not avail itself of the rise in materials because it was able to get them cheaper through one of the subsidiary companies of the combination, and that the saving through the combination more than offset all the rise in cost.
>
> This perhaps more plainly concerns the justice of the law in its bearing upon the plaintiff in error, when compared with its operation upon tobacco raisers who are said to have doubled or trebled their prices, than on the constitutional question proposed. But it also concerns that, for it shows how impossible it is to think away the principal facts of the case as it exists and say what would have been the price in an imaginary world. Value is the effect in exchange of the relative social desire for compared objects expressed in terms of a common denominator. It is a fact and generally is more or less easy to ascertain. But what it would be with such increase of a never extinguished competition as it might be guessed would have existed had the combination not been made, with exclusion of the actual effect of other abnormal influences, and, it would seem with exclusion also of any increased efficiency in the machines but with inclusion of the effect of the combination so far as it was economically beneficial to itself and the community, is a problem that no human ingenuity could solve. The reason is not the general uncertainties of a jury trial but that the elements necessary to determine the imaginary ideal are uncertain both in nature and degree of effect to the acutest commercial mind. The very community, the intensity of whose wish relatively to its other competing desires determines the price that it would give, has to be supposed differently organized and subject to other influences than those under which it acts. It is easy to put simple cases; but the one before us is at least as complex as we have supposed, and the law must be judged by it. In our opinion it can not stand.

So, the court has found that a statute which makes it penal for a combination to fix prices at greater than the real value of the commodity provides a test which can not possibly be met, and therefore that the statute is unconstitutional.

Mr. CUMMINS. Mr. President, may I ask the Senator from Wisconsin whether he has before him the case decided by the Supreme Court about a year or a year and a half ago, holding certain parts of the Lever Act unconstitutional?

Mr. LENROOT. No; I am frank to say I tried to get it, but I could not remember just where it was reported, and I have not been able to put my hand upon it.

Mr. CUMMINS. I will send for it and try to get it.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LENROOT. I yield.

Mr. KELLOGG. I have examined those cases, and they decided that for a statute to provide that one had committed a crime because he had charged an unreasonable price was too indefinite for a criminal statute, that there must be a rule which the person could know had been violated, and if the jury had to find what the law was, and then apply the penalty, it was too uncertain and indefinite for a criminal statute.

But, Mr. President, in many of the trust cases tried, notably the Standard Oil cases, the question of undue enhancement of price by the combination and the monopoly was one of the most important bits of evidence, and in the Standard Oil case it was proven in every district in the United States. It is always one of the elements which is proven in a case where a corporation has obtained a monopoly. The decision referred to by the Senator from Iowa is simply a case involving a criminal statute, and the court held it was too indefinite on which to base a charge of criminality.

Mr. WALSH of Montana. Mr. President, the case to which I referred was indeed a criminal case, as was the case, according to my recollection, to which the Senator from Iowa referred; but this very matter came back before the court of appeals of the State of Kentucky in the case of Gay against Brent, reported in One hundred and sixty-sixth Kentucky, in which, considering the decision of the International Harvester case to which I have referred, the court decided, as expressed in the syllabus, as follows:

> A statute that makes the test of liability in a criminal case or the enforcement of a right growing out of a contract in a civil case depend on the question whether the price of an article has been enhanced above its real value or decreased below its real value is void for uncertainty both in respect to criminal matters as well as civil rights and liabilities.

So that it is impossible to distinguish the cases.

Mr. LENROOT. I had in mind the decision under the Lever Act to which the Senator from Iowa referred. I could not place my hand upon it, but it was my recollection, as the Senator from Minnesota has stated, that a different rule would be laid down with reference to a criminal statute and with reference to a civil proceeding. In any event, I think Senators will admit that we have the right to proceed against a monopoly solely by virtue of the existence of the monopoly. Here is a power which sets machinery in motion, but the administrative officer of the Government has the right to set it in motion only when he finds, in addition to monopoly, an undue enhancement of price; but any order that he makes goes not to the enhancement of price, nor, with the amendment that will be proposed, will a desisting from undue enhancement relieve the monopoly. It is the monopoly that is pursued in the case of the order of the Secretary of Agriculture, and not the price that is charged by the monopoly.

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

Mr. LENROOT. I yield to the Senator from Utah.

Mr. KING. As I read the House bill before us, the question of monopoly is not a matter of consideration at all by the Secretary of Agriculture. There may be a monopoly, but he may not invoke his power or use his power for the purpose of suppressing it or issuing any order with respect to the monopoly. He can only act if he conceives that there is an undue enhancement of price. Of course, I presume the Senator will reply there can not be an undue enhancement of price unless there is a monopoly. There may be something in the argument, but I call the Senator's attention to the fact that the Secretary of Agriculture may not act at all because there is a monopoly.

Mr. LENROOT. That is true, but the point I was making is that the order the Secretary is authorized to issue does not go to the undue enhancement of the price. It goes to the existence of the monopoly. That is the subject of the order. That is the thing that is dealt with in the order. Under the order which the Secretary is authorized to make if he finds these facts to exist—a restraint of trade or a monopoly plus an undue enhancement of price—then he is authorized to make the order that the monopolization and restraint of trade shall cease, but a mere desisting from further exacting the unreasonable price will be no protection against the monopoly.

Now, Mr. President, as to the necessity of the legislation. I confess that I have been somewhat surprised during the debate to hear Senators argue that we ought not to make any exceptions; that the Sherman law should cover all alike in the United States, and that it is a special privilege to farmers to provide what will be afforded them in this legislation. I was especially surprised to hear Senators make that argument who themselves have, on at least two occasions, voted to exempt certain classes from the operation of the Sherman antitrust law. The first was in the Webb-Pomerene Act. I am not arguing that that was not a proper exemption, but there the beginning was made and it was there determined, and these same Senators helped to so determine it, that the Sherman law should not cover all alike; that where there were reasons for exemption the exemption was proper.

Then later on in the Esch-Cummins law the question of exempting competitive railroads from the Sherman law was before the Senate, and the same Senators, who now insist that the Sherman law must cover everybody and everything, themselves voted to exempt owners of railroads from the Sherman law and permitted consolidations which under the Sherman law were prohibited. Again I say I make no contention that that was not a reasonable and proper thing to do. I am only referring to this because some Senators have insisted that we are extending a special privilege to farmers when the Sherman law should apply alike to every man, woman, and child in the United States.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LENROOT. Certainly.

Mr. POMERENE. I confess I am just a little bit surprised that the Senator should refer to the railroad act as a precedent for the pending measure, when under the railroad act we had a regulatory board that fixed all prices, and so forth, and under the pending legislation, if I construe it aright, the purpose is not to have any regulatory features at all so far as price is concerned.

Mr. LENROOT. That again only goes to the reason for the exemption. It does not go to the fact of the exemption, and that is the only purpose for which I am referring to it now.

Mr. POMERENE. It goes to the fact that the two cases stand on different feet entirely.

Mr. LENROOT. Oh, of course, every case stands upon its own facts. If the Senator from Ohio believes there are no facts that authorize or warrant the Congress to deal with the farmers' organizations any differently than with the Standard Oil Co. or the oil combination, of course in that event I would expect the Senator to take the position that no such legislation as this is necessary.

Mr. POMERENE. The Senator from Ohio has made no statement whatever that justifies that conclusion or inference by the Senator from Wisconsin.

Mr. LENROOT. The Senator from Wisconsin insists that there is a distinction and a reason for the exemption of farm cooperative associations from the provisions of the Sherman law that can be just as well sustained and fully as warranted as are the provisions of the Webb-Pomerene Act with reference to exporters or the exemption of the railroads from the Sherman law. Of course, any Senator who does not agree with that position is fully justified in opposing the pending measure. I thoroughly agree with the Senator from Ohio that it is a question not as to whether this one class of people are to be taken out from under the provisions of the Sherman law but whether there is a reason for taking them out.

Mr. POMERENE. That was referred to on yesterday and I do not know that I care to go into it very fully. I have indicated from the start that I should like very much to aid in some legislation looking to cooperative marketing, but I believe in being open and above board about matters of legislation of this kind.

The Webb-Pomerene Act had its inception in the fact that abroad there were large combinations of buyers—cartels. It even went to the extent of having the Government as the sole buying agency. In this country the farmers' organizations and the commercial organizations had to seek foreign markets and dispose of their surplus single-handed. As there was a combination of buyers abroad, it occurred to those who favored the legislation that there was not any harm in permitting a combination of sellers in this country so they could meet that situation abroad. That applied particularly to farm products, to all meat products, to copper products, to timber products, to many similar products. For that reason it was provided that they could go ahead and combine for the purposes of foreign sales, but even in that instance it was so limited in its scope that it should not go to the extent of unduly enhancing or depressing prices in this country. That was the reason for that legislation, and I have not heard any objection to it, except from those who believe absolutely that there should be no combination under any circumstances.

Mr. LENROOT. I have not at any time intimated that I did not believe the exemption in both of the cases were not fully justified. I have not criticized that in any way, but I do contend that there are reasons just as strong that warrant the legislation now pending.

The Senator has spoken of conditions abroad, of the existence of cartels and combinations abroad that made it necessary, if we were to compete, if we were to find a foreign market for our own products, to permit, without the restraint of the Sherman law, like combinations of exporters to put them upon something like an equality.

But let us apply that to the situation in the United States. What do we find? I am not making any criticism upon either the law or the courts to-day, but we find the United States Steel Corporation, controlling approximately one-half of the products of steel made and sold in the United States, given a clear bill of health by the Supreme Court of the United States. In its decision, if I read it correctly, the Supreme Court held that the United States Steel Corporation was originally a combination in violation of the Sherman law, but that it had, after its existence through many years, abandoned any unlawful purpose, that it was not a monopoly, and that it had found that it could not accomplish, even if it would, the unlawful purpose which actuated its organization.

But does any Senator suppose, if 50 per cent of the wheat farmers of the United States should form an association to-morrow for the purpose of holding their wheat or getting the best price they could for it, that the Supreme Court of the United States would not hold under the Sherman law that the wheat growers' association was in violation of the terms of the Sherman Act? Can there be any doubt about it?

Mr. NORRIS. Mr. President——

Mr. LENROOT. I yield to the Senator from Nebraska.

Mr. NORRIS. Does the Senator himself have any more doubt about the one case than the other?

Mr. LENROOT. I have not.

Mr. NORRIS. Then he admits that the Supreme Court has a method of distinguishing that he can not comprehend or does not possess?

Mr. LENROOT. I do.

Mr. NORRIS. I suppose the farmers' organization, to come within the class with the Steel Corporation, would have to profess that they had seen a new light or had been to the mourners' bench and obtained forgiveness for their sins, and then would be passed on as being all right, the same as the Steel Corporation was, if the Supreme Court would follow their own precedent.

Mr. CUMMINS. Mr. President——

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

Mr. CUMMINS. What the Senator from Wisconsin just stated presents one of the difficulties that I see in the pending legislation so far as being helpful to the farmer is concerned. If half the farmers in the country should enter into a combination to withhold their wheat from the market and thereby the price was enhanced, how easy it would be to destroy that combination entirely under the legislation that is proposed here. I desire to see put into the bill something that will really save that situation. It would leave the farmers open to the dissolution of their association precisely as they would be under the Sherman law.

Mr. LENROOT. I am not going to stand on the floor of the Senate and assert or even intimate that the Supreme Court of the United States in passing upon these various questions would apply one rule to one class and apply a different rule to another class of people. It is not necessary to consider that question in the consideration of the pending measure, because the Supreme Court has said in the Steel Corporation case that a combination of corporations unlawful in its inception, unlawful when organized—and that is what they did say about the Steel Corporation—through this course of practice, although unlawfully organized, may with the same combination and the same control over prices become a lawful organization. That being so, what is the disadvantage to the farmer of the United States?

These great corporations are formed; they are in existence to-day; they fix the prices to the farmer of the products which they make and sell. We have, therefore, that class of corporations in existence lawfully, when if farmers who are not organized attempt to create a similar kind of organization, exercising the same power, they to-day would be held, under the decision of the Supreme Court, as being in violation of the Sherman law.

Mr. KING. Will the Senator yield?

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

Mr. LENROOT. I yield.

Mr. KING. I take it that the proper implication from the Senator's remarks is that combinations of steel manufacturers and others who are engaged in industrial activities, if they amount to trusts or monopolies, are bad; but because the Supreme Court in the Steel Trust case seems to wink at the monopoly which the Steel Trust apparently is, it therefore follows that we must wink at all sorts of monopolies in all other lines of industry, and particularly in agriculture. It seems to me that if the Senator concedes that combinations in restraint of trade and monopolies are bad and are injurious to the public welfare and the Supreme Court has nullified the act of Congress by a misconstruction or an interpretation at variance with what we conceive to be right, the proper thing would be to amend the act and put teeth into it and strengthen it so that there might not be combinations and monopolies, rather than to confess our impotency to act and thus pave the way for the legalization of monopolies, whether in agriculture or in any other form of human activity.

Mr. LENROOT. Mr. President, in reply to the observation of the Senator from Utah, I will suggest that we again consider the Steel Corporation case. I have forgotten the exact percentage of the total product which the court found was controlled by the Steel Corporation, but the Supreme Court held that, although the action of the United States Steel Corporation in fixing prices had all the effects of a monopoly, inasmuch as there was no agreement or combination between the United States Steel Corporation and its competitors, and inasmuch as there were competitors, and that the law could not compel competition, because of the mere fact that all of the competitors of the United States Steel Corporation adopted the same price that was adopted by the Steel Corporation that corporation could not be convicted of wrongful practice.

The Senator from Utah asks, because there are, so far as the public injury is concerned, great corporations existing to-day that have all the attendant evils of monopoly, why should we permit some other class of people to create a monopoly? Mr. President, in the first place, I want to say that the country will not very long tolerate the power of one class of people not only to fix prices and attain monopolistic power but to exercise it against another class of people and hold that other class of people to a rule of conduct to which the first class of people are not subject.

The Senator from Utah, however, knows quite as well as do I the difficulties in putting so-called "teeth" into the Sherman Act. We are compelled to choose as to permitting in the case of cooperative associations, such an association as may, on the face of the law, permit monopoly, but which every Senator knows will not result in monopoly, because there is no necessity of life to-day which is produced upon the farm which can be made the subject of a complete monopoly; and yet the Senator takes the position, I assume, that we must prohibit farmers from doing just what the United States Steel Corporation may to-day lawfully do.

Mr. KING. Mr. President, if the Senator is appealing to me and characterizing my position, he certainly misstates it.

Mr. LENROOT. I beg the Senator's pardon if I did so.

Mr. KING. I did not take such a position as he states at all. If the Senator will pardon me, I take this position: I think the American people, after suffering from the evils of monopoly for so many years, have, through their Congress, written into the statute books a law which they believed would prove of great benefit. The American people did not believe in monopoly in restraint of trade. They had been indoctrinated in the principles of the common law, and, as the distinguished Senator from Iowa stated a few moments ago, the Sherman law was founded upon the conceptions of the common law. We believe in the principles of the Anglo-Saxon law, the principles which were announced by Adam Smith. We do not believe in monopolies, in trusts, in combinations in restraint of trade, in the destruction and strangling of competition. My position is that that view is correct. The American people to-day are opposed to monopolies, to trusts, and combinations in restraint of trade. I believe that if the Sherman law is not adequate to deal with the industrial combinations we should strengthen it——

Mr. LENROOT. Does the Senator from Utah think the Sherman law to-day is adequate?

Mr. KING. Let me complete the sentence and then I will answer the Senator—instead of passing further laws, which, in my opinion, will ultimately result in the destruction of the Sherman law and in the repeal of all laws looking toward the forbidding of monopolies and trusts and combinations.

Now, replying to the last suggestion of the Senator, I will frankly say that, with the construction placed upon the Sherman law in the Steel Trust case, manifestly that law is not sufficient, and I am in favor of strengthening it.

I believe that a law can be enacted by Congress, as laws have been enacted by the State of New York and other States dealing with intrastate restraint of trade and combinations, that will be effectual in dealing with interstate monopolies and combinations engaged in interstate commerce. There is no reason, it seems to me, why we should pause in dealing with the subject because of the decision of the Supreme Court.

In a recent decision rendered in the Hardwood Lumber Co. case there is much ground for congratulation. The court has gotten upon strong ground, and that decision, in my opinion, will destroy hundreds of price-fixing monopolies which to-day honeycomb our industry and oppress the people. I think that the Judiciary Committees of the Senate and of the House of Representatives could do no greater service than to report a bill comprehensive and broad in its terms that will strike at the root of this evil. I believe that if we pass the pending bill, we are indicating to the public that there will be no further effort to destroy monopolies and combinations in restraint of trade; that we will have confessed our impotency to deal with the subject, and we are going to turn the people over to the exploitations of corporations and trusts and combinations in all industrial activities, as well as in all of the avenues of life. I am opposed to that. I think it is a mistake.

I sympathize, as the Senator from Wisconsin does, with the farmers, but I believe that they may now form selling and cooperative organizations without coming under the condemnation of the Sherman antitrust law. This bill, however, in my opinion, will be regarded by trusts and combinations, by conspirators in restraint of trade, with glee and with rejoicing; and I warn the Senators now that if this bill is passed and becomes a law all of the illegal combinations in the United States will take courage from its enactment, and will continue their depredations without fear of the heavy hand of the law being placed upon them.

May I say further to the Senator in his time—and I hope he will pardon me—that the present Attorney General and Judge Goff, the latter of whom is particularly interested in the enforcement of the Sherman antitrust law, are giving earnest attention to the provisions of the law? They have already in-

augurated prosecutions against the Cement Trust and against other trusts and combinations in restraint of trade, which prosecutions will culminate, I believe, in convictions. We need attorneys general—and I compliment the present Attorney General because I think he has measured up to that standard—who will have courage to invoke the law against combinations. We do not want mere injunctions; we want indictments and the penitentiary open to these malefactors who flout the law and oppress the people, and by their conduct impose unjust burdens upon the great mass of the American people.

Mr. LENROOT. Mr. President, with much of what the Senator from Utah has said I thoroughly agree. He, however, is more optimistic than am I. I have witnessed the evolution of the Sherman law through many years; I have witnessed the Supreme Court reading into the Sherman law a provision which that court for many years and upon many occasions have said was not there, and I have witnessed the dissolution of some of the great trusts of this country under the decree of the courts, notably the Standard Oil Co. When I consider that since the dissolution of that trust the Standard Oil Co. to-day fixes the price of every gallon of oil and gasoline to both the producer and the consumer in this country, notwithstanding its dissolution; when I consider the fact that the United States Steel Corporation, which by the Supreme Court is held guiltless of violation of the Sherman law, fixes the price of all steel products, which price all its competitors follow, I can not feel as optimistic as does the Senator from Utah that it is easy to put teeth in the Sherman law in order to remedy the evils which exist. And, Mr. President, even though there were teeth in the Sherman law, I assume that the Senator from Utah, like myself, agrees that corporations are beneficial, that modern business and industry require business to be done through aggregations of individuals and corporations. Manufacturing industry can organize and form corporations without any thought upon the part of any human being that they are in violation of the Sherman antitrust law. They may control only the merest fraction of a percentage of the product; there may be no question of monopoly involved; but farmers can not organize and incorporate the business of farming as the business of manufacturing can be organized and incorporated. It is impossible to do so; and yet to-day a group of farmers associating themselves together, and proposing to do the very thing that it is perfectly legal for a corporation to do, stand in danger of being held to be in violation of the Sherman law.

Mr. CUMMINS. Mr. President——

Mr. LENROOT. I yield.

Mr. CUMMINS. The suggestions of the Senator from Utah are always worthy of consideration; but I should like to ask him, through the Senator from Wisconsin——

Mr. LENROOT. I yield.

Mr. CUMMINS. Just how he would put teeth into the antitrust law that would reach the situation in which the United States Steel Corporation is supposed to be. It produces, we will say, practically one-half of all the iron and steel products of this country, at least those of the heavier character. Two or three years ago I was a member of a committee to inquire into the cost of production of iron and steel products. It appeared during the course of that investigation, and there is no doubt about it, that the United States Steel Corporation can produce the greater part of its output anywhere from five to fifteen dollars per ton more cheaply than can any of its competitors.

The only way in which competition can be preserved at all is for the Steel Corporation to sell its products at more than a reasonable profit. If it were to sell at a reasonable profit, there would be no competitors in the country, and it would have, by the natural operation of commercial forces, a monopoly.

The great difficulty in all this subject, of course, is with respect to the cost of production. When one enterprise can produce an article much more cheaply than another, how are you going to preserve competition of any kind unless the favored enterprise, or the one of low cost in production, sells at higher than a reasonable cost, just exactly as in the case of a farmer? How are you going to preserve competition among farmers when it costs one man 75 cents a bushel to produce wheat and it costs another man $1.50 a bushel to produce wheat?

There must be some flexibility in the transactions of commerce if you are going to have any kind of competition; and I should like to know from the Senator from Utah how he would meet the situation that I have suggested? The truth is that I think the antitrust law is the most ineffective statute that was ever passed, and it is only after 25 or 30 years of varying interpretations that it has become of any value at all.

Mr. KING. Mr. President——

Mr. LENROOT. I yield.

Mr. KING. I apologize to the Senator from Wisconsin for trespassing upon his time. I do not profess to have the knowledge of this very important subject that is possessed by the distinguished Senator from Iowa [Mr. CUMMINS], as well as other Senators who have for years given earnest attention to it. It is a question which involves our whole economic and industrial life. It is also a political question.

I do not pretend—notwithstanding I have attempted to obtain the views of political economists, publicists, and great judges—a sufficient knowledge to indicate the kind of a statute which should be drawn in order to meet the situation and preserve the principle of competition in trade and commerce, and I might add in our economic life. But in my opinion the American people and the best opinions of American economists desire that competition in trade and commerce shall be preserved. The belief is entertained that competition is fundamental in our industrial and economic life. In my opinion a statute can be drawn that will mitigate the evils of which the Senator complains and which are apparent in the law, even though it may fail to utterly prevent combinations which destroy competition.

The Senator says in his closing sentence that the Sherman antitrust law has been the most ineffective statute that has been placed upon the statute books. Perhaps I state it too broadly——

Mr. CUMMINS. I mean, relating to a great subject such as this.

Mr. KING. Relating to a great subject such as this. I do not agree with the Senator. I think that the transportation act is as ineffective in dealing with the great subject of transportation as this law apparently is in dealing with monopolies and combinations to stifle or prevent competition; but I suggest to the Senator that one reason for its apparent inefficiency may be found in the lack of interest and fidelity to duty upon the part of some executive officers of the United States.

In the first place, Mr. President, when the bill was passed there were many officials and many public men in both political parties who doubted the wisdom of the law. They felt that the law of supply and demand, without any repressive or regulatory legislation, without any impediments or supervision, would effectuate all desired reforms and bring about all of the benefits that flow from unrestricted competition. They believed that if there were combinations and monopolies they were only evanescent and that in time the law of supply and demand and natural competition and the natural forces in the economic world would destroy them.

I believe there are in the United States Senate now men who have that view—scholars, men of great ability—who believe that any effort by the Sherman antitrust law or any other statute to prevent monopolies or combinations in restraint of trade or to the play of competitive forces will be abortive; that no effort should be made to prevent combinations and monopolies and conspiracies in restraint of trade, because in the end, though they may work temporary harm and disadvantage, things will right themselves, the law of competition will assert itself and break down the temporary dams erected by the greed and cupidity and avarice of men engaged in business, whether manufacturing, agricultural, or of any other character.

I have not taken that view. I believe that the common-law theory that combinations in restraint of trade are illegal should be continued as a part not only of our State legislation but of our National legislation. If we do not have laws against combinations in restraint of trade and prohibitive of monopoly, then we shall be compelled to substitute the supervisory and regulatory power of the Government, and every business man in the United States will have a Federal official upon his back; and every enterprise will be supervised and directed by a bureaucratic functionary. Such regulation will be so demoralizing and so deadening and so destructive that in the end business will be so moribund that national decadence will result. It will destroy the domestic industries of the people and, of course, will prevent the United States from exporting because of the inability of American manufacturers and producers to compete with the world. An era of high prices will prevail—but paralysis and industrial disintegration will follow.

Mr. CUMMINS. I have not suggested the repeal of the antitrust law. I have simply said it has been ineffective. That is evidenced by what has followed the alleged dissolution of various corporations and combinations which have come under the condemnation of the court. I should like to know how to deal with the subject, and my inquiry was in perfect good faith; but of course it can not be answered by the suggestion that the transportation act has also failed to accomplish some of the beneficent results that we expected from it.

When John Sherman introduced his bill——

Mr. KING. The existing law is not his bill. The existing law was drawn by Senator Hoar.

Mr. CUMMINS. When John Sherman introduced his bill in the Senate, he did not say anything about restraint of trade or monopoly. When the bill was originally introduced, it forbade the suppression of competition; and that, with his far-seeing eye, was the thing that he sought to preserve—fair, substantial competition in business. There was a good deal of argument in the Senate, lasting for many weeks. The Senators in that day, as in this, were a little bit timid about reaching the exact result which seemed to be desirable; and so the bill was referred finally to the Committee on the Judiciary, which had not had it before that time, and either Senator Edmunds, of Vermont, or Senator Hoar, of Massachusetts—and their respective friends and descendants have been quarreling ever since with regard to the authorship of the present law—turned the bill which had been introduced for the purpose of preserving competition into the general language of the common law with respect to restraint of trade and monopoly. I am not asserting that they did not do the best they could, but I am asserting that the efforts to construe the vague and general terms of the anti-trust law have been very disconcerting to American business, and very unsatisfactory to the American people.

I would like to know how to make it better. I understand how we are trespassing on the Senator from Wisconsin, but, after all, my suggestion comes back home, because instead of making the undue enhancing of prices the test, I would like to put into the bill the elimination of fair and substantial competition as the fact to be found. If the Secretary of Agriculture, or the Federal Trade Commission, or any other body properly constituted to investigate the facts, finds that there has been eliminated from the business of the country, so far as agricultural products are concerned, substantial and fair competition, that then he passes it on to the court for dissolution, and such decree as the court may think the circumstances warrant. So I referred to the original bill introduced by Senator Sherman for that purpose.

Mr. KING. Mr. President——

Mr. LENROOT. I will yield for just a question.

Mr. KING. It will take me some little time, and if the Senator prefers I shall wait until he concludes, when I will attempt to make a reply to my esteemed friend from Iowa.

Mr. LENROOT. Mr. President, all that has been said, of course, is pertinent to the real meat of this bill, yet I do wish to come back a little closer to its consideration.

However much we may all agree as to the effect of the Sherman law, I think we all will agree that the Sherman law was enacted, in the first instance, to afford a remedy for certain evils injurious to the public which were deemed to exist and admitted to exist. If it had not been for those evils, there would never have been an attempt to prohibit the mere act of combining or associating. It was an evil which the Sherman law was designed to cure, and that brings me to the question that is pending in this bill, Will the permission that is granted in this bill for association of farmers, as is provided, result in injury to the public or will it be beneficial to the public?

I think we must all agree that an abstract principle is not the thing to be considered, but the sole matter for consideration is whether a given course of action is for the public benefit or will work to the public injury. Will this cooperation be beneficial to the public or otherwise?

Granted, if you choose, that there may be an isolated case, as the association of raisin growers or even milk producers creating a monopoly, but upon the whole will this cooperation be beneficial to the public? If it is, we should not be deterred from enacting legislation that is for the public benefit because, perchance, here and there some injustice may grow out of it. There never was a law passed by any legislative body in the world that did not in some particular case work an injustice. That is probably a broad statement, yet as a general statement it is true.

What is the trouble with America to-day? What is the cause of the depression that exists? Of course, there are some causes which I am not going to speak of this afternoon, because I am not making a political speech; but, Mr. President, the business men of America and the manufacturers of America, I think, are beginning to understand that the principal cause for this continued depression is the loss of the purchasing power of the farmer of the United States.

That is due in part to the fact that conditions in Europe are such that we have a market for our surplus only in part. The fact is, every Senator knows that a very small surplus of any agricultural product means a depression in price of the total product far in excess of the influence on the price which that surplus should exert.

If the farmers of the United States could, through cooperation, have some control and agreement as to production and as to prices, not for the purpose of making exorbitant profits, but so that they might at least secure back the cost of production, we would see in the United States immediately an upward turn toward prosperity. Is there anyone who will say that association among farmers and cooperation among them do not tend to accomplish that very thing? Every Senator knows that the California Fruit Producers in cooperative association have done that very thing, but it has not resulted, with possibly one or two exceptions, in any injury to the public.

So, when we come to consider that almost one-half of our people are engaged in agriculture or absolutely dependent upon it; when we consider that the agriculturists of this country have suffered far more in this depression than any other class of people; that the reason for the unemployment in our industries to-day can be ascribed directly to the fact that the prices of farm products are so much lower than the general level of prices that the farmer has no longer any purchasing power; when we consider those things, Mr. President, from the standpoint of public benefit and public welfare alone, we are justified in enacting this legislation which will enable the farmers of this country to put themselves somewhat nearer an equality of bargaining power and control of output in production that all other industries have to-day.

I want to say a word upon the argument made by the Senator from Montana to the effect that while he is perfectly willing to legalize these associations and permit them to do the things enumerated in the first section of the Senate substitute, he is not willing to permit any monopoly or attempt at monopoly. I said in the beginning that with that last paragraph of the Senate substitute we might as well have no bill at all, for the last paragraph nullifies all that is attempted to be done in the previous provisions of the bill.

I undertake to say that if any monopoly or attempt at monopoly is continued to be unlawful, there is no case coming within the purview of the first section of the Sherman law today that will not remain under the condemnation of the Sherman law. Whenever there is an association formed, a part of the effect of the formation of that association is an undue restraint of trade.

If a part of the purpose of that association be to eliminate competition, can Senators say that a court may not hold that that is an attempt to create a monopoly? That is the very basis of any holding of an attempt to create a monopoly, which is still made unlawful under the Senate amendment. It is not a completed monopoly, as the Senator from Montana kept urging yesterday. He said nothing in his argument about the provisions of the Senate substitute which made an attempt to create a monopoly unlawful, whereas the fact is that wherever there might be a finding under the first section of the Sherman law that there was such a restraint of trade as to bring an association within its condemnation, that same finding can be made under the second section, which the Senator from Montana and the majority of the Judiciary Committee would leave untouched by this substitute.

So, Mr. President, I repeat that if the Senate substitute is to be adopted, we had better have no bill at all, much better have no bill at all, because then it at least could not be said that we were trying to fool the farmers of the United States, and when they are asking for bread giving them a stone.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LENROOT. I yield.

Mr. WALSH of Montana. I notice by the RECORD that the Senator from Wisconsin participated in the debate on and advocated the passage of the Senate substitute for the House bill which was before the Senate on December 15, 1920, containing exactly this provision.

Mr. LENROOT. That may be.

Mr. WALSH of Montana. At that time the Senator apparently did not think that the provision prohibiting monopoly was in nullification of the rest of the bill. Was it because the Senator overlooked that fact at that time?

Mr. LENROOT. It was. The Senator entirely overlooked the question of attempted monopoly, and it never occurred to him until after a very full examination of this question in connection with this bill that the words "attempt to create a monopoly" covered all of the scope of the first section of the Sherman Antitrust Act.

Mr. WALSH of Montana. I would like to ask the Senator a question.

Mr. LENROOT. I said covered all; I mean a court could well hold that it covered the same ground.

Mr. WALSH of Montana. In section 1 of the Sherman Act combinations and conspiracies in restraint were declared to be unlawful. Then, by section 2, it was provided that any monopoly or attempt to create a monopoly should be deemed to be unlawful. Are we to understand that the words "attempt to create a monopoly," in the second section of the bill, are meaningless, or simply surplusage, and that the Senator contends that the statute would have exactly the same meaning if that language were not there at all?

Mr. LENROOT. It is my own fault, but I did not quite follow the Senator in his question.

Mr. WALSH of Montana. I trust I shall be able to make it clear. As I understand the Senator, his contention is that any violation of section 1 of the Sherman Act would constitute an attempt to create a monopoly?

Mr. LENROOT. The court might hold it constituted it.

Mr. WALSH of Montana. If that is the case, then what significance can be given to the words "attempt to create a monopoly" in section 2? That would simply be a repetition.

Mr. LENROOT. I think it might be.

Mr. WALSH of Montana. Let me ask the Senator if it is not true that in the construction of a statute we never give that construction to it if it can be avoided?

Mr. LENROOT. There is a reason, I think, for its repetition. Section 1 covers combinations and conspiracies between two or more individuals. Section 2 may cover a single individual, a single person, which section 1 does not. Am I right?

Mr. WALSH of Montana. I agree with the Senator fully, and that seems to be a matter concerning which many are in dispute. A single individual may violate section 2, but it takes various individuals to violate section 1. However, that is neither here nor there. The two cover two different subjects.

Mr. LENROOT. But it would be very proper for the language in section 2 to condemn a monopoly or attempt to create a monopoly, because that could be committed by a single individual. The Senator from South Dakota [Mr. STERLING] calls my attention to the fact that the very question raised by the Senator from Montana was fully discussed in the Standard Oil case, which did escape my attention. I will take the liberty of reading the paragraph. The court said:

> Undoubtedly the words "to monopolize" and "monopolize" as used in the section reach every act bringing about the prohibited results. The ambiguity, if any, is involved in determining what is intended by monopolize. But this ambiguity is readily dispelled in the light of the previous history of the law of restraint of trade to which we have referred and the indication which it gives of the practical evolution by which monopoly and the acts which produce the same result as monopoly—that is, an undue restraint of the course of trade—all came to be spoken of as, and to be indeed synonymous with, restraint of trade. In other words—

And here we come to the point—

> having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section seeks, if possible, to make the prohibitions of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section—that is, restraints of trade—by any attempt to monopolize, or monopolization thereof, even although the acts by which such results are attempted to be brought about or are brought about be not embraced within the general enumeration of the first section.

Mr. WALSH of Montana. If the Senator will pardon me, I think the intent of the bill is perfectly plain. The combinations are forbidden by section 1, because they almost necessarily lead to monopolies.

Mr. LENROOT. I agree with the Senator.

If the Senate committee substitute shall be enacted, here is an association of farmers, growers of agricultural products, and, of course, one of the objects of that association or one of the necessary results will be the elimination of competition between themselves and to secure better prices for their products. So I say the courts might well hold that the purpose of such a combination or association was an attempt to monopolize and therefore within the condemnation of the Senate committee substitute.

Now, I wish to say a word about the constitutional question raised, but, I understand, not asserted, by the Senator from Montana that the House bill is discriminatory in its character and beyond the power of Congress to so discriminate. I say that I do not understand the Senator from Montana asserts that he believes that is true. Indeed, if the House bill be subject to that charge, the Senate committee substitute is likewise subject to it.

Mr. WALSH of Montana. Undoubtedly the Senator perfectly understands me. I suggested it in order that the matter might be discussed here, and because it gave me considerable trouble. I hope the Senator may discuss it.

Mr. LENROOT. I understood the Senator was merely presenting the argument that had been made to him raising the question. Only because the question has been raised, and not at all in conflict with the views of the Senator from Montana, I desire to spend just a moment upon it.

The Connolly case, upon which the argument is based by those who assert the lack of power of Congress to differentiate, was read at some length by the Senator from Montana yesterday. That case and all other cases that have come to the Supreme Court are based upon State legislation, with one exception, which I shall note, and are based upon violations of the fourteenth amendment, which provides that no State shall deny to any citizen the equal protection of the law. The question has been raised, while that is clearly held by the Supreme Court to be a prohibition upon the States, whether there is any prohibition upon Congress to a like effect. The question has never been squarely before the Supreme Court upon any legislation enacted by Congress, because the court in the only two cases I have been able to locate upon the subject has not found it necessary to pass upon that question unless it be in the case of United States against Delaware & Hudson Co., involving the commodities clause of the interstate commerce act. In that case, reported in Two hundred and thirteenth United States, reading from page 415, the court said:

> Without elaborating we hold the contention that the clause under consideration is void because of the exception as to timber, and the manufactured products thereof, is without merit—

Senators will remember that there were those exceptions made in that act—

> Deciding, as we do, that the clause as construed was a lawful exercise by Congress of the power to regulate commerce, we know of no constitutional limitation requiring that such a regulation when adopted should be applied to all commodities alike. It follows that even if we gave heed to the many reasons of expedience which have been suggested in argument against the exception and the injustice and favoritism which it is asserted will be operated thereby, that fact can have no weight in passing upon the question of power. And the same reasons also dispose of the contention that the clause is void as a discrimination between carriers.

But the question was discussed a little more directly by the Supreme Court in the next volume, Two hundred and fourteenth United States, in the case of District of Columbia against Brooke, which involved the constitutionality of an act of Congress pertaining to the District of Columbia, where one rule of taxation for sewer purposes was laid down with resident property owners and a different rule laid down with reference to nonresident property owners. The court said:

> The other objections expressed the same fundamental idea, to wit, that the act discriminates between resident and nonresident owners of property, and because it does it is void. The court of appeals yielded to this contention following the authority of McGuire *v.* District of Columbia (24 App. D. C., 22).
>
> The defendant in error asserts this discrimination and argues its consequences at some length, but does not refer to any provision of the Constitution of the United States which prohibits Congress from enacting laws which discriminate in their operation between persons or things. If there is no express prohibition of such power, may prohibition be implied from our form of government? Upon that proposition we need not express an opinion. If prohibition exists, it must rest on all the powers conferred by the Constitution. This court, however, has just held in the case of United States *v.* Delaware & Hudson Co. (213 U. S., 366) that Congress may in the exercise of the powers to regulate commerce among the States discriminate between commodities and between carriers engaged in such commerce. And it was said that the assertion that "injustice and favoritism" might "be operated thereby" could "have no weight in passing upon the question of power." In the case at bar we are dealing with an exercise of the police power, one of the most essential of powers, at times the most insistent, and always one of the least limitable of the powers of government.

The court then holds that, without it becoming necessary to decide that question, it was a proper classification and therefore in any event could be upheld.

So, Mr. President, no prohibition in our Constitution can be found that will prevent Congress from enacting legislation of this sort, irrespective of the reasonableness of the classification, but even under the fourteenth amendment, which is applicable alone to the States, legislation is upheld constantly by the Supreme Court where a reasonable basis can be found for the classification in which the discrimination occurs.

With reference to the Connolly case, if Senators will examine the subject, they will note that in that case Mr. Justice McKenna wrote a very strong dissenting opinion, and in all of the cases which I have been able to find involving the question of classification since that time Justice McKenna, who wrote the dissenting opinion in the Connolly case, writes the majority

opinion in the cases, among them the one I have just read. I think I am correct in that statement.

In the case of International Harvester Co. against Missouri, in which the majority opinion also was written by Mr. Justice McKenna, the court said:

> Whether the Missouri statute should have set its condemnation on restraints generally, prohibiting combined action for any purpose and to everybody, or confined it as the statute does to manufacturers and vendors of articles and permitting it to purchasers of such articles; prohibiting it to sellers of commodities and permitting it to sellers of services, was a matter of legislative judgment, and we can not say that the distinctions made are palpably arbitrary, which we have seen is the condition of judicial review.

I think a very clear distinction in any event can be made between the Connolly case and the provisions of the pending bill, because the provisions of the bill operate upon associations of the character named therein, and the very purpose of the bill, the very ground upon which it is rested, is that there is such a difference existing in the very nature of things that the only way the growers of agricultural products can be given a fair chance to market their products is by permitting these associations. However, Mr. President, no Senator on the floor has thus far asserted the unconstitutionality of this bill. I wish to suggest that the bill might not in any event be held unconstitutional, even though the doctrine of the Connolly case should be applied directly to it. There is no question about the power of Congress to do what is provided to be done in this bill. The only question that could arise would be whether having done this thing the Sherman law, or what remains of it, thereby becomes invalid because of the discrimination which has followed from the enactment of this proposed legislation; and I have no fear whatever that that question will ever be resolved by the court against the constitutionality of that measure.

Mr. President, I have spoken very much longer than I had expected to speak. I merely wish to repeat that if any relief is to be granted to the farmers of the country, if they are to be given the chance to cooperate and to improve their condition without injury to the public, and, indeed, to the benefit of the public, it may be done by Senators voting for the House bill; but if any Senators believe that no relief should be granted to the farmers; that they are entitled to nothing; that they should remain under the operation of the second section of the Sherman law, then, of course, such Senators will vote for the Senate committee substitute.

Mr. PHIPPS obtained the floor.

Mr. WALSH of Montana. Mr. President, before the Senator from Wisconsin takes his seat, I wish to ask him a question in order to ascertain if I understand him.

Mr. PHIPPS. I yield to the Senator from Montana.

Mr. WALSH of Montana. I wish to inquire if we fully understand the position of the Senator from Wisconsin. If this bill is discriminatory, as I understand the Senator, it will stand, but the Sherman Act will fall? Is that the position of the Senator?

Mr. LENROOT. Does the Senator from Montana disagree with that? This is an affirmative piece of legislation.

Mr. WALSH of Montana. I have never heard such a proposition as that asserted before. If the Sherman Act was a valid constitutional enactment at the time it was enacted, it could not become unconstitutional by reason of an amendment to it.

Mr. LENROOT. Certainly Congress has power—I do not think the Senator will disagree with me upon that—to provide a different method of dealing with combinations than has heretofore been provided by Congress, even if it does not in subsequent legislation cover all combinations but does cover some.

Mr. WALSH of Montana. I have no doubt that Congress may expressly or impliedly repeal the Sherman law.

Mr. LENROOT. Certainly.

Mr. WALSH of Montana. But I can not follow the Senator from Wisconsin when he says that by a subsequent act of Congress the Sherman law may be held to be unconstitutional.

Mr. LENROOT. Let me answer the Senator. Supposing Congress enacts subsequent legislation, which it has the power to enact, for, without question, if there had never been a Sherman law passed, the legislation it enacted would be perfectly proper; but, by reason of the existence of the Sherman law, we have attempted to deal in one way with a certain class of people and in a different way with another class of people; and it should be held that, while in dealing with one class of people we must deal with all alike, or, although there is an evil which the Sherman law was intended to cover and to remedy, we may remove a part of that class from the Sherman law just the same as if we had made an exception to the Sherman law in this instance, which was exactly what was held in the Connolly case.

Mr. WALSH of Montana. Mr. President——

Mr. LENROOT. If the Senator will permit me, it was urged in the Connolly case that although the exception of growers of agricultural products was unconstitutional, nevertheless the remainder of the act could stand; but the court said, "No; the legislature of the State of Illinois has decreed that growers of agricultural products should not be subject to the law; therefore we can not read them into it; and inasmuch as the first section provides that all persons shall be subject to the law, and yet the legislature specifically said that the growers of agricultural products shall not be, therefore the whole law is invalid."

Mr. WALSH of Montana. I do not desire to follow the argument of the Senator or to attempt to refute it. I merely state my own position with respect to the matter. If the legislature of the State of Illinois had passed its antitrust act without the offensive clause in it and had enacted the offensive clause at a subsequent session, the original law, in my judgment, would stand unimpaired and the qualifying clause would be held unconstitutional. It would be held unconstitutional upon the ground that it was equivalent to the reenactment of the original act with the qualifying clause. That would be the law which would be declared to be unconstitutional and not the other law, which would remain unimpaired. So here the Sherman Act exists; it is the law. If we pass this bill we pass a law which practically says, "The Sherman Act is hereby reenacted subject to the following conditions, however." Then the question would be presented as to the legality and constitutionality not of the original act but of the subsequent act, and that being held unconstitutional, the original act would remain in all of its force and effect.

Mr. PHIPPS. Mr. President, on yesterday I presented an amendment to the pending bill which is intended to enlarge the marketing facilities of the farmer. The amendment is printed and has been placed on the desk of every Senator.

As I understand, the intent and purpose of the bill is to provide better marketing facilities for the producers of farm products and to reduce the expense of marketing such products without increasing the cost to the ultimate consumer, thus enabling the farmer to realize more for his products. As the bill is drawn it applies largely to the sale of agricultural products in the form in which they leave the farm. The farmer, however, is vitally interested in the application of this plan of marketing to another class of his crops. Reverting now to the amendment, I call attention to its language. It reads as follows: "And where any such agricultural product or products must be submitted to a manufacturing process, in order to convert it or them into a finished commodity, and the price paid by the manufacturer to the producer thereof is controlled by or dependent upon the price received by the manufacturer for the finished commodity by contract entered into before the production of such agricultural product or products, then any such manufacturers may" have the facilities and the opportunity of cooperating in the selling of their products as provided in this bill for the farmer himself.

The farmer sells his milk to butter, cheese, and condensing factories; his beets to sugar factories; his chicory to chicory factories; and his fruits and vegetables to canning factories. Sometimes such factories are cooperative institutions; sometimes they are not. In many cases, however, the farmer and factory enter into an agreement before the production of such commodities, under which the price paid by the manufacturer to the farmer depends upon the price which the manufacturer shall receive for the finished product.

Obviously, the farmer selling his product under such a contract is vitally interested in the application of the principle of this bill to the sale of the finished commodity by the manufacturer.

The purpose of the amendment which I have offered is to cover this particular method of the sale of farm products. Such an extension of the provisions of the bill can not work any hardship to the ultimate consumer, as his rights are amply protected by the last paragraph of the bill.

The amendment simply gives the advantages afforded by the pending bill to the hundreds of thousands of farmers throughout the United States who are raising farm products and under contractual agreements are selling them to manufacturers upon such terms that the ultimate price received by the farmer is dependent upon the price which the manufacturer receives for the finished commodity.

Such terms of sale virtually make of every such manufacturing institution a cooperative enterprise, in which the farmer and manufacturer share in the net returns received from the sale of the finished commodity.

Through such associations as are proposed by the amendment crosshauls will be avoided and the commodities involved can

be distributed in the territory most economically served. When unnecessary freight charges are incurred in the distribution of a commodity they have to be absorbed somewhere along the line, and their elimination is for the benefit of both producer and consumer. In the past both producer and consumer have suffered seriously through speculation in essential food products on the part of the agencies standing between the two, to the serious injury of both and to the benefit of no one save possibly such speculators. They are the only ones who can possibly be adversely affected through the adoption of the proposed amendment.

Speculation can be eliminated through such associations as are proposed, while the consuming public will be fully protected by the provision contained in the last paragraph of the bill as it now stands.

Some of the products mentioned are subject to most vigorous foreign competition, and the economical distribution thereof is therefore particularly essential.

I might cite as an instance the manufacture of sugar. In the case of beet sugar, produced in about 17 of our States extending from Ohio and Michigan and Colorado to California, the customary practice is for the factory to contract with the farmer for such acreage of beets as he may produce at not less than a fixed rate for a ton of beets, over and above which the farmer shall receive upon a sliding-scale basis such additional compensation as may be found possible through the ability of the factory to sell its sugar product at more than an agreed minimum price per pound. That means that the farmer producing the beets is a partner in the process of the manufacturer preparing his product for market, in that he is to receive a portion of the selling price over and above the minimum agreed upon as between himself and the factory purchasing the beets.

One of the practices which have grown up in the marketing of sugar in our country—and I refer now largely to our home production, and particularly to the beet sugar—is that each factory sells its own product through brokers and jobbers or, perhaps, through a broker to a jobber. The competition between the various factories at different times has been great, and while the price of the sugar as a rule is controlled by the foreign products coming into our market, which constitutes 75 per cent or more as against our home production of less than 25 per cent, yet the broker and the jobber are the ones coming into control of the real distribution of that sugar. They are the ones who as middlemen have pocketed inordinate profits. The most recent example of that which we had, perhaps, was in the years 1919 and 1920.

I believe that this amendment should not be objected to and that it would be beneficial, and that in practice it would not be abused as applied either to the bill as amended by the Senate committee or as originally passed by the House. There is no difference in the language of section 1 of the bill. The identical language was rewritten into the bill as reported to the Senate.

There is one additional clause in the first section of the bill to which my attention has been called, and that is that whereas the farmers of a certain community may cooperate and get together and form an organization, and this bill would permit such organization to market the products of those farmers, what is really necessary to complete this system of cooperative marketing is to permit the organizations or associations of different contiguous communities to act together through one selling agency. Some question has been raised as to the language of the bill being broad enough to permit of that combination of associations in marketing the produce of all of the farmers of some large section or territory.

In order to correct that it was suggested to strike out, on lines 15 and 16 of page 4 of the present bill, the words "Such associations may have marketing agencies in common," and to insert in lieu thereof the following:

> Such associations may be members of a cooperative association that markets in common the products of the members thereof and the constituent members of each association forming the same.

The intention being so to broaden that language as to leave no doubt as to the right of organizations representing various farming communities to market through a common agency.

Mr. NORRIS obtained the floor.

Mr. HARRISON. Mr. President, may I ask the Senator from Nebraska whether there is any probability of getting a vote on this bill within the next day or two?

Mr. NORRIS. I should think there ought to be. We ought to be able to reach a vote on it to-morrow, I should think.

Mr. KELLOGG. Mr. President, will the Senator from Nebraska let me ask unanimous consent for limitation of debate on the bill now, or would he rather go on?

Mr. NORRIS. I will yield for that purpose. I shall not be able to finish to-night unless we run late. It is almost time to quit now.

Mr. KELLOGG. I send to the desk a proposed unanimous-consent agreement, which I ask to have stated.

The PRESIDING OFFICER (Mr. CAPPER in the chair). The proposed unanimous-consent agreement will be stated.

The ASSISTANT SECRETARY. The Senator from Minnesota asks unanimous consent that from and after 2 o'clock p. m. on the calendar day of February 8, 1922, no Senator shall speak more than once or longer than 10 minutes upon the bill (H. R. 2373) to authorize association of producers of agricultural products, or more than once or longer than 5 minutes upon any amendment that may be pending or that may be offered to the said bill.

Mr. KELLOGG. With the understanding that we shall take a recess until 11 o'clock to-morrow.

Mr. NORRIS. I wonder if the Senator would not agree, first, to suggest taking a recess until 12 o'clock. The Committee on Agriculture and Forestry is engaged in having hearings. If there is any objection to meeting at 12 instead of 11, I will withdraw the suggestion; but why not try that first?

Mr. KELLOGG. I am perfectly willing to have that done.

Mr. NORRIS. Let us have the understanding, first, that we will take a recess until 12 o'clock if this is agreed to.

Mr. KELLOGG. I shall have no objection to that.

Mr. CUMMINS. Mr. President, may I ask the Senator what is the length of time a Senator may consume after 2 o'clock?

The PRESIDING OFFICER. Ten minutes on the bill, and five minutes on any amendment, is provided for in the request of the Senator from Minnesota.

Mr. CUMMINS. I hardly know what to say about that. I want to occupy a few minutes of the time, and I have no notion about the number of Senators who want to speak upon the subject. I do not want to speak more than 20 minutes, or something like that.

Mr. WALSH of Montana. I think we can very safely make that 20 minutes on the bill and 10 minutes on amendments.

Mr. KELLOGG. I am willing to do that.

Mr. HITCHCOCK. Will the Senator make it 3 o'clock instead of 2 o'clock?

Mr. KELLOGG. We certainly would not get through if we did. Is the Senator willing to make it 15 minutes on the bill and 10 minutes on any amendment?

Mr. WALSH of Montana. Fifteen minutes is ample for me. I probably shall not take 10 minutes; but we have not been on the bill very long, considering how discussions go in the Senate, and I am afraid we may shut off some one.

Mr. CUMMINS. One of the difficulties about that is that under the ruling of the Chair, there being an amendment pending, no one can speak more than five minutes until the pending amendment is disposed of.

Mr. KELLOGG. Ten minutes on an amendment and 15 minutes on the bill is what I have proposed.

Mr. WALSH of Montana. Really, a more satisfactory way would be to make it 15 or 20 minutes on an amendment and 10 minutes on the bill.

Mr. CUMMINS. I would rather have 20 minutes on the amendments and 5 minutes on the bill.

Mr. NORRIS. If Senators are trying to expedite the matter and get a vote soon, that will not do it. The more time we permit on amendments the longer the debate will be, because in this case there is a substitute, and there will always be an amendment pending until the substitute is voted on. We will never talk on the bill until we get rid of the substitute, because it never will be before the Senate.

Mr. CUMMINS. Nor afterwards, unless——

Mr. NORRIS. Oh, there will always be a time when a Senator can consume his time on the bill.

Mr. WALSH of Montana. Let me suggest that we make it 20 minutes on the pending substitute of the committee and 5 minutes on any other amendment and 10 minutes on the bill.

Mr. NORRIS. That is a very good suggestion.

Mr. CUMMINS. That would be entirely agreeable to me.

Mr. HITCHCOCK. Mr. President, I suggest that the Senator make that 3 o'clock instead of 2. If the Senate does not meet until 12, it will give only two hours until 2 o'clock, and I am sure some Senators would be apt to be cut out.

Mr. KELLOGG. Mr. President, I do not like to make a different rule for the pending amendment——

Mr. WALSH of Montana. Call it a substitute.

Mr. KELLOGG. But I am willing to agree that after 2 o'clock any Senator may speak 20 minutes on the bill and 10 minutes on any amendment. That certainly will give time enough.

Mr. WALSH of Montana. The difficulty about that, as the Senator will readily appreciate, is that the pending matter is a substitute, which, of course, is an amendment.

Mr. KELLOGG. But the Senator can talk on the bill.

Mr. WALSH of Montana. Yes; but we can not talk on the main bill, as the Senator from Nebraska suggests, until the substitute is disposed of; and when the substitute is voted on and disposed of the sentiment of the Senate on the whole thing is taken.

Mr. KELLOGG. What was the Senator's proposition?

Mr. WALSH of Montana. My proposition was that the debate be limited to 20 minutes on the pending substitute, and 5 minutes on any other amendment, and 10 minutes on the bill.

Mr. HITCHCOCK. What would be the situation if the Senator from Minnesota should offer an amendment to the original bill, as he proposes to do?

Mr. KELLOGG. I would have five minutes.

Mr. HITCHCOCK. That might last until 2 o'clock, and then, while that was pending, there could only be discussion of five minutes. I think the House bill and the Senate bill ought to be treated as two bills, and that a Senator ought to be allowed to speak 20 minutes on either one of those measures, and then only 5 minutes on any amendment to either of them.

Mr. KELLOGG. That is what the Senator from Montana proposes.

Mr. WALSH of Montana. Twenty minutes on the substitute or on the bill.

Mr. HITCHCOCK. But then, the difficulty is, if some Senator offers an amendment to either of them the Chair has already held that that amendment would be exclusively pending, and any Senator who spoke, whether he was interested in that amendment or not, would be limited to five minutes.

Mr. NORRIS. But still there would come a time, if he was not interested in the amendment and was interested in the substitute or in the bill, when he could utilize his 20 minutes. He could not be cheated out of that, and he could remain quiet and contain himself while the amendment was pending and the 5-minute debate was going on in which he was not interested.

Mr. KELLOGG. As amended by the suggestion of the Senator from Montana [Mr. WALSH], will the Secretary please read the proposed unanimous-consent agreement?

The VICE PRESIDENT. The Secretary will read the proposed agreement as modified.

The Assistant Secretary read as follows:

That from and after the hour of 2 o'clock p. m. on the calendar day of Wednesday, February 8, 1922, no Senator shall speak more than once or longer than 20 minutes upon the bill (H. R. 2373) to authorize association of producers of agricultural products, or more than once or longer than 20 minutes upon the amendment of the committee to the said bill, or more than once or longer than 5 minutes upon any amendment that may be pending or that may be offered to either.

Mr. BRANDEGEE. Mr. President, I feel that I ought to object to that or any similar unanimous-consent agreement for a final vote or for the limitation of debate at this time. This bill has been under debate in the Senate for a very few days.

Mr. KELLOGG. For four days.

Mr. BRANDEGEE. For four days, the Senator from Minnesota says; and the time has been occupied mostly by the advocates of the bill and of the so-called Senate substitute for the bill. Some of those speeches were of several hours each. I do not criticize the Senators for that, because I recognize that the subject matter is extremely intricate and very important, and that much of a Senator's time is taken up, when he makes a speech on this kind of a subject, in yielding to his colleagues, and getting into colloquies, and thus using his time.

I regard this as one of the most important subjects that have ever come before Congress in my term of service. I do not want to prevent and shall not try to prevent a vote upon the bill, but a very slight amendment offered to the Senate substitute, or even if that should be voted down, to what is known as the House bill—and there may be many of them—may bring on just as serious a constitutional debate in the consideration of the authorities and the public policy as the main bill itself. I do not think that at this stage of the proceeding Senators ought to limit themselves to five minutes, and only one talk of five minutes on an amendment which may be an entire substitute or may bring up points and suggestions which have not been hitherto considered at all.

Mr. KELLOGG. How long a time for speeches would the Senator suggest?

Mr. BRANDEGEE. I would suggest that no attempt be made to-day to put a limit upon debate, because——

Mr. NORRIS. Following the Senator's suggestion——

Mr. BRANDEGEE. If the Senator will permit me just a moment, I will complete my statement.

Mr. NORRIS. I was about to make a suggestion.

Mr. BRANDEGEE. The Senator from Iowa [Mr. CUMMINS] has already stated that he desires to discuss this measure. His views upon this question do not agree with mine, but there is no Senator on the floor who has had a wider experience or is more learned upon such questions than is the Senator from Iowa, and he is asked to limit his remarks upon the bill to 20 minutes and upon all amendments, the nature of which he can not now foresee at all, to 5 minutes. I do not think we ought to tie ourselves with that kind of an agreement now. I see no necessity for such haste. There are very few Senators here, Mr. President. There are not one-eighth of the Senators present, and such an agreement would bind all the absent Senators without knowing whether they desire to make addresses on the subject or not.

Mr. NORRIS. Mr. President——

Mr. BRANDEGEE. I will listen to a suggestion from the Senator from Nebraska.

Mr. NORRIS. I have the floor, I understand.

Mr. BRANDEGEE. I rose to object, and I was giving my reasons.

Mr. NORRIS. I wanted to state that I agree with the Senator, and I desire to say that I am not finding fault with him at all. I realize that there is a great deal of merit in what he has said. Most of the debate has been on one side. I have the floor and expect to make some remarks in favor of the bill as it passed the House, but I am willing to yield the floor to the Senator or to any other Senator who is opposed to the bill and desires to be heard. I concede the fairness of the proposition that the other side ought to be heard as we go along, and I am willing to yield the floor now if the Senator wants to take it.

Mr. BRANDEGEE. I stated that I do not criticize any Senator who has spoken. I realize that the subject can not be presented in 5 minutes or 25 minutes, and to discuss both the bill as it passed the House and the Senate substitute satisfactorily at the same time—which is what we have been doing—is impossible in 15 or 20 minutes. For the purpose of bringing this matter to a conclusion, I object to the proposed unanimous-consent agreement, and the Senator from Nebraska may proceed.

Mr. NORRIS. Would the Senator like to proceed now in opposition?

Mr. BRANDEGEE. No; I am not demanding the floor.

Mr. NORRIS. I ask if there is any other Senator here who has not spoken and desires to speak against the bill. I concede the justice of the criticism, if it might be termed such, although I do not think the Senator from Connecticut intended it as such, that most of the talking has been by those in favor of the bill. The Senators in opposition are entitled to be heard. I concede that they have a right to be heard as we proceed, and I am willing to yield the floor to anyone who wants to talk against the bill.

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. NORRIS. I yield.

Mr. LENROOT. I send to the desk a proposed amendment to the House text, which I ask to have lie on the table.

The VICE PRESIDENT. Does the Senator desire that it be printed?

Mr. LENROOT. Yes; I desire that it be printed.

Mr. POMERENE. I ask that the amendment may be reported.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 2, section 2, line 18, strike out the word "therefrom," and in lieu insert the words "from monopolization or restraint of trade"; and, on page 3, lines 3 and 4, strike out the word "therefrom," and in lieu insert the words "from monopolization or restraint of trade."

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. LENROOT. I understand there is an amendment to the House text now pending?

The VICE PRESIDENT. Yes; a committee amendment.

Mr. NORRIS. I understand it is desired that an executive session shall be held. I have no objection to going on for a while, but I shall not be able to finish my remarks this evening unless we run later than we have been doing.

Mr. CURTIS. The Senator in charge of the bill would like to have the Senator go on for a little while; but we do want an executive session.

Mr. KELLOGG. I hope the Senator from Nebraska will go on for a while, unless he would be willing to have the Senate recess until 11 o'clock to-morrow morning.

Mr. NORRIS. I would rather go on for a little while now than have the Senate recess until 11 to-morrow.

Mr. WALSH of Montana. I think it is scarcely fair to the Senator from Nebraska to ask him to split up his address in this way. It is nearly 5 o'clock now. We have not been wasting any time on the bill so far, and I think it would be only just to recess at this time.

Mr. NORRIS. Mr. President, I am as anxious as anybody else to get along with the bill. I ask unanimous consent that when the Senate shall conclude its business this evening it will take a recess until 11 o'clock to-morrow, and I shall try to arrange the meeting of the Committee on Agriculture for some other time. If there is no objection to this course I will move to go into executive session now.

The VICE PRESIDENT. Is there objection?

Mr. POMERENE. I did not hear the request.

The VICE PRESIDENT. The Senator from Nebraska asks unanimous consent that when the Senate concludes its business to-day it take a recess until 11 o'clock to-morrow. The Chair hears no objection, and the agreement is entered into.

EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate, in accordance with the order previously made, took a recess until to-morrow, Wednesday, February 8, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 7 (legislative day of February 3), 1922.

APPOINTMENTS IN THE DIPLOMATIC SERVICE.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Alanson B. Houghton, of New York, to be ambassador extraordinary and plenipotentiary to Germany.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Fred Morris Dearing, of Missouri, now Assistant Secretary of State, to be envoy extraordinary and minister plenipotentiary to Portugal.

Roy T. Davis, of Missouri, to be envoy extraordinary and minister plenipotentiary to Costa Rica.

Albert Henry Washburn, of Massachusetts, to be envoy extraordinary and minister plenipotentiary to Austria.

Theodore Brentano, of Illinois, to be envoy extraordinary and minister plenipotentiary to Hungary.

AGENT AND CONSUL GENERAL.

Joseph M. Denning, of Ohio, to be agent and consul general at Tangier, Morocco.

APPOINTMENTS IN THE COAST AND GEODETIC SURVEY.

Charles Henry Wright, of Pennsylvania, to be aid with relative rank of ensign in the Navy, vice E. C. Bennett, promoted.

Albert J. Hoskinson, of California, to be aid with relative rank of ensign in the Navy, vice L. W. Burdette, promoted.

Frederick Estill Joekel, of Texas, to be junior hydrographic and geodetic engineer with relative rank of lieutenant (junior grade) in the Navy, vice R. D. Horne, promoted.

RECEIVER OF PUBLIC MONEYS.

Harry B. Drum, of Montana, to be receiver of public moneys at Billings, Mont., vice Henry Clay Provinse, resigned.

PROMOTION IN THE REGULAR ARMY.

FIELD ARTILLERY.

Second Lieut. Haydn Purcell Roberts, to be first lieutenant, with rank from August 4, 1921.

APPOINTMENT, BY TRANSFER, IN REGULAR ARMY.

FINANCE DEPARTMENT.

Maj. Charles Russell Insley, Quartermaster Corps, with rank from January 27, 1921.

POSTMASTERS.

ALABAMA.

Eleanor F. Whitcher to be postmaster at Bridgeport, Ala., in place of J A. Cluck. Incumbent's commission expired July 21, 1921.

Joseph D. Pruett to be postmaster at Boaz, Ala., in place of H. O. Sparks. Incumbent's commission expired January 24, 1922.

Lucy Downing to be postmaster at Moulton, Ala., in place of W. R. Harris. Incumbent's commission expired December 20, 1920.

John H. Walls to be postmaster at Guntersville, Ala., in place of Claud Harper. Incumbent's commission expired March 9, 1920.

Coddington B. Wells to be postmaster at Anniston, Ala., in place of O. M. Reynolds. Incumbent's commission expired July 21, 1921.

CALIFORNIA.

Peder P. Hornsyld to be postmaster at Solvang, Calif. Office became presidential April 1, 1921.

Charles S. Catlin to be postmaster at Saticoy, Calif. Office became presidential January 1, 1921.

Leona A. Pitman to be postmaster at Moneta, Calif. Office became presidential January 1, 1921.

Ida McClaskey to be postmaster at Hobart Mills, Calif. Office became presidential April 1, 1921.

Philip C. Scadden to be postmaster at Nevada City, Calif., in place of M. C. Finnegan. Incumbent's commission expired March 16, 1921.

COLORADO.

Richard G. Dalton to be postmaster at La Junta, Colo., in place of M. R. McCauley, resigned.

Clarence A. Smith to be postmaster at Delta, Colo., in place of T. B. Geer. Incumbent's commission expired June 2, 1920.

Edward P. Owen to be postmaster at Genoa, Colo. Office became presidential July 1, 1921.

Henry A. Danielson to be postmaster at Boone, Colo. Office became presidential July 1, 1920.

FLORIDA.

Pearl E. Graham to be postmaster at Orange City, Fla. Office became presidential April 1, 1921.

Effie M. Robinson to be postmaster at Coleman, Fla. Office became presidential April 1, 1921.

GEORGIA.

Sallie G. Purvis to be postmaster at Pembroke, Ga. Office became presidential July 1, 1920.

John D. Baston to be postmaster at Thomson, Ga., in place of J. Q. West, resigned.

ILLINOIS.

Jacob H. Maher to be postmaster at Hull, Ill. Office became presidential July 1, 1920.

George F. Dickson to be postmaster at Little York, Ill. Office became presidential January 1, 1921.

Edward B. Tabor to be postmaster at Earlville, Ill., in place of D. H. Thompson, resigned.

INDIANA.

Ernest Purdue to be postmaster at Newburg, Ind., in place of F. A. Keller, failed to qualify.

William E. Kelsey to be postmaster at Monterey, Ind. Office became presidential April 1, 1921.

IOWA.

Paul S. Miller to be postmaster at Corydon, Iowa, in place of J. N. McCoy. Incumbent's commission expired August 30, 1920.

KANSAS.

John W. Coleman to be postmaster at Sylvia, Kans., in place of L. G. Wagner. Incumbent's commission expired July 23, 1921.

Jacob K. Luder to be postmaster at Waldo, Kans. Office became presidential April 1, 1921.

KENTUCKY.

Iley G. Nance to be postmaster at Slaughters, Ky. Office became presidential January 1, 1921.

LOUISIANA.

Frank Granger to be postmaster at Sulphur, La., in place of H. H. Schindler. Incumbent's commission expired July 21, 1921.

Benjamin F. Cowley to be postmaster at Leesville, La., in place of A. G. Winfree. Incumbent's commission expired April 19, 1921.

Reynald J. Patin to be postmaster at Breaux Bridge, La., in place of G. D. Domengeaux. Incumbent's commission expired July 21, 1921.

MASSACHUSETTS.

Beulah Hartwell to be postmaster at South Attleboro, Mass. Office became presidential October 1, 1920.

MICHIGAN.

Thomas H. McGee to be postmaster at Farmington, Mich., in place of T. H. McGee. Incumbent's commission expired January 24, 1922.

George B. McIntyre to be postmaster at Fairgrove, Mich., in place of G. B. McIntyre. Incumbent's commission expired January 24, 1922.

Edward A. Gast to be postmaster at St. Joseph, Mich., in place of G. H. Knaak. Incumbent's commission expired February 25, 1920.

MISSISSIPPI.

Homa M. Salbey to be postmaster at Stewart, Miss. Office became presidential July 1, 1920.

Ruby W. Bacon to be postmaster at Schlater, Miss. Office became presidential October 1, 1920.

Mary U. Dollins to be postmaster at Glendora, Miss. Office became presidential October 1, 1920.

MISSOURI.

Mattie De Vall to be postmaster at Pomona, Mo. Office became presidential July 1, 1920.

Julia Durham to be postmaster at Jacksonville, Mo. Office became presidential July 1, 1921.

Archie P. Myrick to be postmaster at Hunter, Mo. Office became presidential July 1, 1921.

Estella Marquis to be postmaster at Schell City, Mo., in place of J. B. Davis. Incumbent's commission expired July 25, 1921.

Frank J. Black to be postmaster at Meadville, Mo., in place of J. E. Phillips. Incumbent's commission expired July 25, 1921.

MONTANA.

Ovid S. Draper to be postmaster at Bonner, Mont. Office became presidential July 1, 1921.

Harvey T. Eastridge to be postmaster at Stevensville, Mont., in place of R. M. Corley. Incumbent's commission expired July 21, 1921.

Earle H. Miller to be postmaster at Melstone, Mont., in place of E. H. Miller. Incumbent's commission expired December 20, 1920.

NEBRASKA.

Philip Stein to be postmaster at Plainview, Nebr., in place of P. H. Peterson, resigned.

Blanche Snyder to be postmaster at Oconto, Nebr., in place of J. T. Bridges. Incumbent's commission expired March 16, 1921.

Clyde W. Norton to be postmaster at Kearney, Nebr., in place of C. C. Carrig, deceased.

NEW JERSEY.

William H. Cottrell to be postmaster at Princeton, N. J., in place of W. H. Cottrell. Incumbent's commission expired August 6, 1921.

Clark P. Kemp to be postmaster at Little Silver, N. J., in place of C. P. Kemp. Incumbent's commission expires February 19, 1922.

Elbert Wilbert to be postmaster at Bayhead, N. J., in place of Frank Ferry, jr. Incumbent's commission expired March 16, 1921.

NEW YORK.

Herbert O'Hara to be postmaster at Haines Falls, N. Y., in place of Herbert O'Hara. Incumbent's commission expired January 15, 1921.

Fred A. Shoemaker to be postmaster at Averill Park, N. Y., in place of F. A. Shoemaker. Incumbent's commission expired July 21, 1921.

Lester J. Taylor to be postmaster at Arkport, N. Y., in place of George Taylor, deceased.

Irving C. Jones to be postmaster at South Millbrook, N. Y. Office became presidential January 1, 1921.

Walter J. Pelham to be postmaster at Hensonville, N. Y. Office became presidential July 1, 1921.

William W. McConnell to be postmaster at Constableville, N. Y. Office became presidential January 1, 1921.

Baxter H. Betts to be postmaster at Argyle, N. Y. Office became presidential January 1, 1921.

Floyd W. Ryan to be postmaster at Dalton, N. Y. Office became presidential July 1, 1920.

Leander C. Gregory to be postmaster at Croton Falls, N. Y. Office became presidential January 1, 1921.

Amideas J. Hinman to be postmaster at Mohawk, N. Y., in place of J. C. Rossman. Incumbent's commission expired January 24, 1922.

Edward Small to be postmaster at Herkimer, N. Y., in place of F. A. Ray. Incumbent's commission expired January 24, 1922.

Warren C. King to be postmaster at Dobbs Ferry, N. Y., in place of G. R. P. Engert. Incumbent's commission expired July 21, 1921.

Burrell Vastbinder to be postmaster at Addison, N. Y., in place of F. D. Wade. Incumbent's commission expired July 21, 1921.

NORTH CAROLINA.

Wallace A. Reinhardt to be postmaster at Newton, N. C., in place of F. M. Williams. Incumbent's commission expired July 21, 1921.

Thomas H. Peele to be postmaster at Rich Square, N. C., in place of C. G. Conner, resigned.

Abram L. Alexander to be postmaster at Plymouth, N. C., in place of G. W. Waters. Incumbent's commission expired January 24, 1922.

John R. Rollins to be postmaster at Bessemer City, N. C., in place of W. L. Ormand. Incumbent's commission expired July 21, 1921.

NORTH DAKOTA.

Robert M. Mares to be postmaster at Wheatland, N. Dak. Office became presidential April 1, 1921.

Minnie Alexander to be postmaster at Sherwood, N. Dak., in place of Thomas Rowan. Incumbent's commission expired July 11, 1920.

OHIO.

Herbert S. Cannon to be postmaster at Canal Winchester, Ohio, in place of John Palsgrove, resigned.

Herman W. Davis to be postmaster at Bedford, Ohio, in place of L. J. Golling, resigned.

Frank M. McCoy to be postmaster at Bloomingburg, Ohio. Office became presidential January 1, 1921.

Ward B. Petty to be postmaster at Sycamore, Ohio, in place of R. R. Kurtz. Incumbent's commission expired January 31, 1922.

Earl R. Burford to be postmaster at Minerva, Ohio, in place of J. C. Ruff. Incumbent's commission expired September 7, 1920.

Raymond Kemmer to be postmaster at Holgate, Ohio, in place of G. E. Ricker, resigned.

Charles E. Schindler to be postmaster at Coldwater, Ohio, in place of A. B. Fox. Incumbent's commission expired August 26, 1920.

OKLAHOMA.

Charles H. Roosevelt to be postmaster at Verden, Okla., in place of C. H. Roosevelt. Incumbent's commission expired January 2, 1921.

Bernie A. Cockrell to be postmaster at Tonkawa, Okla., in place of C. E. Williams. Incumbent's commission expired February 25, 1920.

Maude L. Vaughan to be postmaster at Supply, Okla., in place of G. P. Creal. Incumbent's commission expired March 16, 1921.

James D. Powell to be postmaster at Hanna, Okla., in place of Virgie A. Hardin, resigned.

Edwin B. Minich to be postmaster at Eldorado, Okla., in place of Mary L. Whaley, resigned.

Alma Butler to be postmaster at Durant, Okla., in place of Sam Swinney. Incumbent's commission expired January 2, 1921.

John W. S. Opdyke to be postmaster at El Reno, Okla., in place of M. B. Cope. Incumbent's commission expired July 23, 1921.

OREGON.

Lyman H. Shorey to be postmaster at Woodburn, Oreg., in place of R. L. Guiss. Incumbent's commission expired July 21, 1921.

Harry E. Jones to be postmaster at Jefferson, Oreg., in place of G. C. Mason, resigned.

Charles W. Halderman to be postmaster at Astoria, Oreg., in place of Herman Wise. Incumbent's commission expired July 21, 1921.

Charles A. Stark to be postmaster at Sutherlin, Oreg. Office became presidential October 1, 1920.

Robert J. McIsaac to be postmaster at Parkdale, Oreg. Office became presidential October 1, 1920.

PENNSYLVANIA.

Margaret B. Hill to be postmaster at Saltsburg, Pa., in place of W. H. Portser, deceased.

Benton C. Myers to be postmaster at Fayetteville, Pa. Office became presidential April 1, 1921.

Elmer D. Getz to be postmaster at Akron, Pa. Office became presidential October 1, 1920.

Jay E. Brumbaugh to be postmaster at Altoona, Pa., in place of E. F. Giles. Incumbent's commission expired August 7, 1921.

Newton E. Palmer to be postmaster at Oxford, Pa., in place of J. D. Moore. Incumbent's commission expired August 7, 1921.

SOUTH CAROLINA.

DeWitt T. Welborn to be postmaster at Williamston, S. C., in place of T. M. Mahon, resigned.

SOUTH DAKOTA.

Henry W. Knutson to be postmaster at Leola, S. Dak., in place of W. L. Lowry, resigned.

Frederick M. Webb to be postmaster at Hitchcock, S. Dak., in place of W. R. Dickson. Incumbent's commission expired March 16, 1921.

Charles H. Hess, jr., to be postmaster at Blunt, S. Dak., in place of C. H. Hess, jr. Incumbent's commission expired March 16, 1921.

Frank I. Neal to be postmaster at Aurora, S. Dak. Office became presidential January 1, 1921.

TENNESSEE.

Solon L. Robinson to be postmaster at Pikeville, Tenn., in place of R. B. Schoolfield, resigned.

John H. Poston to be postmaster at Henning, Tenn., in place of J. A. Fields. Incumbent's commission expired March 16, 1921.

Lorenzo L. Parnell to be postmaster at Denver, Tenn. Office became presidential July 1, 1921.

Harriet L. Lappin to be postmaster at Mont Eagle, Tenn., in place of M. C. Parker. Incumbent's commission expired January 2, 1921.

TEXAS.

Frank L. Aten to be postmaster at Round Rock, Tex., in place of M. M. Jester, resigned.

Thomas L. Darden to be postmaster at Meridian, Tex., in place of C. C. Porter. Incumbent's commission expired July 21, 1921.

William J. Ott to be postmaster at Cuero, Tex., in place of J. C. Woodworth. Incumbent's commission expired July 21, 1921.

David E. Watson to be postmaster at Centerville, Tex. Office became presidential July 1, 1920.

William J. Hall to be postmaster at Tiffin, Tex. Office became presidential October 1, 1920.

Joseph E. Willis to be postmaster at Rochelle, Tex. Office became presidential January 1, 1921.

Charles E. Simpson to be postmaster at Refugio, Tex. Office became presidential October 1, 1920.

Sam G. Reid to be postmaster at Ogelsby, Tex. Office became presidential January 1, 1921.

Elam O. Wright to be postmaster at Estelline, Tex. Office became presidential October 1, 1920.

Joseph C. Eakin to be postmaster at Chilton, Tex. Office became presidential July 1, 1920.

Ina L. Jeffrey to be postmaster at Bigwells, Tex. Office became presidential October 1, 1920.

Thomas J. Hill to be postmaster at Yoakum, Tex., in place of T. P. Woodward. Incumbent's commission expired July 21, 1921.

Robert Dempster to be postmaster at Hitchcock, Tex., in place of Belle Kleinecke. Incumbent's commission expired April 16, 1921.

WASHINGTON.

Gordon C. Moores to be postmaster at Kennewick, Wash., in place of Averill Beavers. Incumbent's commission expired December 20, 1920.

William H. Padley to be postmaster at Reardan, Wash., in place of W. H. Padley. Incumbent's commission expired July 21, 1921.

WEST VIRGINIA.

Mazella E. Barto to be postmaster at Fairview, W. Va., in place of J. Y. Hamilton, resigned.

Paul G. Rogers to be postmaster at Clendenin, W. Va., in place of W. D. Roush, resigned.

Charles Ash to be postmaster at Glen Jean, W. Va., in place of M. W. McCoy, appointee declined.

WISCONSIN.

Mabel A. Coates to be postmaster at Juda, Wis. Office became presidential April 1, 1921.

John W. Crandall to be postmaster at Deerbrook, Wis. Office became presidential April 1, 1921.

David E. Lamon to be postmaster at Three Lakes, Wis., in place of W. J. Neu. Incumbent's commission expired March 16, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 7 (legislative day of February 3), 1922.

UNITED STATES ATTORNEYS.

Aubrey Boyles to be United States attorney, southern district of Alabama.

Randolph Bryant to be United States attorney, eastern district of Texas.

William J. Donovan to be United States attorney, western district of New York.

Walter G. Winne to be United States attorney, district of New Jersey.

UNITED STATES MARSHALS.

Thomas N. Hazelip to be United States marshal, western district of Kentucky.

William Robert Rodman to be United States marshal, district of Rhode Island.

POSTMASTERS.

FLORIDA.

Cecilia E. Kilbourn, Carrabelle.
Donald A. Flye, Haines City.
Edwin C. Shuler, Hosford.
Agnes M. Moreman, Maifland.
Orville L. Bogue, Oxford.
Bonnie B. Wilson, Sneads.

ILLINOIS.

Ira I. Kennedy, Pana.

MAINE.

George H. Howe, Caribou.
James L. Dunn, Cumberland Center.
Winnifred J. Libby, Ocean Park.
Charles F. Huff, Orrs Island.

MASSACHUSETTS.

Benjamin Derby, Concord Junction.
L. W. King, East Taunton.
Arthur R. Merritt, Egypt.
Emma E. Murphy, Minot.
Donald A. MacDonald, Mittineague.
L. Edward St. Onge, Ware.
Edmund F. Peck, West Wareham.
Earl W. Polmatier, Williamsburg.

MINNESOTA.

Charles Strebel, Arlington.
Emily M. Dresler, Brandon.
Robert W. Stewart, Ceylon.
William E. Fay, Chisholm.
Michael Hollaren, Ellsworth.
Amos P. Wells, Holloway.
Racine Olson, Holt.
Harlan J. Miner, International Falls.
Bertram L. Sweet, Jasper.
Lynn J. Dewey, Jeffers.
Fred C. Brower, Kimball.
Harry Coleman, Lancaster.
Albert D. Day, Long Prairie.
Wallace R. Ackerman, Mapleton.
Andrew Bromstad, Milan.
Ralph V. Townsend, Minnesota Lake.
Frank E. Zumwinkle, Morton.
Walter W. Pearson, Nevis.
Arnold J. Derksen, Pequot.
James N. Kain, Round Lake.
Walter W. Parrish, Rushford.
John C. Klein, St. Joseph.
John Bowden, Spring Valley.
John P. Paulson, Two Harbors.
Lewis A. Bradford, Verndale.

MISSISSIPPI.

Frankie M. Storm, Benoit.
Lily B. Maxwell, Camden.
Willie R. Lester, Crowder.
Lee Bankston, Dundee.
Charles B. Turner, Ellisville.
Thomas A. Chapman, Friar Point.
Mattie B. Catchings, Georgetown.
Robert J. E. Barwick, Glen Allan.
Walter T. Heslep, Indianola.
Nettie M. Scott, Lake Cormorant.
Mary E. Herring, Madison Station.
Amos D. Dorman, Myrtle.
Marion W. Thornton, Pachuta.
Enfield Wharton, Port Gibson.
Hubbard E. McClurg, Ruleville.

NEW YORK.

Charles W. Bell, Glen Head.
John B. Houghton, Indian Lake.
Frank Yaple, Loch Sheldrake.
William B. Voorhees, Roscoe.
Frank Wright, Salem.
Winfield McIntyre, Woodbourne.
August Abt, Woodridge.

PENNSYLVANIA.

William F. Yost, Creighton.
Joseph L. Wilson, Glassmere.
Mary V. Clemens, Linfield.
Mary F. Carey, Mahanoy Plane.
Fred J. Kintner, Mehoopany.
Alice Krebs, Pottsville.
Benjamin T. Phillips, Selinsgrove.
Helen P. Howell, West Alexander.
Hettie C. Taylor, Westtown.
Robert C. Simpson, Woodlawn.
Jacob M. Aiken, Yeagertown.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 7, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed heavenly Father, we would set our faces toward Thee. How much we are comforted that Thy love springs from Thy compassion rather than from our merits. Behind the poorest mortal that trembles on the verge of wreck and ruin throbs the heart of the God of love. We thank Thee more than human lips can tell. Be Thou the power in ourselves that we may work out careers of abiding usefulness and endless happiness. In every way enable us to be strong, unselfish, patriotic, and fearless in the defense of the right and achieve successfully the highest tasks of life. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. NEWTON of Missouri. Mr. Speaker, I would like to ask unanimous consent to extend my remarks in the RECORD in 8-point type by inserting copy of statement made by myself before the subcommittee of the Appropriations Committee considering appropriations for the War Department, upon the subject "Transportation and rates," said statement being made January 12, 1922, and appearing on pages 258 to 271 of part 2 of the committee hearings.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by inserting a statement which he made before the Committee on Appropriations. Is there objection? [After a pause.] The Chair hears none.

The following are the remarks referred to:

STATEMENT OF HON. CLEVELAND A. NEWTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI.

Mr. ANTHONY. Mr. NEWTON, I notice that you have introduced a bill, which has been referred to this committee, appropriating a total sum of $40,000,000 for the improvement of the Mississippi, Ohio, and Missouri Rivers. We would be glad to hear any statement you desire to make in regard to the matter.

Mr. NEWTON. I assume, of course, that these hearings will be printed.

Mr. ANTHONY. Yes.

Mr. NEWTON. There are one or two things that I would like briefly to call attention to on the subject of the general policy of these river and harbor appropriations. Prior to the passage of the act approved June 25, 1910, Congress instructed the engineers to make a report upon the improvement of the Ohio River and upon the Mississippi River between Cairo and St. Louis, and on the Mississippi River above St. Louis, or between St. Louis and Minneapolis, and on the Missouri from St. Louis to Kansas City. The engineers brought in that report, in which they estimated the amount that would be required to make those improvements.

Congress in the act approved June 25, 1910, adopted that project with the estimates of the engineers. Upon the basis of that report Congress wrote into the law, "Improving the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement, with a view of completing said improvement within a period of 12 years," and they made at that time an appropriation of $500,000. The engineers in their report estimated that the amount required between the Ohio River and the mouth of the Missouri River would be $21,000,000. Now, 12 years have passed, and during those 12 years, in carrying out that 12-year project, Congress has actually appropriated $1,970,000. We have now on that section of the river a barge line that is actually operating. Between St. Louis and New Orleans this barge line has been operating for several years, and while they have had an 8-foot channel between St. Louis and Cairo the operating end of the barge line company complains that the channel is not a practicable barge channel. It is all right for the old-time type of packet boats to worm through, but it is not a good barge channel. For instance, a tow went down the other day from Cairo to New Orleans, consisting of one towboat and seven or eight barges, and that tow was 900 feet long and 150 feet wide.

It is hard to go around the river bends between Cairo and St. Louis with any such a fleet as that, but that tow carried enough freight, allowing 50,000 pounds to the freight car, to load 12 full freight trains. While the water was high, they had full cargoes to go down from St. Louis. A number of them made the trip from St. Louis to New Orleans with that amount of freight in six days, and they carry from 50 to 60 per cent of the same amount of freight upstream from New Orleans to St. Louis in 12 days. That is as quick as you can expect a freight train to go. As a matter of fact, shippers say that it is quicker. At the same time, in 1910, an appropriation was made for the improvement of the Mississippi River from the mouth of the Missouri to Minneapolis. Congress adopted that project, with a view to completing such improvement within a period of 12 years. The 12 years have passed, or nearly so. They estimated that it would cost $27,000,000 for the improvement of the river from the mouth of the Missouri to Minneapolis, and Congress has appropriated $12,250,000 in that time. In that connection, I think that our policy ought to be changed a little. We have got a good channel from New Orleans to Cairo, and I think that the river should be improved so as to extend it to St. Louis for navigation purposes before you go any further.

I am in favor of improving it on to Minneapolis, and they have spent $12,000,000 between St. Louis and Minneapolis. But only $1,900,000 of the $21,000,000 needed for the river between Cairo and St. Louis has thus far been spent upon this important stretch of the river, upon which large operations are now being carried on. If this channel had been completed between Cairo and St. Louis, commerce to-day would be going from St. Louis instead of being stopped at Cairo during the low-water season and then being shipped on to St. Louis by other means. On the Ohio River we adopted that project in 1910. The improvement of the Ohio from Pittsburgh to Cairo was estimated to cost $63,731,000, and there have been expended $43,624,000 during the 11 years or nearly 12 years. During that period of time it was contemplated by this act, and, as a matter of fact, provided in the act, that the project should be completed within 12 years. But we have not kept faith by making the promised appropriations. As for the improvement of the Missouri River between Kansas City and St. Louis, that was provided for on page 21 of the act approved July 25, 1912. That act provided for the improvement of the Missouri River, "With a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, in accordance with the report submitted in House Document No. 1287, Sixty-first Congress, third session, and with a view to the completion of such improvement within a period of 10 years." That document provided that it would cost $20,000,000 to complete that work and give us a permanent 6-foot channel. Congress adopted that project and referred to that document by number and wrote into that law that it should be completed within a period of 10 years.

During that period of 10 years we have actually appropriated only $7,000,000. At that time business men of Kansas City came down here and appeared before the Rivers and Harbors Committee, and the committee said, "We will improve the river if you will use it." Then they said, "We will go back and raise a million dollars to build barges and towboats and will put them on the river and go into operation." They carried out their part of the understanding by going home and organizing a company with a capital of $1,250,000; but Congress, out of the $20,000,000 estimated as necessary, has appropriated only $7,000,000. Of course, you will realize that a river for navigation purposes is not any better than at its shallowest point. The record shows that the company made money during the high-water seasons, but when the high-water season was over they ran onto sand bars and most of the profit they had made was lost, and when the war began their boats were commandeered and put into use on the Mississippi. Here is one thing that has a general bearing on this matter, and I want to mention it in the presence of Gen. Taylor. I assumed from conversations I had with Gen. Dawes some time ago in discussing this matter that it was to be the general policy to continue work about as it was being carried on; that is, not to treat

the waterways any worse than they had been treated the year before. From the figures of the Chief of Engineers I found that two years ago, or 1919, we appropriated $12,000,000, and at that time we had available in the Treasury $58,863,787.14 of unexpended balance of appropriations made in former years.

Mr. ANTHONY. For specific projects?

Mr. NEWTON. Yes; it was not for general use. It was for specific projects. That was the balance unexpended of our general appropriations previously made for rivers and harbors. We had that much available, and you appropriated $12,000,000 to go into these other projects. When you appropriated the $12,000,000 you had $72,863,787 available for river and harbor work that year. Last year we appropriated $15,000,000, and at the time we made the appropriation of $15,000,000 we had available in the Treasury $37,565,235.11.

Mr. SISSON. That was a book credit.

Mr. NEWTON. Yes, sir; that was the amount of the appropriation that was available. That made the total sum available $52,562,000. Now, I understand from the engineers, and if I am not right Gen. Taylor can correct me, that there will be practically no balance available when June comes. Is that true, General?

Gen. TAYLOR. I have brought out several times the fact that the entire work next year must depend absolutely on money that we get this year.

Mr. NEWTON. Then, if we are to treat the rivers and harbors as well next year you will have to have $62,000,000, based on the estimates from the engineers as to what they will actually need in their districts?

Gen. TAYLOR. They stated that they could use $62,000,000.

Mr. NEWTON. On necessary projects?

Gen. TAYLOR. Yes, sir.

Mr. NEWTON. If we are to carry out the work on projects like the Ohio, the lower Missouri, and the upper Mississippi, a start should be made. You make your appropriations, and then come to us and say, "Well, why are you not using the river?" The answer is that there is no completed, dependable channel on which to operate. It has already been fully demonstrated that there is a very large tonnage of freight available for shipment on the barge line now operating between St. Louis and New Orleans, but the business can not be successfully and profitably carried on unless a better channel is provided between St. Louis and Cairo.

I understand that Gen. Taylor was asked some questions about the freight question, and I want to discuss that for the benefit of the committee. I have gone into that question rather fully.

FREIGHT RATES—TYPE OF BOATS USED.

Mr. SISSON. If you do not mind, let the record show these facts: As you know, the war broke into the river and harbor work, first, because you could not get the labor; second, because you could not get the materials; and, third, we needed every dollar we could get to fight the war. That, of course, accounts for the sudden falling off in the appropriations for river and harbor improvements.

Gen. TAYLOR. On the other hand, it accounts for the large balance that we had a year and two years ago.

Mr. SISSON. Yes; it accounts for the large amount of money you had.

I am very much interested in your freight-rate proposition.

Mr. NEWTON. I think I have something here that will interest the committee. I have here a map that I worked out from information that I got from the Interstate Commerce Commission. I want to say this, however, before I take up this rate question: I live in the Mississippi Valley, and there are other Members in the Mississippi Valley who are interested in this question equally with myself. I did not know about these hearings, and I only learned by accident that these matters were to be taken up to-day. I know of a number of Members of Congress who are very much interested in these projects, or just as much interested in them as I am. We feel this way about it: We recognize that with these large lump-sum appropriations the seaports of the country, where the big ships come, are going to make the strongest demands on the engineers when emergencies occur. A year or two ago there was a great storm on the Gulf coast that wrecked a lot of the ports down there, and the engineers had to use a great deal of the money in making those ports sound, where great ships were coming and going. In other words, those things must be taken care of, and under a lump-sum appropriation they can not help the Mississippi Valley waterways unless the appropriation is large enough to take care of those waterways, together with what is necessary at these other places. That is true, because the engineers must use discretion and must spend the money where it is most urgently required.

Now, in the study of the rate question, I will ask you to please look at this map. Look at the line between Portland, Me., and New Orleans, covering a distance of 1,686 miles. The rate on first-class freight between those points is $2.05½ in carload lots. That is the rate because there is water competition between Portland, Me., and New Orleans. Now, look at the line from Cincinnati to New Orleans, where water competition does not obtain, because the locks and dams on the Ohio River have not been completed, and you will see that the rate from Cincinnati, for one-half the distance, or 749 miles, is 1 cent more per hundred, or $2.06½. As I have said, the distance between Portland, Me., and New Orleans is 1,686 miles, and the rate is $2.05½, where there is water competition, while the rate from New Orleans to Denver, Colo., where you could not have water transportation under any conditions, is $3.04, the distance being 1,349 miles. The rate, as you will see, is $1 more per hundred. As you will see, the rate from Portland, Me., to New Orleans, for a distance of 1,686 miles, is $2.05½ per hundred, while the rate from New Orleans to Denver, a distance of 1,349 miles, is $3.04 per hundred. The distance from Kansas City to New Orleans is 879 miles, or about half the distance from Portland, Me., to New Orleans, and the freight rate from Kansas City to New Orleans is $2.48 as against $2.05½ from Portland, Me., to New Orleans. That is true because the rivers are not so improved as to afford water competition.

Mr. SISSON. That lowers the freight rate?

Mr. NEWTON. Yes, sir. Wherever you have water competition available the railroads always cut the freight rate down.

Mr. ANTHONY. What is your rate from St. Louis to New Orleans?

Mr. NEWTON. It is 20 per cent less than the rail rate. Wherever you find there is water competition you will find that the rail rates are cut down.

Now, I have called upon the Interstate Commerce Commission for the rates between certain points, and I have their letter here.

Mr. SISSON. Did you get all of these figures from the Interstate Commerce Commission?

Mr. NEWTON. I got those figures on the map from Mr. Brent, who obtained them from the Interstate Commerce Commission.

Mr. SISSON. Those figures are the official figures?

Mr. NEWTON. Yes, sir. I think that Mr. Brent is entirely reliable, and he obtained those schedules from the Interstate Commerce Commission. I asked him to get those figures and make up the map. I called upon the Interstate Commerce Commission for the rates between certain points, and the chief of the section of tariffs, Mr. Crosland, wrote me a letter and sent me these figures. These figures show that the rate on paint, in carload lots, from Boston to Seattle, a distance of 3,000 miles, across all of the rivers, prairies, and mountains of the country, is $1.83½ per 100 pounds. There is water competition between those points clear around through the canal.

Now, the rate on paint from St. Louis to Denver, a distance of about 1,000 miles, or not more than one-third the distance from Boston to Seattle, and over a level country, through a country in which there really are no mountains, the rate is $1.06½ per hundred pounds. In other words, for that haul clear across the rivers, valleys, and mountains, from Boston to Seattle, the rate is $1.83½ per hundred pounds simply because there is water competition. As against that, they charge $1.06½ per hundred pounds for hauling the freight a distance of 1,000 miles through a country where there are no mountains, and that high rate is maintained because there is no water competition. I have figures here showing the rate on lemons. The rate on lemons—and this applies to other fruits as well—from Los Angeles to Kansas City is $1.66½ per hundred pounds in carload lots, and the rate on lemons and other fruits from Los Angeles to Boston is the same. They charge the same rate on lemons and fruit of all kinds from Los Angeles and San Francisco to Kansas City, St. Louis, and Cincinnati, as they do to Boston. They used to charge less than that until we got the long and short haul provision in the Esch-Cummins bill. According to the information I have obtained from the Interstate Commerce Commission, wherever you find there is water competition with the railroads you will see that they try to cut under the water competition. Gen. Taylor was talking awhile ago about the Goltra Line. Goltra tried to put a barge line on the Upper Mississippi River from Minneapolis to St. Louis to handle iron ore. He has a large blast furnace at St. Louis. When they were preparing to go into operation the railroads went before the Interstate Commerce Commission and got a special rate on iron ore.

I heard to-day, but not from an official source, that the rate on iron ore from Minneapolis to St. Louis is now 25½ cents per hundred pounds, in carload lots. Now, you have a shorter haul and, as I understand it, better railroad facilities from Minne-

apolis to Kansas City than you have from Minneapolis to St. Louis, but you have no river route. Now, as I have said, they have a rate on iron ore from Minneapolis to St. Louis of 25½ cents per hundred pounds, in carload lots, but they make the rate 34 cents from Minneapolis to Kansas City. That is done in order to cut under the Goltra Line and make his river operation unprofitable. There is that difference between 25 cents and 34 cents, the lower rate being on a railroad that winds along with the river for a long distance, as against a higher rate for a shorter haul across the level prairie to Kansas City.

Now, in that connection I want to give you some figures that I am prepared to verify. The barge line is allowed a rate of 80 per cent of the rate of the railroad that parallels the river, but the rates of the railroads that parallel the rivers represent not more than 50 per cent of the average rates of the railroads of the country. I sent down to some shippers and got some of these figures, and some of them I obtained from the Interstate Commerce Commission. For instance, I obtained the rate on sugar from New Orleans to St. Louis by railroad and on hardware south.

Prior to January of this year the rate on 100 pounds of sugar from New Orleans to St. Louis, a distance of 700 miles, via all-rail route, was 44 cents, while the rate on 100 pounds of sugar from New Orleans to Camden, Ark., was 50 cents, although it is not much more than half the distance, and simply because it is off from the river. A shipper at St. Louis told me that he used to get a certain rate from St. Louis to Vicksburg. I do not remember the exact rate, but some time after that the river got away from Vicksburg, so that the boats could not go there, and when that happened the railroads raised the rates to Vicksburg because there was no water competition. The rate on 100 pounds of hardware from St. Louis to New Orleans, a distance of 700 miles, by railroad lines paralleling the river, prior to January, was 44 cents, while the rate on 100 pounds of hardware from St. Louis to Wiggins, Miss., which is off the river, was 87 cents. That was over the same roads, and the distance was 50 miles less, but boats could not go there, and therefore they raised the freight rate from 44 cents to 87 cents. In January they changed the rates, and since January 1, under the new rates, the railroads paralleling the river carry 100 pounds of sugar from New Orleans to St. Louis for 59½ cents, while the rate from New Orleans to Camden, Ark., is 69 cents.

As you will see, the differential in favor of the river haul is lower than it was before. Under the new rate the railroads paralleling the river carry 100 pounds of hardware from St. Louis to New Orleans for $1.73 instead of 44 cents, and charge a rate of $2.08 from St. Louis to Wiggins, Miss. In that case the differential is not as great as formerly. Now, in the face of that advantage, we go ahead and make appropriations to make up the deficit of the railroads. We have appropriated about $1,600,000,000 to make up the deficit of the railroads, and yet the barge line, which is hauling our freight on the river at 80 per cent of the rate of the railroads paralleling the river, is making money. I find that the total receipts of the barge line, over their total disbursements, since the 1st of April, amount to approximately $200,000.

Mr. SISSON. What barge line is that?

Mr. NEWTON. That is the barge line from St. Louis to New Orleans. The one on the Warrior River has not been profitable as yet, but will, no doubt, be eventually successful. They started, I think, with two towboats, and about the 1st of July they had two more. Then they had difficulty with the towboats. The people who first handled the operation were not really friendly to it. I secured some information in regard to it. For instance, I looked into the pay roll, and I found that when Mr. Tomlinson was handling the barge line——

Mr. ANTHONY (interposing). Who is Mr. Tomlinson?

Mr. NEWTON. He was under Walker Hines, when he was Director General of Railroads, and he came from the Great Lakes.

Mr. SISSON. He was Mr. Walker Hines's barge line man?

Mr. NEWTON. Yes, sir. Now, when this line was put into operation I went over the list. I asked him to give me a list of the pay rolls showing who was employed and what they were paid. I found that they were paying Mr. Tomlinson the same salary as director of this small line starting with old, out of date, and experimental equipment that they were paying to Walker Hines as the director general of all of the railroads of the United States, or $25,000 a year, and to Mr. Sanders, of New Orleans, they paid $15,000 a year for the Mississippi section. They paid Brent as traffic manager $10,000.

Mr. ANTHONY. That was under the United States Railroad Administration?

Mr. NEWTON. Yes; and then they ask why we do not make a profit on the barge line. They not only did that, but Tomlinson gave the contract for designing the towboats and barges to a firm in New York, some concern which designs yachts and other ocean craft and which did not know anything about the type of boats required on the Mississippi. This designer was never on the Mississippi; he did not know a blame thing about it, but he was allowed to design the barges and towboats for the Mississippi River. The operating end say they will be all right, but there is a difference of opinion about whether those barges and towboats are proper boats. He designed powerful boats with twin screws under the rear end, while the old river men say they should have been stern-wheelers. Nevertheless, those are the boats we have. I am giving you these things to show you conditions and the difficulties which have existed.

Mr. SISSON. They are very expensive boats.

Mr. NEWTON. Yes; the towboats cost $305,000 and the barges cost $103,000.

Mr. ANTHONY. Are not those towboats working all right now?

Mr. NEWTON. Yes; they are now working fairly well, but they have had to make many alterations, and the cost of these repairs have all been taken out of the earnings. For instance, when they put them in operation they found that the propellers were too small for the engines and the engines would race, so they had to take the propellers off and put on larger propellers. Fortunately there was enough space so they could put them on. When they got them on and put on the power of the engine the rear end of the thing wobbled like a duck's tail, and then after spending $50,000 or $60,000 on each one of the towboats they got them properly adjusted; yet they still have difficulties, because they say every once in a while a log gets under and breaks the propeller. To change this difficulty they have changed the propeller blades from steel to bronze.

In the face of those difficulties and the readjustments they have to make, they have made money—and, mind you, those boats cost two or three times what they should have cost; there is no doubt about that, and the administration requires them to set aside 5 per cent for depreciation; that is upon the theory that these towboats and barges will be worn out in 20 years, whereas the old river men have shown me barges that have been on the river for 40 pears; they have actually been there that long and are still good barges, yet they make the barge line set aside 5 per cent for depreciation, based on the war-time cost, which was at least twice as much as it should have been. That will give you an idea of what they are doing; but they have made enough money to pay all their expenses, to pay the depreciation, and have enough left to pay 3 per cent on the book value of their investment. Where is there a railroad in this country doing anything like that?

I called on the director of the barge line for figures showing the amount of freight they have carried, and I find that the differential on the total amount of freight they have carried between January and the end of August was enough to save the shippers $357,593. That was the saving to the shippers.

Mr. SISSON. How long did you say?

Mr. NEWTON. From January, when they did not carry much because of insufficient equipment. In April they had two towboats, in June they got another, in July they got another, and they had an old one, so that they wound up with five or six, and there was a saving of that differential to the shippers in that length of time.

Mr. SISSON. What length of time?

Mr. NEWTON. From the 1st of January until the end of August the amount saved being $357,593. There was that saving in it for the shippers. I find there is another difficulty they are having. I am not properly prepared to make this statement before the committee, having had no notice that this bill was up for consideration until a few moments ago, but if you want to get some interesting information I suggest that you get the joint rail and water rates from New Orleans to points inland and see whether the railroads get the lion's share of the division. That is the one trouble we have had. To show you the benefit to inland points, a couple of months ago one cargo went from Omaha to New Orleans, by railroad to Cairo and by water from there on, and that differential saved that shipper nearly $5,000. If you would complete the approved project on the Missouri River from its mouth to Kansas City, you would reach the center of the wheat belt of the country, and give to the farmers of that great area cheap water transportation from Kansas City to the Gulf for all of their grain for export, and they would also have water transportation down to St. Louis, then to Cairo, and on over the Ohio River to Pittsburgh for all of their flour.

Mr. ANTHONY. Mr. Newton, right on that point, does not the law provide that the Interstate Commerce Commission shall first approve all railroad rates before they are put into effect?

Mr. NEWTON. Yes; and they are approving them right along.

Mr. ANTHONY. And they are not supposed to approve any rate that is not fair and equitable.

Mr. NEWTON. They are not supposed to do that, but here is what they do: Whenever a road comes in and asks it and the shippers want it, they approve it, just like they did this other rate from St. Louis to St. Paul.

Mr. ANTHONY. Then your statement in effect is an indictment of the Interstate Commerce Commission?

Mr. NEWTON. It is, and I have no hesitation in saying it.

Mr. ANTHONY. For approving rates that are not fair?

Mr. NEWTON. Exactly.

Mr. SISSON. Your argument is that the best regulatory measure of freight rates is water improvement?

Mr. NEWTON. Yes. We ought to pay the railroads compensatory rates by which they can pay their expenses and a dividend to the stockholders, but we should not permit them to make "cut-throat" rates for the purpose of destroying water competition.

Mr. SISSON. Here is the unfairness about that: They will reduce their freight rates in connection with competitive points below a figure at which the freight can be carried at a profit and then double up the charge on the interior freight, thus making up the loss on the river business, which makes a most criminal rate-making arrangement.

Mr. NEWTON. That is true, and I am wondering how long the people in the Mississippi Valley are going to stand that—that is, having unfair rates made at the expense of the people in the valley—but they are now finding it out. A business man wrote me and said, "I do not think we are being harmed because we are getting water rates on the railroads." They do from New Orleans to St. Louis, but they make it up on what comes from Kansas, Nebraska, Iowa, and other places. In other words, we do not get an equitable rate where there is no waterway, but we get an equitable rate where there is a waterway. The whole thing is on a wrong basis. There is another thing I want to say to you. I am frank about, and I think I have a right as a Member of Congress to express, my opinion. I know how your Budget is made up. I know that Gen. Dawes told us—we had him before the Rivers and Harbors Committee—that the only thing he could do was to supervise. He said, "I can not know the details of all these things; I have got to call on the heads of departments. I say to the War Department, 'You have got to cut so much,' and to the Department of Commerce, 'You must cut so much,' and to the other departments, 'You must cut so much,' and they go and make cuts for their departments. I can not know about the details of all these things." I know that the engineers have been the friends of the waterways, but the engineers are off in one corner of the War Department.

The General Staff is not interested in waterways. They say, "You can make your cut on the waterways and save money for the rest of the War Department." We went before Secretary Weeks on this thing, and he cut us down to $27,800,000. He started with $13,500,000, and then he got up to $27,800,000 after we made our showing. It is his recommendation to this committee, because it is his recommendation that finally goes. Dawes did not dig into that department to see how much they were giving the General Staff for other purposes or how much for rivers and harbors. They arbitrarily make their cuts in the waterways appropriations, because the War Department is not interested in them.

Now, I do not criticize the engineers, because I know they have done the best they could with the money that was allowed them. Secretary Weeks brought us down to $27,800,000 for all the rivers and harbors in the United States, which is little enough for the big harbors of the country; and with that amount we will never get to our rivers if the engineers make a fair distribution on the merits—that is, make improvements where the greatest commerce is. But, in face of that fact, yesterday he went with Secretary Hoover and Secretary Denby before the Interstate Commerce Committee and recommended to the Interstate Commerce Committee that they provide for an expenditure of $11,000,000 to build an 8-mile canal across Cape Cod, and I am informed that it will take at least $10,000,000 more to complete this canal and make it ready for use.

Mr. ANTHONY. You mean to purchase it?

Mr. NEWTON. Yes. That is more than two-thirds of all the money recommended by the Secretary of War for the improvement of all the rivers and harbors in the United States.

While I am on this question, there is another phase of it that I might mention. We have expended about $5,000,000,000 altogether in trying to build up a merchant marine; we have spent about $500,000,000 for the Panama Canal; and we have put a merchant fleet on the seas. We have done that through one arm of the Government. Through another arm of the Government—through the Interstate Commerce Commission—we are allowing the railroads to carry freight at less than cost between water points on the Atlantic and Pacific coasts, thereby driving our ships off the seas. We were in the same predicament under Director Hines during the war. One arm of the Government, the Railroad Administration, spent $8,000,000 in building barges and towboats for the purpose of putting commerce on the Mississippi, while through another arm of the Government, the Railroad Administration, we carried commerce at less than cost by rail up and down the banks of the river in order to keep the boats off the river. I think it is time we changed that foolish policy. I do not think that $8,000,000 expenditure is nearly enough; I think we have been unfortunate in the situation which existed and the way it was handled.

We have in the Mississippi River the greatest river in the world. You take that river from St. Louis to Minneapolis, and I think the engineers will bear me out when I make the statement that there is not a river in this country which, according to its distance, costs as little to improve or maintain as that river. It has the surest channel in the country and has a larger number of populous cities on its banks than any other river in the country, and there is a lot of commerce to move, and I do not see why it should not be improved and used.

I have a letter from Gen. Beach to Mr. DEMPSEY. You know the State of Illinois has appropriated $20,000,000 to open up an 8-foot canal from the Great Lakes to Utica, on the Illinois River.

Mr. SISSON. To Utica?

Mr. NEWTON. Utica, Ill., on the Illinois River. They have appropriated $20,000,000. Gov. Lowden told me last year, in talking about this water question, that the State had appropriated $20,000,000, but they never built the canal because as soon as the money was appropriated and available the railroads lowered their rates and those low rates have been in effect on that canal route ever since. However, they are going to build it now, and they are now at work upon it. In his letter to Mr. DEMPSEY, Gen. Beach says:

> It is estimated that under existing conditions a 9-foot waterway from Utica to that depth at the mouth of the Ohio will cost $3,057,700 for initial work and $736,550 annually for maintenance.

Now, listen to this:

> An 8-foot depth is estimated to cost $1,310,000 for initial work and $77,500 for maintenance for the Illinois River from Utica to its mouth and $620,000 for initial work, and $75,000 for maintenance for the Mississippi River from the mouth of the Illinois to St. Louis, from which point there is now an 8-foot channel to Cairo. Thus it will be seen that the total cost for an 8-foot channel from Utica to St. Louis will be $1,930,000 for initial work and $152,500 annually for maintenance. In other words, a through transportation route can be made available from Chicago to the Gulf of Mexico with the small Government expenditure of less than $2,000,000 for an 8-foot channel and about $3,000,000 for a 9-foot channel, thus affording the producers and shippers of Illinois and other adjacent territory access to and from the seven seas of the world, to say nothing of its also giving them cheap water transportation to and from all points in the great Mississippi Valley territory reached by the Mississippi River and its navigable tributaries, and in spite of this fact, there is not a dollar in this proposed appropriation for that great project.

We spent $70,000,000 in Alaska to build a railroad from somewhere to nowhere. I should like to know who in the Mississippi Valley is interested in that. We spent $1,600,000,000 on the railroads and loaned them $500,000,000 more. We have spent many millions in trying to build a merchant marine, and if you can show me anything in the merchant marine that is making money I would like to see it, because I have failed to find it. Then, for all the rivers and harbors in this country $42,000,000 is not enough; it is just that pitiful policy of maintaining the work already done and making no progress at all toward completing it, and, with the war over, I think these projects should be taken up and carried to completion in the right way.

I think Mr. TINCHER will bear me out when I say that two or three years ago the people in the State of Kansas, if they could have had facilities for shipping their wheat to market when the market was up, would have gotten a certain figure. What was the loss to the Kansas shippers, in round numbers, because they could not get cars until the market went down? I think it was $2,000,000. That is my recollection.

Now, suppose you had a barge line going right up to Kansas City. I think everybody here knows and everybody in Congress knows that just as soon as the business of this country opens up again the transportation facilities are going to be totally inadequate. Who is going to build a railroad? If you are going to relieve the congestion of this country you have got to open up your water transportation facilities, and that you can not do unless you improve your rivers. I think that Gen. Taylor will tell you, at the rate they are now going, how long it is going to take, because now they are just practically maintaining them and making no provision whatever for their completion. Out in the Middle West we recognize, as I said awhile ago, the superior rights of the coast cities, and the superior rights of the cities where the big commerce is, but we want this appro-

priation to be big enough so that the engineers will have enough money, after the big harbors are taken care of, to come out and improve our rivers and let our commerce develop.

The city of St. Louis has spent within the past two years $1,000,000 on modern docks; they had faith in the future of water transportation and have gone and put their own money into it, and we came near getting the necessary two-thirds majority for a bond issue of $2,000,000 more for docks in St. Louis, and commerce is begging for an increased use of the river.

Mr. ANTHONY. The appropriation we are considering is largely for the purpose of maintenance rather than to carry out projects of construction, but you evidently think the time has come for construction. Do you think the economic condition of the country is such that construction would be justified?

Mr. NEWTON. I think it would be justified where you can extend the commerce. I do not believe in the policy of wasting money here and money there in improving projects like we have been doing on certain rivers where there is no commerce, but we ought to spend money on rivers where there is commerce waiting to use them for transportation purposes.

Mr. SISSON. I do not think you mean to make your statement as strong as that, because some of the most meritorious projects have no commerce at all because there are no improvements, but the very moment improvements are made you will have commerce.

Mr. NEWTON. You did not get my idea. I think we ought to improve where the commerce can be extended and keep at it until we fully carry out such improvement as will increase the commerce. We ought to take on the projects which, when completed, will furnish waterway transportation facilities and extend those facilities so that commerce may use them. I think we ought to make that kind of an improvement, for instance, from St. Louis to Cairo. I think there ought to be enough money in this bill so that the engineers can provide a safe and permanent barge-line channel and construct it, so that you will not need to provide a half million dollars every year for dredging out the sand bars, because they will not form if you put in permanent work. If you put in permanent work you would not need so much for maintenance, would you?

Gen. TAYLOR. The expectation is that where there is permanent work the cost of maintenance will be very largely reduced.

Mr. NEWTON. I think there ought to be enough money so as to improve that river from Cairo to St. Louis and finish it, so that the commerce now being carried on that portion of the river can be safely and profitably handled. You have spent many millions on the Ohio, and yet the dams at the lower end of the river have never been completed and the river can never be used for through traffic until they are finished. That work ought to be completed immediately. When you have completed the channel to St. Louis you ought to go to Kansas City, where there is large commerce, and you ought to extend that commerce.

Maj. BROWN. Just in connection with what Mr. NEWTON said as to the preparation of the Budget, with regard to its having been prepared by the General Staff, I want to repeat what Gen. Lord said the other day, that the General Staff had nothing whatever to do with these nonmilitary items, especially the items relating to rivers and harbors. They were prepared in the first instance by the Budget officer, subject to the approval of the Secretary of War. Of course, as the records show, there is no estimate of $13,000,000, the Secretary of War and the Budget officer having agreed in placing before Congress an estimate of $27,000,000.

Gen. TAYLOR. There is one thing I would like to bring out. Mr. NEWTON refers to the manner in which the money has been allotted, and spoke of it having been allotted to the places where commerce existed, and that necessarily the rivers come in after that; I would like to read the wording of the acts, which will show why it was allotted that way.

Mr. NEWTON. I do not find any fault with that.

Gen. TAYLOR. The act of 1921—and the wording is the same in the act of 1920—reads:

> For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, $15,000,000.

In other words, that is a pretty plain direction for us to consider the existing commerce.

Mr. SISSON. But I do not see from your apportionment that you have neglected the rivers because the proportion of money that is being allotted to the rivers is about like that you have allotted to your harbors.

Gen. TAYLOR. That is correct; we have not neglected them, Mr. SISSON; but what we are considering here is on the basis of getting $42,000,000; that would be our distribution of the money in case we got $42,000,000; but, as I said originally, if the appropriation is for a lesser amount, we will start on the basis of allotting it proportionately, and the circumstances may be such that we will have to vary materially from that proportion.

Mr. SISSON. That is, as far as possible that proportion is going to be maintained, whether you get $27,000,000 or $42,000,000?

Gen. TAYLOR. As far as possible; yes.

Mr. NEWTON. But if you are cut to $27,000,000 you would confine your work to harbors where there is absolute need for improvements, and it will be your duty to spend your money there before you go to the rivers.

Gen. TAYLOR. Before we go to the rivers where there is no commerce.

Mr. NEWTON. Certainly.

LEAVE TO ADDRESS THE HOUSE.

Mr. DARROW. Mr. Speaker, I ask unanimous consent that immediately after the reading of the Journal and disposition of business on the Speaker's table on Wednesday, February 22, my colleague from Pennsylvania, Hon. HENRY W. WATSON, be permitted to address the House for 40 minutes on the subject of the Battle of Trenton.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that his colleague may address the House for 40 minutes on February 22 on the subject of the Battle of Trenton. Is there objection?

Mr. GARNER. Mr. Speaker, I have no objection, but I want to call the attention of the gentleman from Wyoming, who I see is in the Chamber, to the fact that if he is going to permit these unanimous agreements so far in advance to address the House for 40 minutes on various days he is going to have some requests from this side of the House to speak on similar subjects, and I feel that he will have to in all good grace grant that permission. I merely call his attention to it now, so that he will not be able to say he did not know anything about it.

Mr. MONDELL. If the gentleman will allow me, this is not the usual request to address the House on an ordinary legislative question. This is a request to address the House on Washington's birthday, touching the life and history of the Father of his Country. It happens that both of the requests recently made—that is, the request in regard to Lincoln's birthday and the request in regard to Washington's birthday—came from this side. It is usual for addresses to be made on those days from one side or the other, and I think ordinarily we have no disposition to deny those requests. I should have been quite as happy if some of the brethren on the other side had had in their minds some remarks to make on these anniversaries, but it so happened that both of the gentlemen who felt inclined to talk are on this side. I should be very glad to extend a like courtesy to any gentlemen on the minority side who may desire to talk on Washington's birthday.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. DARROW]?

There was no objection.

APPROPRIATIONS FOR TREASURY DEPARTMENT—CONFERENCE REPORT.

Mr. MADDEN. Mr. Speaker, I call up the conference report on the bill H. R. 9724.

The SPEAKER. The gentleman from Illinois calls up a conference report, which the Clerk will report.

The Clerk read as follows:

> Conference report on the bill H. R. 9724, making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20 and 21.

MARTIN B. MADDEN,
WALTER W. MAGEE,
JOSEPH W. BYRNS,
Managers on the part of the House.

F. E. WARREN,
W. L. JONES,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 20: Strikes out the appropriation, proposed by the Senate, of $500,000 for the acquisition of a site for a national archives building, including $25,000 for technical services.

On No. 21: Strikes out the appropriation, proposed by the Senate, of $1,000,000 for the construction of a three-story structure in the north court of the Treasury Building, Washington, D. C.

MARTIN B. MADDEN,
WALTER W. MAGEE,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. MADDEN. Mr. Speaker, I move the adoption of the conference report.

The question was taken, and the conference report was agreed to.

FLORENCE M. LAFLIN.

Mr. IRELAND. Mr. Speaker, by direction of the Committee on Accounts I ask for the consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois presents a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 276.

Resolved, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to Florence M. Laflin, mother of Cutler Laflin, jr., late an employee of the House of Representatives, a sum equal to six months' salary, and that the Clerk be further directed to pay, out of the contingent fund, the expenses of the funeral of said Cutler Laflin, jr., such expenses not to exceed $250.

Mr. IRELAND. Mr. Speaker, this is the usual resolution, and the family of the poor unfortunate boy, who lost his life in the Knickerbocker disaster, is the recipient of the appropriation provided.

Mr. CHINDBLOM. Will the gentleman yield for a couple of minutes?

Mr. IRELAND. Certainly.

Mr. CHINDBLOM. Mr. Speaker, in this connection I think it is right to place in the RECORD of the proceedings of the House the fact that two of the pages of this House were unfortunately killed in the disaster at the Knickerbocker Theater. This young man, the Laflin boy, was one of them, and the other was La Verne Sproul, a nephew of Congressman SPROUL, my colleague from Illinois. I do not know whether any resolution of this kind will be presented at this time in behalf of the Sproul boy, but I hope it will. Our colleague, Mr. SPROUL, found it necessary to return to Chicago with the body of his nephew who lived with him and thus suddenly lost his life. Both of these boys had won the affection and the high regard not only of their associates but of the Members of the House who knew them, and not only their relatives but their friends in this House sincerely regret their early and untimely demise.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

JENNIE SPROUL.

Mr. IRELAND. Mr. Speaker, I also present the further similar resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 277.

Resolved, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to Jennie Sproul, mother of La Verne Sproul, late an employee of the House of Representatives, a sum equal to six months' salary, and that the Clerk be further directed to pay, out of the contingent fund, the expenses of the funeral of said La Verne Sproul, such expenses not to exceed $250.

Mr. CHINDBLOM. Mr. Speaker, this is the young man to whom I referred a moment ago.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CLERK IN OFFICE OF LATE DELEGATE FROM HAWAII.

Mr. IRELAND. Mr. Speaker, I ask unanimous consent for the consideration of the further resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 262.

Resolved, That pending the election and qualification of a successor to the late Hon. J. K. Kalanianaole, Delegate from Hawaii, the Committee on the Territories of the House of Representatives is authorized to maintain and conduct the office of the late Delegate; and for that purpose the chairman is authorized to employ a clerk at a salary of $266 per month, the same to be paid from the contingent fund of the House: *Provided*, That such payments shall cease on the day that a new Delegate from Hawaii takes office.

Mr. WALSH. Mr. Speaker, I reserve a point of order on the resolution.

Mr. IRELAND. Will the gentleman indulge me just a moment on that?

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Line 6, after the word "salary," insert the words "at the rate of."

Mr. IRELAND. Mr. Speaker, the death of the lamented and beloved Prince Kalanianaole, in so far as his services to the district which he represented obtained, presents a slightly different case from the death of a Member of the House from any State. Where a Member has departed this life his colleagues from that State are usually quite generous and anxious to attend to the duties of his district pending the election of a successor.

The situation is vastly different in the Territory of Hawaii, and the constantly increasing demands on the representative of that Territory have made it seem necessary in the minds of the committee to unanimously and favorably report this resolution. It has been the suggestion of many Members of the House, and that suggestion has met the approval of others familiar with the situation with whom I have conferred——

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. In just a second. In the ordinary event of the death of a Member we would pay the clerk to the deceased Member a month's salary. This probably will entail the payment of one clerk, the one who has heretofore been employed, and who is familiar with the work, for possibly three months. I am advised that the selection of a successor is made mandatory within 60 days; another 30 days might be allowed for his travel here, so that in all probability the expense would not run over 90 days.

Now I yield to the gentleman from Texas.

Mr. GARNER. Has the Committee on the Territories acted on this matter in the way of recommendation to the gentleman's committee?

Mr. IRELAND. Unofficially. I do not know that they have taken any action, but the delicacy of the matter of having the chairman of the Committee on the Territories take charge of the office made him feel that he did not want to present the resolution himself, and so it was presented by another Member. But I am informed that he is willing to assume the additional burdens and discharge them, pending the election of his successor.

Mr. GARNER. It occurs to me that if the Committee on the Territories is going to have the service of this clerk for the time the gentleman speaks of, there ought to have been some action by the committee itself in making the representation to the gentleman. They would then have had opportunity to discuss the amount of labor involved in the Committee on the Territories, and the gentleman would have had more information than he is now able to give the House. As I understand him, this is giving a clerk to the Committee on the Territories for a certain length of time. Do I understand aright?

Mr. IRELAND. It is employing the clerk who formerly served, but the formal direction will be under the Committee on the Territories.

Mr. MANN. Mr. Speaker, will my colleague yield?

Mr. IRELAND. Certainly.

Mr. MANN. The reason for the resolution was that there was no other Delegate from Hawaii. That same reason would apply if, perchance, the Member from Wyoming should pass away. There would then be no other Member from that State in the House. Does my colleague think he can draw the line between employing the clerk of one Member when he is deceased and not employing the clerk of another Member who has deceased?

Mr. IRELAND. I do not think the cases cited are quite identical. In the case of a State with a single Representative the two Senators remain.

Mr. MANN. They do not remain in the House.

Mr. IRELAND. But they often do a very small portion of the great and laborious work each Member of the House does.

Mr. MANN. I do not see how you can draw a distinction between one and another.

Mr. IRELAND. This question might never occur again, but it seems important and vital to the interests of the Territory of Hawaii.

Mr. MANN. Such requests have many times been made.

Mr. IRELAND. And we have refused them.

Mr. MANN. And now you are setting a precedent that can not be refused in the future. It is often insisted that the clerk be employed in some capacity. That is not in the interest of the public business; in the main it is in the interest of the clerk.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Gladly.

Mr. DOWELL. I want to say to the gentleman from Illinois that while the suggestion he made with reference to the Representative from State or District might apply generally in Hawaii, which is some distance, and with a great deal of business to be transacted, there is no possibility of getting any representation or any service performed here unless this clerk is permitted to remain.

Mr. MANN. Yesterday the House passed a bill without a word for Hawaii, the first time I think I have ever seen it done in the House; a long bill, and not a word uttered. I do not think that that was because there has been a clerk.

Mr. DOWELL. A great deal of business has to be transacted. This clerk is a very competent clerk. He is familiar with all the interests of the islands here, and we would not save anything, it seems to me, by dismissing him now and in that way stop all transactions pertaining to the Territory in the House. I believe that he ought to remain in his office, because it is apparent to all that no Delegate can be selected who can be here before the next election. I am heartily in favor of this resolution and I believe it ought to be unanimously adopted. I think it is the only way we can transact the business of the Territory in the proper manner.

Mr. MANN. Well, if perchance—it may happen some time; I do not know whether it will happen while I am a Member of the House—I should pass away. I have a very competent clerk; the business of my district would be much better attended to if that clerk was permitted to remain until my successor should be elected. We have a vacancy from Illinois now which has not yet been filled, although the vacancy has existed for some time. Undoubtedly it would be desired that the office of the deceased Member be kept up by the clerk in charge. Now, if that is going to be the policy, very well; but I do not see how you can draw a line between one Member of the House who has deceased and another Member who may decease.

Mr. DOWELL. I insist that this is an exceptional case, and it can be provided for in no other manner than by this resolution.

Mr. WALSH. Mr. Speaker, I make the point of order against the resolution, that it contains legislation which this committee does not have jurisdiction to report in a privileged resolution. In substance it provides that the Committee on the Territories shall exercise the duties of the former Delegate to the House. That destroys its privileged character.

The SPEAKER. The Chair thinks the resolution is subject to that point of order, because the first part of it says that "pending the election and qualification of the successor to the late Hon. J. K. Kalanianaole, Delegate from Hawaii, the Committee on the Territories of the House of Representatives is authorized to employ a clerk." It makes the whole resolution subject to a point of order.

Mr. IRELAND. Has the Speaker ruled on that?

The SPEAKER. Yes.

Mr. IRELAND. That settles it.

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. IRELAND. I maintain that it should not lose its privileged status simply because of the additional legislation therein. Whether it makes an appropriation for one month or for three months is immaterial. The language transferring the jurisdiction to the Committee on the Territories is perhaps surplusage. It would come under their jurisdiction in any event, and possibly it was an error to include that.

The SPEAKER. The Chair thinks it was an error to include it if it was intended to make the resolution in order, because it is a well-settled principle that where something not privileged is joined with matter that is privileged the whole loses its privilege thereby, and the Chair thinks the first part of the resolution is clearly not privileged, and therefore that the whole resolution loses its privilege.

Mr. TOWNER. Mr. Speaker, will the Chair pardon me for making a suggestion?

The SPEAKER. The Chair will be very glad to hear the gentleman.

Mr. TOWNER. It occurs to me that it would not be a very serious stretching of the proposition to hold this in order. These resolutions that are passed whenever a Member of Congress is deceased, regarding the payment of a month's salary to the clerk of the deceased Member of course pertain, as the Speaker suggests, to the relations of a Member to the House. Of course we all understand that this is something more than that, but it occurs to me now that it is not a very great stretching of the rule to say that this is merely carrying out the same proposition in a little different way. It does not seem to me that the point of order really ought to be sustained against it.

Mr. WALSH. Will the gentleman yield for a question?

Mr. TOWNER. Certainly.

Mr. WALSH. Does the gentleman think that the Committee on Accounts can offer as a privileged resolution the proposition that another committee of the House shall maintain the office of the former Member?

Mr. TOWNER. I think the language to which the Speaker calls attention and to which the gentleman from Massachusetts refers would perhaps bear the interpretation which the gentleman suggests; but still, is not this the thing that is being done and has been done by the House heretofore? Is it not in substance that? No matter what is the language used in the resolution, if in substance that is the effect of it, ought the point of order to be insisted upon?

Mr. MANN. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MANN. Suppose the Committee on Accounts should bring in a resolution providing for a clerk to one of the committees of the House, say the Committee on Appropriations, with a provision in the resolution that the Committee on Appropriations should have jurisdiction over certain legislative matters. Does the gentleman think that would be privileged?

Mr. TOWNER. Certainly not, and there is no parallel between that and this proposition.

Mr. MANN. This extends the jurisdiction of the Committee on the Territories.

Mr. TOWNER. I am trying to suggest to the Speaker that this is not such an extension of jurisdiction that a point of order ought to be raised against it. Nothing is attempted in the proposition except that which we always do, only perhaps to a greater extent in this case than in others. That is the point I desire to suggest for the consideration of the Speaker, and nothing else.

Mr. MANN. This proposes to enlarge the jurisdiction of the Committee on the Territories, does it not?

Mr. IRELAND. Not in the least.

Mr. TOWNER. I think not, unless I am mistaken in the assumption that this is in reality doing in substance the same thing that we do when we pay a month's salary to the clerk of a deceased Member.

Mr. MANN. Oh, well, we could provide for the payment of the salary of this clerk to the Delegate for three months out of the contingent fund, I suppose.

Mr. TOWNER. Yes; and I think we ought to do it.

Mr. MANN. But that, however, is not the question before the House.

Mr. TOWNER. No; it is not.

The SPEAKER. Does the gentleman from Illinois [Mr. IRELAND] desire to be heard further?

Mr. IRELAND. No, Mr. Speaker.

The SPEAKER. The opinion of the Chair has not been changed. The Chair is quite clear that the first part of the resolution is not privileged, and therefore that takes away the privilege of the whole resolution. The Chair suggests that the resolution might be presented in such form that it would be in order.

Mr. IRELAND. Then I move to amend the resolution by eliminating that part of it pertaining to the conduct and maintenance of the office of the late Delegate by the Committee on the Territories. I move to strike out the words—

The Committee on the Territories of the House of Representatives is authorized to maintain and conduct the office of the late Delegate.

The SPEAKER. The gentleman can offer a new resolution.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry. Is the gentleman authorized by his committee to report a new resolution?

Mr. IRELAND. No; but I have the privilege of offering an amendment to any resolution that is offered.

Mr. WALSH. The gentleman can not offer an amendment to a resolution that has been ruled out on a point of order. That resolution is gone.

The SPEAKER. The gentleman will have to offer a new resolution.

KATIE ROSE.

Mr. IRELAND. Mr. Speaker, I offer another privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Illinois offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 267.

Resolved, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to Katie Rose, widow of William T. Rose, late a member of the Capitol police force, a sum equal to six months' salary, and that the Clerk be further directed to pay out of the contingent fund the expenses of the funeral of said William T. Rose, such expenses not to exceed $250.

Mr. IRELAND. Mr. Speaker, this is the usual resolution for a deceased employee.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ASSISTANT TO SUPERINTENDENT OF PRESS GALLERY.

Mr. IRELAND. Mr. Speaker, I offer another privileged resolution.

The SPEAKER. The gentleman from Illinois offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 270.

Resolved, That the Doorkeeper of the House of Representatives be, and he hereby is, authorized to appoint an assistant to the superintendent of the House press gallery, who shall receive a salary at the rate of $1,200 per annum, to be paid from the contingent fund of the House until otherwise provided by law.

Mr. IRELAND. Mr. Speaker and gentlemen of the House, this resolution is offered on the unanimous recommendation of the members of the press gallery. It is necessitated by the fact that the Doorkeeper needs for other purposes the attendant who is now detailed to the press gallery, and the present employee, who it is supposed will be appointed, has been with the press gallery as assistant to the superintendent for four years, and is the most satisfactory employee whom they have had in that capacity. The members of the press gallery unanimously ask the passage of this resolution.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. IRELAND. Certainly.

Mr. BLANTON. We now have a superintendent of the press gallery who is on the pay roll of the Government?

Mr. IRELAND. Yes.

Mr. BLANTON. And it so happens that one of the officers of the House wants to use him in some other capacity?

Mr. IRELAND. No; this resolution refers to his assistant.

Mr. BLANTON. There are two there?

Mr. IRELAND. Yes. The assistant who has been there has been employed under the guise of an employee under the Doorkeeper and assigned to the press gallery.

Mr. BLANTON. Is there any necessity for two employees to look after the press gallery?

Mr. IRELAND. They so represent, and I think it is so.

Mr. BLANTON. Has the gentleman investigated it?

Mr. IRELAND. I have.

Mr. BLANTON. What are the duties of the superintendent and assistant superintendent? What do they do to earn a salary from the Government?

Mr. IRELAND. I can not enumerate all of their duties. They have charge of the press gallery and take care of the number of men that are in the press gallery. It so happens that this assistant has charge of keeping track of all of the committee meetings and the subjects to be brought up, informing the Members of those meetings, keeping a bulletin, and other duties which at present have been very voluminous.

Mr. BLANTON. I want to ask the gentleman for information if this is not the fact, that when the House of Representatives is in session there is a room on the third floor of the Capitol on the south side of the House of Representatives that is used by members of the press gallery. It is back of their gallery. Sometimes there are varying numbers of the press gallery in that room, more at some times than at others. And the superintendent merely has the duty of looking after those qualified to sit in the gallery.

Mr. IRELAND. Oh, no.

Mr. BLANTON. What are his duties?

Mr. IRELAND. The gentleman can inform himself by consulting members of the press gallery.

Mr. WHEELER. He acts as messenger.

Mr. IRELAND. Yes; there have been two employees since, I think, the memory of man runneth not to the contrary. It has been our custom to accede to the requests of the members of the press gallery, and especially when they come to us unanimously. They have never been unreasonable in their requests. The gentleman can thoroughly inform himself from the members of the press gallery, and I am sure he will be convinced that this is a reasonable request.

Mr. BLANTON. My idea is that the privilege of sitting in the press gallery is a privilege of itself, and it does not require two or three or four employees of the Government to warrant that privilege. Members of the press can have the privilege of sitting in the gallery without representatives of the Government to look after them.

Mr. IRELAND. Well, the gentleman has expressed himself, and if he is satisfied, all right. I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 51 ayes and 5 noes.

So the resolution was agreed to.

LEAVE OF ABSENCE.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent that my colleague, Mr. JOHNSON of Kentucky, be permitted indefinite leave of absence on account of death in his family.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. DAVIS of Minnesota. 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. 10101, the District of Columbia appropriation bill.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union with Mr. HICKS in the chair.

The Clerk proceeding with the reading of the bill read as follows:

To enable the commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, dead animals, night soil, and miscellaneous refuse and ashes in the District of Columbia, including the purchase and maintenance of a dead animal wagon, and no contract shall be let for the collection of dead animals, and including inspection and allowance to inspectors for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed $20 per month for each inspector for horse-drawn vehicles, $26 per month for automobiles, and $13 per month for motor cycles; fencing of public and private property designated by the commissioners as public dumps; and incidental expenses, $750,000: *Provided*, That any proceeds received from the disposal of city refuse or garbage shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in the same proportions as the appropriations for such purposes are paid from the Treasury of the United States and the revenues of the District of Columbia: *Provided further*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels, places of business, apartment houses, and large boarding houses.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee how long the last proviso has been carried in the bill?

Mr. DAVIS of Minnesota. The last proviso has been changed in this particular: In the former law it was "large apartment houses," and in this it is simply "apartment houses."

Mr. WALSH. How about the phraseology of large boarding houses—how long has that been carried?

Mr. DAVIS of Minnesota. I think that has not been carried.

Mr. WALSH. How comes it that the person who is fortunate enough to have a large boarding house can not have his ashes or miscellaneous refuse collected, whereas if they have what somebody determines to be a small boarding house they will have it taken care of?

Mr. DAVIS of Minnesota. That will be left to the discretion of the commissioners.

Mr. WALSH. Does the gentleman think it ought to be left to the commissioners to discriminate between parties carrying on business—that because they happen to have a small boarding house or establishment, although they may have a large number of boarders, they can have their refuse and ashes collected, while another party having a large boarding house, with perhaps no more patrons than a small one, can not?

Mr. DAVIS of Minnesota. I think the subcommittee assumed that in a matter of that kind the discretion of the commissioners would not be very far out of the way in determining what is ordinarily a large boarding house and what is a small boarding house. That is all we do, and it was for the purpose of keeping down expenses.

Mr. WALSH. If all boarding houses were included, it would further cut down the expense.

Mr. DAVIS of Minnesota. I know; but it might include boarding houses that had but one boarder. That would be a boarding house, and three or four might constitute a boarding house. Does the gentleman want to put those in the same class with one with a hundred boarders?

Mr. WALSH. The expense for collecting ashes and refuse in that one instance would not be very much different from another. As I gathered it, the idea of this proviso was that people conducting business establishments would have to take care of the disposal of their ashes and refuse.

Mr. DAVIS of Minnesota. That has been the case all of the time in the bill with business places and hotels.

Mr. WALSH. Why discriminate between one class of business establishments and another class of business establishments upon the ground of size? It seems to me, if we are going to provide that boarding house keepers will have to look after the disposal of refuse and ashes, that provision ought to apply to them all, and not leave it in the discretion of the commissioners to say one boarding house is of not very large size, and that they will take the ashes from it, but will not take them from a neighboring boarding house.

Mr. DAVIS of Minnesota. I will say to the gentleman that the committee, after considerable discussion about it, figured out that this was the best thing for the city, and we put it in. That is all that I can say. We have left it the same way that we had it before in respect to hotels and business places.

Mr. WALSH. You do not make any discrimination between apartment houses. There might be an apartment house with only three apartments, and they can not have the ashes collected.

Mr. DAVIS of Minnesota. I think the term "apartment house" has a particular significance, and there can be no difficulty about it. The only question raised in our minds was as between the different kinds of boarding houses.

Mr. MANN. What is the definition of an apartment house?

Mr. DAVIS of Minnesota. I am unable to give the gentleman a correct definition, except I would say one where they rent out apartments by the year. For instance, the Rochambeau is an apartment house, as is Stoneleigh Courts, but I presume that just across the way from the Rochambeau, where there is a little place where the employees from the Rochambeau go over there, you would not call that an apartment house.

Mr. MANN. It is a very common practice to construct a building with two apartments in it, one on the first floor and one on the second floor. That is a most common practice in the city from which I come, and it is becoming a common practice in the city of Washington. A man builds an apartment house and lives in one apartment and rents another. What is the reason why he should be required to pay extra for the collection of his ashes and garbage? He pays his taxes; he does not have a home or a house as large as his neighbor, perhaps, who lives in a fine house, which is not an apartment house.

Mr. DAVIS of Minnesota. As I say, I think it is pretty well understood here what is the meaning of an apartment house—where they have a large number of rooms and where they rent them out by the year.

Mr. MANN. "Large apartment house" would cover those cases, but when you simply say an apartment house, unless they make a violent construction of the law, they can not collect garbage from a building that has only two apartments in it.

Mr. DAVIS of Minnesota. We have made it here so that they shall collect from apartment houses and large boarding houses, and if the gentleman does not want it in he can move to strike it out and we will take a vote upon it and let it go. It is not a matter of very great importance. It will make very little difference, if any, the commissioners said when questioned about it.

Mr. MANN. It would make a great deal of difference to the convenience and the cost to people who have a two-apartment building if you absolutely forbid the collection of ashes and garbage from such a building as that. That is apparently what is done now by striking out that word "large," which is the current law.

Mr. WALSH. Certainly, if they are going to discriminate against large boarding houses, there is justification for discriminating against large apartment houses, it would seem to me, because, as the gentleman from Illinois has well said, this would apply to apartment houses with only two or three apartments in them.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Chairman, I move to amend by inserting in line 17, before the word "apartment" the word "large."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 27, line 17, before the word "apartment" insert the word "large."

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard upon the amendment?

Mr. WALSH. No.

Mr. MANN. Mr. Chairman, I think that amendment ought to be agreed to. If we had a definition of what constitutes an apartment house, that it is a large building with a number of apartments in it, very well, but there is no such definition. The present law gives the commissioners the discretion to say what is a large apartment house, but if you absolutely forbid them to consider the collection of ashes from an apartment house at all, that applies to a house with only two apartments in it. It is a very common practice for a man to have constructed or to purchase a house with an apartment on the second floor and an apartment below on the first floor, in one of which he lives and from the rental of the other apartment endeavors to pay the interest and the principal due upon the building. That method of building is to be encouraged, not discouraged, as will be done it seems to me by the positive prohibition against the collection of ashes or garbage from such a building.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. DAVIS of Minnesota) there were—ayes 23, noes 5.

So the amendment was agreed to.

The Clerk read as follows:

In all, for playgrounds, $109,220, to be paid wholly out of the revenues of the District of Columbia.

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the last word. I note from the report of the committee that the item for playgrounds, payable only out of the revenues of the District of Columbia, has been cut $133,215 below the estimate of the Director of the Budget and they have been cut $16,000 below the appropriation for last year. I would like to ask the chairman of the committee why this great cut in the appropriation has been made?

Mr. DAVIS of Minnesota. Because, sir, I will tell you, they asked for the purchase of three playgrounds, amounting to $108,000. We only gave them one, and did not give the three large ones. It is the purchase of ground at a large price, simply a real estate proposition.

Mr. ZIHLMAN. This item was approved by the Director of the Budget and the appropriation is paid entirely out of the funds of the District. This was submitted by the District Commissioners and approved by the Director of the Budget. Mr. Chairman, I withdraw the pro forma amendment and I want to submit a formal amendment to change the figures $109,220, in line 19, page 29, to $242,435, which is the amount recommended by the Director of the Budget.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 29, line 19, strike out the figures "$109,220" and insert in lieu thereof the figures "$242,435."

The CHAIRMAN. Does the gentleman from Maryland desire to be heard further?

Mr. ZIHLMAN. No.

Mr. DAVIS of Minnesota. Mr. Chairman, it seems to me that is an inconsistent motion. It is merely changing the total. The gentleman is not putting in anything specifying what he wants it for. It seems to me that the amendment is entirely out of order so far as that is concerned. This is merely a total. He has added to it without making any provision for expending it.

Mr. ZIHLMAN. Well, I have not the data to submit to——

Mr. MANN. This total is not an appropriation, this is really the sum of the items of the appropriation. It does not accomplish anything.

Mr. BANKHEAD. Does the bill, I have not a copy before me, carry an item specifically in amount for playgrounds?

Mr. ZIHLMAN. Yes; there is an item for one playground.

Mr. BANKHEAD. Well, it seems to me that the amendment could be properly rested on that section of the bill.

Mr. DAVIS of Minnesota. There are five separate paragraphs that have just been read making up this total of $109,220.

Mr. MANN. It says in all for playgrounds so much, and that is the sum of the items of appropriation. To increase that would not increase the appropriation, but be a mere misstatement of fact.

Mr. ZIHLMAN. Mr. Chairman, in view of the statement made by the gentleman from Illinois and the gentleman from Minnesota, I withdraw the amendment. I wish, however, to call attention to the fact that this appropriation of $133,000 is paid only out of the revenues of the District of Columbia, which would involve no additional expense to the Federal Government, and this appropriation is one which the District Commissioners state is needed and it has been approved by the Director of the Budget, notwithstanding the fact that he made a number of very drastic cuts in the estimates of the District Commissioners. I personally do not understand how the various items that make up this playground appropriation are prorated. I notice 22 watchmen only receive $50 per month, and that a clerk, who shall be a bookkeeper, is receiving compensation of $75 per month. Because of the fact that I have not been able to get the necessary information from the hearings, I am unable to put this amendment in proper shape, and therefore withdraw it.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to be allowed to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

BUILDINGS AND GROUNDS.

For completing the construction and full equipment of the new Eastern High School, $900,000.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the committee a question. My information is that in the original estimate made by the Board of Education, and, I believe, approved by the Commissioners of the District, there was included an appropriation of $250,000 for the purchase of a site for a new building or a new location for the McKinley Manual Training School?

Mr. DAVIS of Minnesota. No; there was not.

Mr. KETCHAM. There was no such recommendation made by the board?

Mr. DAVIS of Minnesota. None that came to us through the Budget at all.

Mr. KETCHAM. My statement was that it was made by the Board of Education to the Commissioners of the District, and I think they recommended it to the Director of the Budget.

Mr. DAVIS of Minnesota. It did not extend to this item. There was nothing of that kind that came before us from the Budget or otherwise.

Mr. KETCHAM. This committee has given no consideration whatsoever to this proposition?

Mr. DAVIS of Minnesota. There was some talk, I will tell the gentleman, to a certain extent outside the record. That talk was, and it is true, that the McKinley High School is the finest manual training school in the United States, as so stated by a young man who came before us, and that it was in the best condition and best kept. Then, in addition, there was some talk that in time they were going to build another school of a similar nature. I remember asking the question, What are you going to do with that grand building? The gentleman said that they were going to turn it over to the colored people when they got around to it and build another. That is about the substance about this new building, and that is all there is to it.

Mr. KETCHAM. Mr. Chairman, if my time has not expired, I desire to make some further remarks on this subject.

The CHAIRMAN. The Chair recognizes the gentleman.

Mr. KETCHAM. Mr. Chairman and gentlemen of the committee, I think the chairman of the subcommittee has stated the facts concerning this school very nicely indeed so far as the high rank of the institution is concerned and so far as the high grade of those graduating from it.

I have taken some pains to check this matter up, and I find that the graduates of McKinley Manual Training School take high rank when they enter higher institutions of learning.

Mr. DAVIS of Minnesota. A young man who appeared before our committee was a graduate of this McKinley High School, and he had also passed through the Boston "Tech," and he said that the McKinley High School graduate could go into the Boston "Tech" and do better than any man he ever knew of. I wish to say that in favor of the McKinley High School.

Mr. KETCHAM. I wish to say that my information is that there is one young man, a graduate of the McKinley Manual Training School, among the students enrolled in Worcester "Tech," so called, who has completed the four-year course in three years' time, indicating the high grade of instruction given at McKinley. With all that has been said, however, concerning high grade of instruction, and all that has been said of the fine young men and women that go out from it, I want to say that my observation leads me to believe that the plant in which this institution is located is but little short of a reproach to the great Capital City of the greatest country in the world.

We take just pride in many of the stately public buildings that adorn this city, and no opportunity is lost to call them to the attention of visitors from other sections of the country, as well as those from foreign lands, but so far as I am advised none of the guides to the sights of Washington point out McKinley Manual Training School in this connection. The lack of architectural attractiveness could be overlooked, however, if the plant and equipment were adequate to the needs of the school. The present enrollment is 1,515, while the normal capacity is 1,100. Fifteen hundred pupils have 660 seats in the assembly room. Three additions to the building have failed to care for the enrollment, which has increased 48 per cent in three years. All the available ground is now occupied by the building, leaving no space for athletics or military drill. Gymnasium facilities are limited to a small space, made available by taking out a partition between two ordinary classrooms. Equipment is far below the cost of that of other similar schools in this country with which comparisons have been made. In my opinion we should have here in Washington a technical high school that should set the standard for the country in plant and equipment, as it already does for scholarship and rank of its graduates. Economy in expenditures is praiseworthy, but here is a capital investment that leads to character and efficiency which should not be overlooked.

I have asked these few minutes to express my regret that the matter of a site and a plant commensurate with the high-grade work of this school and the splendid work of the graduates thereof has not been provided. If the rules permitted it would be my great privilege to introduce an amendment looking toward the purchase of a site at an early day. I have been informed that such an amendment is not in order. But I sincerely trust before another appropriation bill reaches us for consideration that through the proper legislative channels there may be provided the means whereby in the city of Washington there shall eventually be located the finest manual training school in the United States, not only so far as graduates are concerned, but also as to plant and equipment. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

BLIND CHILDREN.

For instruction of blind children of the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the commissioners, $10,000: *Provided*, That all expenditures under this appropriation shall be made under the supervision of the board of education.

Mr. CHALMERS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman about the construction of this two-room building, at a cost of $25,000, to replace the present one-room Chain Bridge Road School. Does the chairman think it a good business proposition to spend $25,000 for a two-room building?

Mr. DAVIS of Minnesota. That is several pages back.

Mr. CHALMERS. Yes.

Mr. DAVIS of Minnesota. They have an old frame building there now, one room, and they are using it, and this $25,000 will build a very fine two-room addition. I agree with the gentleman that the estimate is pretty high. There is no question of that in my mind, but I do not know of any way of cutting down the estimate when they need a school of that kind, and your committee was very liberal along that line and gave them about all we thought they were entitled to. In this case we could not cut the $25,000 down.

Mr. CHALMERS. Is this a growing section? Would it be possible to erect there a portable building until a little later, when a larger building could be erected?

Mr. DAVIS of Minnesota. It is not a very growing section, but your committee thought that they would give them this $25,000 building in case it was needed in the future.

Mr. EVANS. Will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. EVANS. There is, as I understand it, a two-room building there now that is not fit to use, and they are replacing it. But with reference to the amount of expenditure the estimates made by the engineers for eight-room buildings amount to $17,500 per room. So there is not so much difference. They estimate at the rate of $140,000 for an eight-room building, and this is a two-room building at $25,000, making it $12,500 per room. The committee did go into the question as to whether or not these amounts were excessive, and while we suspected that they were excessive the engineers assured the committee that they could not be built for less, not only one but two.

Mr. CHALMERS. It seems to me the price is excessive.

Mr. DAVIS of Minnesota. I am informed that I was in error when I said this was a two-room building out there. There is a one-room building there now.

Mr. FAIRFIELD. I would like to know whether this is a modern building, with heat and everything that should go with such a building?

Mr. DAVIS of Minnesota. Yes, sir. We are not building anything in this city but modern buildings.

Mr. FAIRFIELD. But this is out in a suburb.

Mr. DAVIS of Minnesota. It is just as good out there.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COURT OF APPEALS, DISTRICT OF COLUMBIA.

Salaries: Chief justice, $9,000; two associate justices, at $8,500 each; clerk $4,250, and $250 additional as custodian of the Court of Appeals building; assistant or deputy clerk, $2,250; reporter, $1,500: *Provided*, That the reports issued by him shall not be sold for more than $5 per volume; crier, who shall also act as stenographer and typewriter in the clerk's office when not engaged in court room, $1,200; three messengers, at $720 each; three stenographers, one for the chief justice and one for each associate justice, at $1,200 each; necessary expenditures in the conduct of the clerk's office, $1,200; in all, $42,410.

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. What is the idea of including this court of appeals and the supreme court under a separate heading from that of the other courts of the District?

Mr. DAVIS of Minnesota. There is no good reason for it on earth. The same thing runs all through this bill. There are about five times too many subheads running throughout this bill. We tried to condense some of them, but they were very few.

Mr. WALSH. I thought perhaps there was some jurisdiction with reference to the buildings occupied, and so forth.

Mr. DAVIS of Minnesota. No.

Mr. MANN. This includes the police court? They are not courts of record.

Mr. WALSH. The municipal court is not?

Mr. MANN. I think not.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

NATIONAL TRAINING SCHOOL FOR GIRLS.

Salaries: Superintendent, $1,200; clerk, $1,080; matron and four teachers, at $600 each; nurse, $840; overseer, $720; two parole officers, at $600 each; seven teachers of industries, at $480 each; engineer, $720; assistant engineer, $600; night watchman, $480; two laborers, at $300 each; in all, $13,800.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order on the paragraph.

Mr. WALSH. What authorization of law is there for including a clerk at $1,080 here? I notice this paragraph carries a clerk at $1,080 on line 13. Is not that a new position that has been provided for?

Mr. DAVIS of Minnesota. I am inclined to believe it is.

Mr. WALSH. And the organic law that provides for this contains no authority for that position?

Mr. DAVIS of Minnesota. As to that I could not say. My secretary said he would look it up in a moment. But my present information is that it is not. I think probably this item would be subject to a point of order if the gentleman desires to strike it out. The committee were very much in favor of putting it in.

Mr. WALSH. It has been inserted by the committee for a number of years, and no doubt they looked into the matter. I was wondering whether they got any particular information as to why this particular position should be created.

Mr. DAVIS of Minnesota. I can not tell now, unless I refer to the hearings; there are so many of these items. But the committee was unanimous in putting it in. They took away the treasurer last year, at a salary pretty near the same as this, and they have been without anybody to take the place. The treasurer was a lady, and they ought to have this particular clerk in the place of the one that was cut out.

Mr. WALSH. Of course, you are not getting very far along in the pathway of economy if you take away one official one year because it is said there is no particular need for her and the next year come along and provide for another.

Mr. DAVIS of Minnesota. It was not in consequence of a particular need, but she was trying to fill two positions, one down there and one up here, and we cut her out. They were in need of such an employee. The item is subject to a point of order. I admit that.

The CHAIRMAN. Does the gentleman from Massachusetts make the point of order?

Mr. WALSH. Mr. Chairman, I think I ought to make the point of order, but the gentleman from Minnesota is so nice about it and so willing to concede the point of order that I think I will withdraw it.

Mr. FAIRFIELD. Mr. Chairman, I would like to ask the chairman of the committee as to how many boys are cared for annually in the National Training School for Boys. I notice the appropriation of $70,000. I am interested to know the cost.

Mr. DAVIS of Minnesota. There are 179 boys there, I believe. These two institutions, the National Training School for Boys and the National Training School for Girls, are being run as nearly to a business proposition as anything contained within the pages of this bill.

Mr. FAIRFIELD. I am just interested to know.

Mr. DAVIS of Minnesota. You will notice there are 179, and the expense is only $70,000. I think it is very reasonable, indeed.

Mr. FAIRFIELD. I do not question it.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For general repairs and for additional construction, including labor and material for each and every item connected therewith, $5,000; for expenses of heat, light, and power required in and about the operation of the hospital, $15,000; in all, $20,000; to be expended in the discretion and under the direction of the Architect of the Capitol, and on July 1, 1922, the sum of $25,000 of the surplus revenues of the hospital shall be deposited and covered into the Treasury of the United States as a miscellaneous receipt.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. As to this $25,000 which is to be covered in as miscellaneous receipts, to whose credit does that go?

Mr. DAVIS of Minnesota. To the Treasury of the United States. This is a Government-owned building.

Mr. MANN. It may be a Government-owned building, but 60 per cent of the cost of operation comes out of the District of Columbia. I do not see why, when the District pays 60 per cent of the cost of operation, whenever they make a surplus the surplus is to be turned in to the credit of the United States. I do not understand that method. Do we propose to make the District of Columbia put up the money, and then if there is any profit we give it to the Government?

Mr. DAVIS of Minnesota. The District puts up no more money than is necessary to pay for its indigent. The District shares with them only the expense of the indigent patients.

Mr. MANN. The District contributed toward the construction of the hospital and toward the maintenance of the hospital. We make an appropriation here for the hospital, for its maintenance and care. Now, certain patients pay. That goes to help support the hospital. But it is a partnership affair, so far as the hospital is concerned, between the Government and the District, upon the basis of the District paying 60 per cent of the appropriation. If there is a loss, that is all right; the District pays that. If there is a profit, the Government takes it. That is worse than the excess-profits tax. There you never take more than two-thirds of what a man makes. Here you take it all.

Mr. DAVIS of Minnesota. From the statement the gentleman has made, so far as I am concerned, I am willing to frame up an amendment dividing the profits in the ratio of 60–40.

Mr. MANN. That would be satisfactory.

Mr. EVANS of Nebraska. Suppose we pass that over and come back to it later.

Mr. MANN. Very well.

Mr. DAVIS of Minnesota. Mr. Chairman, I ask unanimous consent to pass over this item temporarily.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to pass over this item temporarily, without prejudice. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the reservation of the point of order, and the Clerk will read.

The Clerk read as follows:

For necessary physicians, nurses, orderlies, cooks, engineers, clerks, laborers, and other services for the organization and operation of the Gallinger Municipal Hospital, $75,000: *Provided*, That during the fiscal year 1923 the number of persons whom it may be actually necessary to employ at any one time shall not exceed the proportion that the force to attend the actual number of beds available shall bear to the force required to attend the ultimate maximum capacity of 300 beds:

Provided further, That no person employed hereunder shall be paid at a rate in excess of the rate specifically appropriated for a similar grade of work for the Washington Asylum Hospital for the fiscal year 1922.

Mr. DAVIS of Minnesota. Mr. Chairman, I desire to make a correction in the spelling of the word "excess," in line 15, on page 75. As printed in the bill it contains an extra "e."

The CHAIRMAN. Without objection, the Clerk will make that correction.

There was no objection.

The Clerk read as follows:

Administration: For administrative expenses, including placing and visiting children, city directory, purchase of books of reference and periodicals not exceeding $25, and all office and sundry expenses, $5,000; and no part of the moneys herein appropriated shall be used for the purpose of visiting any ward of the Board of Children's Guardians placed outside the District of Columbia and the States of Virginia and Maryland, and a ward placed outside said District and the States of Virginia and Maryland shall be visited not less than once a year by a voluntary agent or correspondent of said board, and that said board shall have power, upon proper showing, in its discretion, to discharge from guardianship any child committed to its care.

Mr. WALSH. Mr. Chairman, I raise a point of order upon this paragraph. Is this existing law?

Mr. DAVIS of Minnesota. It is existing law, absolutely.

Mr. WALSH. Does the gentleman know how many wards have been placed outside of the District of Columbia in the States of Virginia and Maryland during the past year?

Mr. DAVIS of Minnesota. About 100 or 125.

Mr. WALSH. How many have been taken care of in the District of Columbia?

Mr. DAVIS of Minnesota. An average of 2,000.

Mr. WALSH. Why should this board be permitted to discharge from their guardianship any child committed to their care? Is the guardianship the result of some court proceeding?

Mr. DAVIS of Minnesota. All of these children are committed to the care of the board through court proceedings.

Mr. WALSH. Then how can the board discharge a child from guardianship?

Mr. DAVIS of Minnesota. The statute law on the subject authorizes that to be done.

Mr. WALSH. I withdraw the reservation.

The CHAIRMAN. The gentleman from Massachusetts withdraws the reservation of the point of order. The Clerk will read.

The Clerk read as follows:

Superintendent, $1,200; janitor, $360; cook, $360; maintenance, $5,000; in all, $6,920, to be expended under the direction of the commissioners; and ex-soldiers, sailors, or marines of the Spanish War, Philippine Insurrection, or China Relief Expedition, who served at any time between April 21, 1898, and July 4, 1902, shall be admitted to the home.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Have any applications been made for admissions to this home by soldiers who served in the World War?

Mr. DAVIS of Minnesota. It was not so stated to the committee.

Mr. WALSH. What is the capacity of this place?

Mr. DAVIS of Minnesota. Last year the average attendance was about 17 per day.

Mr. WALSH. What is the capacity?

Mr. DAVIS of Minnesota. I have no definite information as to that. They have not said to us that they were overcrowded. As I say, the average attendance was about 17 per day.

Mr. WALSH. Where is this place located?

Mr. DAVIS of Minnesota. I can not tell the gentleman at the moment. I can look it up and inform him.

Mr. WALSH. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. DAVIS of Minnesota. I ask unanimous consent to go back to page 74.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to page 74. Is there objection?

There was no objection.

Mr. DAVIS of Minnesota. I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Minnesota: Page 74, line 7, after the word "States," strike out the words "as a miscellaneous receipt," and insert in lieu thereof the words "in the same proportion as the appropriations for such institution are paid from the Treasury of the United States and the revenues of the District of Columbia."

Mr. MANN. How does that read, Mr. Chairman?

Mr. EVANS. Mr. Chairman, let the amendment be reported again.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read the amendment again.

Mr. MANN. Before the language proposed in the amendment should be added the words "to the credit of the United States and to the credit of the District of Columbia."

Mr. DAVIS of Minnesota. I not only have no objection to that amendment but I think it should be inserted. I want this money to be refunded to the District of Columbia and the Treasury of the United States in the same proportion—that is, 60–40—as it is paid, and if the Clerk will report the language in that form I will accept it.

Mr. MANN. After the word "States," in line 7, strike out "as a miscellaneous receipt" and insert "to the credit of the United States and to the credit of the District of Columbia," and then following that the language in the amendment—

in the same proportion—

The CHAIRMAN. The Clerk will again report the amendment as modified, if there is no objection.

There was no objection.

The Clerk read as follows:

Page 74, line 7, after the word "States," strike out the words "as a miscellaneous receipt" and insert in lieu thereof the words "to the credit of the United States and to the credit of the District of Columbia in the same proportions as the appropriations for such institution are paid from the Treasury of the United States and the revenues of the District of Columbia."

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the amendment?

Mr. DAVIS of Minnesota. I move the adoption of the amendment.

Mr. WALSH. Will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. WALSH. This amendment is offered to make provision for the disposal of the surplus along the lines suggested by the gentleman from Illinois?

Mr. DAVIS of Minnesota. Yes.

Mr. WALSH. That is, 60 per cent of the surplus will be credited to the District and 40 per cent credited to the United States?

Mr. DAVIS of Minnesota. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For expenses of camps, including hire of horses for officers required to be mounted, and such hire not to be deducted from their mounted pay, and for the payment of commutation of subsistence for enlisted men who may be detailed to guard or move the United States property at home stations on days immediately preceding and immediately following the annual encampments, damages to private property incident to encampments, instruction, practice marches and practice cruises, drills and parades, fuel, light, heat, care and repair of armories, offices, and storehouses, practice ships, boats, machinery and dock, dredging alongside of dock, telephone service, horses and mules for mounted organizations, street car fares (not to exceed $200) necessarily used in the transaction of official business, and for general incidental expenses of the service, $24,000.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word. I notice here a provision for the hire of horses for officers requiring to be mounted. Inasmuch as the Army has a great many horses, would not it be possible to use those horses rather than to hire them?

Mr. DAVIS of Minnesota. That language has been in the bill for a great many years, but they will never use it, and are instructed not to use it, except in case of an emergency. The language in a way is surplusage, but if you should take out all of the surplus language in the bill there would be a good deal of it.

Mr. JONES of Texas. Have they been accustomed to use Army horses?

Mr. DAVIS of Minnesota. Yes; they do now.

Mr. JONES of Texas. What is the reason for carrying this language in the bill?

Mr. DAVIS of Minnesota. I do not know of any particular reason, but if the gentleman should sit down and try to cut out all of the surplus language he will be grayheaded before he gets through.

Mr. JONES of Texas. The Government has been selling horses and has an appropriation for the purchase of horses, and now here is a provision for hiring horses.

Mr. DAVIS of Minnesota. They have been carrying this language in the bill, as I say, for a great many years, but they have not used any part of it, and I do not think they will use any of it this year.

Mr. MANN. If they use Army horses, they would have to hire them from the Army.

Mr. JONES of Texas. This language would not limit them to horses of the Army. I do not see any reason for a direct authorization to hire horses when, as the gentleman from Min-

nesota says, there is no necessity for it, and that they have not been doing it.

Mr. MANN. There might be a necessity for it.

Mr. JONES of Texas. I do not see why they should have to pay for horses that belong to the Army; it seems to me that they might make some arrangement by which they could use them.

Mr. MANN. The militia goes into camp and the officers may require horses. They can not get them from the Army without paying for them.

Mr. JONES of Texas. It seems to me that a privilege could be granted upon a requisition for horses for the militia.

Mr. MANN. And the cost of the requisition would be more than the cost of hiring the horses.

Mr. JONES of Texas. I do not see why that should be true. It may be on account of the way they are carrying on at the present time, but the militia is a part of the Army, and the Army has suitable horses, and it seems to me that an order from the head of the Army to allow militia officers to use the horses would be all that would be necessary.

Mr. EVANS. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. EVANS. Let me read from the hearings, page 749:

Mr. DAVIS. Do you hire many horses?

Gen. STEPHAN. Very seldom; only on occasions of parades. We have a couple of horses that we use on the rifle range for hauling. We have no horses that we use for riding purposes.

Mr. JONES of Texas. That is the militia department. Does it state that the Army has no horses?

Mr. EVANS. There is no question about the horses being plenty in the Army. The point is authority for the militia to hire horses.

Mr. JONES of Texas. The point I am making is why can not they get the horses from the Army by an arrangement to furnish them when the proper officer makes requisition?

Mr. EVANS. And it might cost five or ten times as much as it would to use the horses of the Army under this authorization.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last two words. I will state to my colleague that under the national defense act the War Department of the Federal Government furnishes all the militia with the necessary horses needed for military purposes or military drill and to the States throughout the Union. The hiring mentioned in this paragraph may be necessary for small matters, a parade or something of that character where it may be necessary to use horses. Therefore I think the language ought to stay in the bill. They do not spend any money to amount to anything, and it can certainly do no harm to allow the laguage to remain in the bill.

Mr. JONES of Texas. Do they ever find it necessary to hire outside horses?

Mr. BUCHANAN. Now and then, the hearings disclose.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

OFFICE OF PUBLIC BUILDINGS AND GROUNDS.

Salaries: Superintendent, $3,600; assistant and chief clerk, $2,400; clerks—one $1,800, one $1,600, one $1,400, two at $1,200 each; messenger, $840; landscape architect, $2,400; junior engineer, $1,500; in all, $17,940.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. May I ask the chairman of the committee if this is the superintendent who has charge of the construction of buildings in the District of Columbia?

Mr. DAVIS of Minnesato. No, sir; he is not.

Mr. DOWELL. What department is this?

Mr. DAVIS of Minnesota. This is Col. Sherrill, of the Office of Public Buildings and Grounds. He has an office here in the city.

Mr. DOWELL. What are the duties of his department?

Mr. DAVIS of Minnesota. They are quite extensive. He has to do with more parks than any other branch of the Government.

Mr. DOWELL. I notice that it is under the heading "Public buildings." Has he any authority relative to the construction of public buildings?

Mr. DAVIS of Minnesota. The State, War, and Navy and public buildings of that character. He has to supervise those.

Mr. DOWELL. But he has no supervision over the erection of public buildings?

Mr. DAVIS of Minnesota. None at all.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For operation, care, repair, and maintenance of the pumps which operate the three fountains on the Union Station Plaza, $4,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Is there any item carried in the bill for operating the Dupont fountain?

Mr. EVANS. There is not.

Mr. WALSH. Or have we passed that?

Mr. DAVIS of Minnesota. There is no item in this bill for that.

Mr. WALSH. Why should it cost $4,000 to operate three fountains at the Union Station Plaza when most of the time there is no sign of any operation of them?

Mr. DAVIS of Minnesota. Three thousand two hundred dollars of that is for electric current alone.

Mr. WALSH. For light?

Mr. DAVIS of Minnesota. Electric current for operating the pumps.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. EVANS. The water that is used in those fountains is used over and over again. They are not gravity fountains. There are electric pumps which throw the water through the fountains, and it flows back in and is pumped over again.

Mr. WALSH. How many of those fountains have we in the city that require electric current to operate?

Mr. DAVIS of Minnesota. This one and the Dupont.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

ROCK CREEK AND POTOMAC PARKWAY COMMISSION.

To enable the commission created by section 22 of the public buildings act approved March 4, 1913 (37 Stat. L., p. 885), to continue proceedings toward the acquisition of lands required for a connecting parkway between Potomac Park, the Zoological Park, and Rock Creek Park, $100,000: *Provided*, That the total area of lands finally to be acquired for said parkway shall not exceed the area and parcels described and delineated on map No. 2, contained in House Document No. 1114 of the Sixty-fourth Congress, first session, and the additional lands in squares 2543 and 2544 described in the sundry civil act approved June 5, 1920: *Provided further*, That the expenditure of the funds appropriated herein shall be subject to all the conditions imposed by the sundry civil appropriation act approved July 1, 1916: *Provided further*, That in order to protect Rock Creek and its tributaries, none of the moneys herein or heretofore appropriated for the opening, widening, or extending of any street, avenue, or highway in the District of Columbia shall be expended for the opening, widening, or extension of any street, avenue, or highway which shall or may in the judgment of the District Commissioners permanently injure or diminish the existing flow of Rock Creek or any of its tributaries, nor shall permission so to do at private expense be granted to any private person or corporation except by the joint consent and approval of the Commissioners of the District of Columbia and the officer in charge of Public Buildings and Grounds.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. I want to ask the chairman about the item at the top of page 89, to provide for the increased cost in park maintenance, $50,000. Does that mean that this is in addition to what has been expended for the maintenance of parks?

Mr. DAVIS of Minnesota. That is an appropriation that was carried for a considerably greater sum than that at the beginning of the war, and we have been gradually cutting it down until we have cut it down now to what we think is proper at this time, $50,000.

Mr. DOWELL. How much was allowed last year?

Mr. DAVIS of Minnesota. Sixty-five thousand dollars in the current law.

Mr. DOWELL. Is it the purpose of the committee to cut this out entirely?

Mr. DAVIS of Minnesota. To keep on cutting as fast as we can, consistently—that is, as long as I have anything to do with the committee. Eventually we may cut it all out.

Mr. DOWELL. There is a provision for various expenditures in the items on the preceding page. Do they not cover all of the necessary expenses?

Mr. DAVIS of Minnesota. If the gentleman had heard the testimony, I do not think that he would have concluded to cut them all out at this time. We are going at the rate of $15,000 or $20,000 a year.

Mr. DOWELL. It seems to me that the way to cut them out is to cut them out, and permit them to spend what is necessary, and put it in the item calling for that expenditure.

Mr. DAVIS of Minnesota. They were afraid that they would have to come in with deficits, and that is why some of these estimates are made pretty large. We cut them down just as much as we thought we ought to cut them.

Mr. DOWELL. It is the policy of the committee not to bring in deficiency bills?

Mr. DAVIS of Minnesota. That is the policy, if we can bring it about.

Mr. WALSH. Mr. Chairman, I rise in opposition to the pro forma amendment. What progress are they making in connecting up these parks? Can the gentleman give us the result of the work heretofore done, and how near the project will be completed that was authorized in 1913?

Mr. DAVIS of Minnesota. It may last three or four years yet. If the gentleman has time to study this little map which I hand to him, he could tell more about it from that.

Mr. WALSH. From the looks of it, I do not think I would understand it, if I studied it. I know the gentleman with his usual clarity of expression could tell me in a very few words just how they are getting along.

Mr. DAVIS of Minnesota. They are getting along with reasonable rapidity, but not according to my view of economy. However, the gentleman must not take my view of economy as being correct.

Mr. WALSH. The plan is to have a practically continuous parkway?

Mr. DAVIS of Minnesota. Yes.

Mr. WALSH. From Rock Creek Park down here to East Potomac Park?

Mr. DAVIS of Minnesota. Yes.

Mr. WALSH. Is there anything in the hearings to show whether it is contemplated to build a rose garden or a peony garden in any of this particular part that is to be acquired or improved?

Mr. STAFFORD. Oh, if the gentleman will permit, if there is to be a peony garden, they would have to get the services of the only expert on peonies in the United States, the gentleman from Illinois [Mr. MANN].

Mr. DAVIS of Minnesota. They asked for a separate appropriation to keep the weeds down, but this committee did not grant it; and several other things they asked for we did not grant. We have cut the matter down as low as we thought proper at this time.

Mr. WALSH. What was the limit of cost for the project?

Mr. DAVIS of Minnesota. I do not know.

Mr. WALSH. Does not the varicolored sheet which the gentleman tried to inflict upon me contain that information?

Mr. DAVIS of Minnesota. I think possibly it does. I really do not know, and I am unable to say whether there is any limit of cost to it. That would not make any difference about making appropriations, however.

Mr. WALSH. How much longer will we have to be making appropriations to acquire these tracts of land? That is what I would like to know.

Mr. DAVIS of Minnesota. That will depend upon circumstances, but in the opinion of the committee it will be completed inside of three or four years.

Mr. MANN. They have been making an appropriation, I think, for some years at the rate of $200,000 a year, or thereabout. This year the commission reported that under the circumstances they thought they ought to get along with $100,000.

How long this will take may depend on what action is taken by Congress in the future. There is a bill now pending before the House to have this commission acquire Klingle Road Park.

Mr. DAVIS of Minnesota. And Piney Branch.

Mr. MANN. And Piney Branch Park, and another one down there.

Mr. DAVIS of Minnesota. The Patterson tract—$600,000 for that.

Mr. MANN. And the Patterson tract. If Congress should act favorably upon bills of that character, it would take considerable time, probably, before acquiring the land.

Mr. STAFFORD. Will the gentleman yield? Are they considering the removal of the Botanic Garden to any of these tracts? Before the committee each year we have had up for consideration a proposal to remove the fence around that garden. Is there any serious consideration being given to the removal of the garden?

Mr. MANN. The gentleman from Wisconsin has undoubtedly visited the Botanic Garden, but evidently he is not familiar with these tracts or he would know that no amount of money could locate the Bontanic Garden on any of them.

Mr. DAVIS of Minnesota. I will say for the gentleman's information, although I presume he knows it, that there is a movement on foot among certain gentlemen of this city to remove the Botanic Garden to some place on Anacosta Flats when we get it in due shape. That is the latest movement along that line.

Mr. STAFFORD. Mr. Chairman——

Mr. WALSH. I will yield to the gentleman from Wisconsin.

Mr. STAFFORD. What became of the suggestion, which a distinguished Senator opposed some years ago, to move the Botanic Garden to Rock Creek Park?

Mr. DAVIS of Minnesota. The upper end. That died, so to speak, because it would not cost anything to get that land. Therefore it is dead.

Mr. DOWELL. Is there a tract of land to be purchased at Anacostia?

Mr. DAVIS of Minnesota. The symptoms I say are in the air and there have been conversations, but they have not submitted to this committee anything definite along that line yet.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. I ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. I will yield to the gentleman from Minnesota to complete that last sentence.

Mr. DAVIS of Minnesota. The last sentence was this; we have spent millions and probably will spend more millions to improve Anacosta Flats and this year you will notice in the bill we have gotten them down to the point where $150,000 will complete everything below Bennings Bridge. As to whether subsequent Congresses will go above Bennings Bridge and buy several million dollars worth of land or not, that is left for a future Congress, but this Congress will not do it, at least this committee will not consent to anything in that connection. I think there was considerable talk that in time that ought to be improved so that we could remove the Botanic Garden there. The land is very high priced out there, and we might improve that and when the land gets high enough in price then we will remove the Botanic Garden over there. But that is all in the air. Rock Creek Park in my judgment would be a good place. It would not cost the Government anything because we own that land.

Mr. GRAHAM of Illinois. Will the gentleman yield for a question? Is any part of this $100,000 to be used to buy that piece of land that runs by the Sixteenth Street Bridge in what is called Piney Branch?

Mr. DAVIS of Minnesota. No, sir.

Mr. GRAHAM of Illinois. I see there is a project to buy a few acres of land up there that is occupied principally by a sewer and a few trees and pay about $150,000. None of this money goes for that purpose?

Mr. DAVIS of Minnesota. I think the gentleman is mistaken about the price; I think he has——

Mr. GRAHAM of Illinois. That I have gotten it too low?

Mr. DAVIS of Minnesota. I think the price is $235,000, and Klingle Park $150,000, and the Patterson tract $600,000. They wanted us to put something in this bill, but your subcommittee did not put it in. I see that a bill has been introduced in the Senate for that purpose, to purchase a million dollars' worth of property.

Mr. MANN. It has been reported to the House. If the gentleman kept up to date, it is on the calendar of the House now.

Mr. GRAHAM of Illinois. I want to congratulate the gentleman on the wisdom of his committee, and I hope that the good efforts along that line will be continued.

Mr. WALSH. Mr. Chairman, I notice that a number of lots remain to be purchased under this Rock Creek and Potomac Parkway Commission, created March 4, 1913. The number of lots yet to be purchased are 197. The total number of lots or parcels are 465.

The assessors' full valuation of all land to be purchased is $1,532,664. The difference below the assessors' full valuation of the land thus far acquired is $115,160.70, or 12.07 per cent. The United States owned on December 31, 1921, 130.35 acres, or 81.74 per cent of the total area of parkway; that the total organization expenses December 31 is $50,274.82. The grand total of all expenditures is $838,888.45. They had an unexpended balance on December 31 last of $118,011.55. So I take it that the project having been accepted, the appropriation this year being $100,000, the expenditure yet to be made being in the vicinity of $700,000. it will probably be several years——

Mr. DAVIS of Minnesota. Three or four years. That is my understanding.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Does the gentleman have any objection to inserting this table in his remarks in reference to this matter?

Mr. DAVIS of Minnesota. I have no objection, Mr. Chairman, but it seems to me that it would clarify and beautify the gentleman's remarks if used in connection with them, and I have no objection to that.

Mr. WALSH. Very well.

Mr. Chairman, I ask unanimous consent that this table of expenditures and balances may be incorporated as a part of my remarks, eliminating the colored plan.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to be allowed to include in his remarks certain figures, but not the colored drawings. Is there objection? [After a pause.] The Chair hears none.

The following is the statement referred to:

Rock Creek and Potomac Parkway—progress of purchasing.

[Commission created Mar. 4, 1913.]

Period.	Lots.	Area (acres).	Purchase price.	Assessor's full value.	Per cent of area to be purchased.
July 1, 1916, to June 30, 1917	11	1.39	$22,696.39	$22,910.78	1.489
July 1, 1917, to June 30, 1918	24	7.96	100,841.94	116,267.47	8.530
July 1, 1918, to June 30, 1919	37	9.98	116,718.52	155,647.02	10.694
July 1, 1919, to June 30, 1920	60	21.99	206,646.70	328,101.27	23.564
July 1, 1920, to June 30, 1921	64	6.66	128,725.74	118,720.38	7.137
July 1, 1921, to Dec. 31, 1921	66	16.01	206,084.34	207,003.23	17.156
Purchased by District of Columbia government	6	.21	[1] 6,900.00	5,419.00	.225
Total	268	64.20	788,613.63	954,069.15	68.795
Total organization expenses, July 1, 1916–Dec. 31, 1921			50,274.82		
Grand total			838,888.45		

[1] From appropriation for Rock Creek pumping station.

Difference below assessor's full valuation, $115,180.70, or 12.07 per cent.
United States owned December 31, 1921, 130.35 acres, or 81.74 per cent of total area of parkway.
Number of lots remaining to be purchased, 197.

APPROPRIATIONS.

July 1, 1916	$50,000.00
July 12, 1917	100,000.00
July 1, 1918	150,000.00
July 19, 1919	250,000.00
June 20, 1920	200,000.00
Mar. 4, 1921	200,000.00
Total	950,000.00
Unexpended balance Dec. 31, 1921	118,011.55

GENERAL DATA.

Number of squares affected	41
Number of undivided parcels affected	12
Total number of lots and parcels in project	465
Area of proposed parkway acres	159.47
United States owned July 1, 1916 do	66.15
Area to be purchased July 1, 1916, plus addition of June 5, 1920 do	93.32
Assessor's full valuation of all land to be purchased	$1,532,664

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

NATIONAL ZOOLOGICAL PARK.

For roads, walks, bridges, water supply, sewerage, and drainage; grading, planting, and otherwise improving the grounds; erecting and repairing buildings and inclosures; care, subsistence, purchase, and transportation of animals; necessary employees; incidental expenses not otherwise provided for, including purchase, maintenance, and driving of horses and vehicles required for official purposes, not exceeding $100 for the purchase of necessary books and periodicals, and exclusive of architect's fees or compensation, $125,000.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. DOWELL. I desire to inquire of the chairman how much the fees amount to that are expended for architects in this park. I note they are excluded from this expense of $125,000.

Mr. DAVIS of Minnesota. I do not believe that I could give the gentleman that information.

Mr. DOWELL. Who performs such a service?

Mr. DAVIS of Minnesota. There is nothing in the hearing that discloses how much, if any, they were going to use for architect's fees, but I will say to the gentleman that the amount is very small.

Mr. DOWELL. In what appropriation is this provided for?

Mr. DAVIS of Minnesota. There is no building going on, and I really do not think that they will use any sum whatever. At least, there has been no specific appropriation for architect's fees connected with it. But this language is in here, and it has been in here for a great many years. And, as I say, it is impossible to cut out all the surplus language in this bill.

Mr. DOWELL. If it is cut out and this thing excluded, would it then permit the employing of architects outside?

Mr. DAVIS of Minnesota. There is no appropriation for it. The only appropriation for the Zoological Park is this $125,000.

Mr. DOWELL. Then, should we not cut out of the paragraph "exclusive of architect's fees or compensation?"

Mr. DAVIS of Minnesota. I have no objection to its going out, but it ought to stay in, because there might be something arising some time during the next year or two where they would need to pay some architect's fees.

Mr. DOWELL. But the gentleman has said that there is no appropriation.

Mr. DAVIS of Minnesota. There is no appropriation direct for that.

Mr. DOWELL. Therefore it could not be used in the next year.

Mr. MANN. It is desirable, if my friend from Iowa will permit, to have the language of appropriation bills from year to year as nearly similar as practicable.

Mr. DOWELL. Is there a provision for an architect in the city?

Mr. MANN. There is a municipal architect, I believe, connected with the schools, or otherwise, but he would not have anything to do with the Zoological Park. The Zoological Park is not under the control of the District of Columbia at all.

Mr. DAVIS of Minnesota. This is under the Smithsonian Institution.

Mr. MANN. It is under the Smithsonian Institution.

Mr. DOWELL. Whoever is employed here as an architect would be in independent employment, and not in connection with any other matter of the District government?

Mr. MANN. If they had any building an architect would be employed, but I understand they have nothing.

Mr. DAVIS of Minnesota. Nothing now.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FROTHINGHAM 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 bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1610. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WATER SERVICE.

The following sums are appropriated wholly out of the revenues of the water department for expenses of the Washington Aqueduct and its appurtenances and for expenses of the water department, namely——

Mr. MOORE of Virginia. I wish to ask the gentleman from Nebraska if he proposes to make his statement now of the water situation?

Mr. EVANS. I was going to offer a pro forma amendment at the conclusion of the next paragraph and make the explanation.

Mr. MOORE of Virginia. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WASHINGTON AQUEDUCT.

For operation, including salaries of all necessary employees, maintenance and repair of Washington Aqueduct and its accessories, McMillan Park Reservoir, Washington Aqueduct tunnel, the filtration plant, the plant for the preliminary treatment of the water supply, authorized water meters on Federal services, vehicles, and for each and every purpose connected therewith, $170,000.

Mr. EVANS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. EVANS. Mr. Chairman and gentlemen of the committee, I wish to correct and restate what I intended to say in the hearings as recorded on page 340. I am made there to say that the lady to whom I was speaking had not stated the facts; but what I meant to say was "that the things that she thought were happening were not happening."

The reason that I made the pro forma amendment is for the purpose of stating to the committee the position that the subcommittee took with reference to the proposed improvement to increase the water supply of Washington. First, there was no authorization for an appropriation to pay for the improvement. Not only was that true, but so far as the House was concerned there never had been any hearings on the project. At the time that the authorization for the detailed plans was made there were no hearings had in the House. How extensive they might have been in the Senate I do not know. In looking over the plans it was the opinion of the committee that the plans were not sufficiently definite and did not go far enough, and I shall endeavor to tell you what the situation is, what the relief proposed is, and likewise why we think it is not best, at the present stage of conditions, to make an appropriation until there is further investigation.

This map was prepared by one of the engineers, who prepared the plans and made the estimates; and before I go into that I

want to say something with reference to the conditions under which the engineers worked. The time was quite limited. After they had made their first report and between that and the time the deficiency bill would be considered Maj. Tyler was directed to make the plans. Shortly after he began the work he was taken down with pneumonia, and although his physician directed him to cease work, he continued until his superior officer ordered him to stop and promised that he would take up the work and finish it. That superior officer did take up the work, but he had scarcely begun until his eyes became affected, and he in turn was directed to discontinue his work. But notwithstanding that, he continued until the plan or report was presented. Therefore in what I wish to say I am in no sense intending to criticize the plan as made, but to indicate that it was not finished with sufficient detail.

The present system consists of a 9-mile conduit, with which you are familiar, on what is known as the Aqueduct Road, extending from Great Falls to what is called the District line, or Dalecarlia Reservoir. From there it is continued to what is called the Georgetown Reservoir, and then over this line [indicating] to what is called the McMillan Reservoir, at which place are the filtration beds, where the water is put into a condition for use as we draw it from the pipes.

This conduit down here [indicating] was built some 50 or more years ago. It is made of brick and stone, and while they can go through it—that is, by shutting the gates at the dam and allowing the water to run out—they have only one day in which to make any repairs before the water must be turned on again.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska may be permitted to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Nebraska may proceed for 15 minutes. Is there objection?

There was no objection.

Mr. EVANS. As I was saying, they would have but one day in which to work, and, as the engineer who appeared before the committee testified, they could not, of course, in one day make any great repairs in the aqueduct.

The aqueduct shows signs of disintegration to this extent: The plaster and mortar are falling from the bricks, and there are places where there are cracks. Its limit in the matter of conveyance of water is 90,000,000 gallons per day. And I want to say, in that respect, that in the last year, 1921, at one time 81,000,000 gallons were carried through that aqueduct. That is, the consumption for a day at least, perhaps several days, was 81,090,000 gallons, so that the capacity of that conduit was nearly reached.

The next weak place is where the conduit crosses Rock Creek. At this place [indicating] in order to get across Rock Creek, they sunk perpendicular shafts down to a level below the bottom of Rock Creek, and carried by tunnel across the channel of Rock Creek, and then up by another vertical shaft on the east side through which the water flows. It therefore is apparent that there is a pressure at all times on the bottom of that tunnel equal to that supplied by a column of water of the height of the depth of that tunnel. I can not give you that distance. That tunnel has not been dewatered in seven years, because it takes a day to dewater it, and before they can get down and do anything they must have water through it again to supply the city. It is a weak place also for this reason: While it is circular, except in two or three places, there is a bulge in it, and the last time it was dewatered that bulge was shored up, so that you see there are two weak places, this [indicating] being the worse of the two.

Mr. ARENTZ. What does the gentleman mean by "this"?

Mr. EVANS. The place where it goes under Rock Creek.

Now, I wish to tell you how the water is distributed. This part of the map colored green represents the business portion of Washington, and the water is sent from the McMillan Reservoir by gravity, also to the Anacostia Flats, which I think needs some pumping. There is a pumping plant which pumps water from the reservoir at McMillan Reservoir on to the filtration beds, and from there it is fed by gravity.

The last statement that I had was to the effect that 47 per cent of the water that is used in Washington is used through this gravity portion of the system, but the statement for the previous years shows that there was something over 50 per cent of it used, so that throughout my explanation of the matter I shall use the term "50 per cent" as more easily understood than the exact figures would be if I were to use them. The portion of the map that is dark-colored, brown or red, is the first high level, and that is supplied by a pump. The same is true of the second level, which is colored yellow. The one above, the green, is supplied by the reservoir there, which is filled by pumps from McMillan Reservoir.

With reference to these two levels, the first and the second, my understanding is that they have no reservoir, but pump directly into the distributing system, the pumps furnishing the pressure, while with reference to that in the green territory they have a reservoir, and on the remainder there they have a standpipe. The way they propose to remedy this condition is by duplicating the aqueduct from the dam at Great Falls down to what is called the Dalecarlia Reservoir. There they intend to put up filtration beds and purify that portion of the water that they do not handle through the old reservoir. It will be furnished by two lines of pipe. As to the upper one of them, I can not tell how far that goes, but it is well up north toward the higher portions of the city. The other one runs in a southeasterly direction to a point which is near the old Georgetown Reservoir. That is as far as their plan goes. You will notice that if their plan is adopted and carried out, it will furnish to what are known as the high levels the water from the filtration plant located at the western end of the District, or the Dalecarlia Reservoir, and the balance of the District or of Washington must be supplied by the old system. The reason why I have found fault with that condition is this: One-half of 82,000,000 gallons of water, the amount used in a day during June in 1921, is 41,000,000 gallons of water. There has been an annual increase in the use of water in the District of Columbia varying between 1,000,000 gallons per day and 3,000,000 gallons per day, depending upon what series of years you take. If you take the medium between the two, which is 2,000,000 gallons, and if you take into consideration the fact that it will require three years to complete this plant, at the rate of an annual increase of 2,000,000 gallons there will be an increase of 6,000,000 gallons of water used by the people of Washington when this plant is completed; and if we are now using 82,000,000 gallons of water per day we will have practically 88,000,000 gallons per day consumption, one-half of that being in the territory which is fed by gravity. If you have 88,000,000 gallons a day consumption when you begin to use your new system, you have practically got to the limit of this pipe line that runs through Rock Creek, because you are sending through the tunnel 44,000,000 gallons, and 49,000,000 gallons prevents dewatering. Therefore, if there is any chance at all for an accident, you are in practically the same condition then that you are now. The answer to that, as made by the engineers, is that in the hot portion of the year and the cold portion of the year they use water 30 per cent in excess of the average, taking into consideration the daily average. That estimate is about 5 per cent high, as shown by the tables in the report of the chief engineer covering 1921; and, while I think of it, I ask that I may include as a part of my remarks the tables which are furnished as to consumption of water, as to cost of the plant, and as to the variation in the use of water, so that the same may be printed and accessible to everyone who reads my remarks.

[From the Report of Chief of Engineers (1921), p. 2044.]

TABLE 1.—*Consumption (in million gallons) of water per 24 hours.*

(A) MAXIMUM.

Month.	Fiscal years.							
	1914	1915	1916	1917	1918	1919	1920	1921
July	73.68	72.86	62.11	65.47	66.41	77.89	75.64	79.96
August	69.95	66.78	62.34	64.04	71.76	75.08	77.95	75.85
September	70.48	65.72	59.61	66.10	66.58	75.66	76.48	82.05
October	63.44	68.10	62.00	59.68	67.42	71.66	75.36	72.69
November	60.96	57.11	56.39	58.39	64.00	75.39	70.35	68.10
December	56.58	67.86	56.11	59.03	68.97	69.42	76.89	67.82
January	62.31	56.91	57.80	61.56	75.87	74.69	79.42	67.53
February	67.75	55.52	57.74	68.82	80.59	68.79	72.91	65.56
March	70.93	53.67	58.04	58.85	70.91	65.58	72.00	67.60
April	59.81	58.33	55.70	56.37	69.12	68.52	68.39	66.93
May	63.54	63.37	60.67	60.59	75.09	68.42	69.00	66.45
June	69.59	65.38	58.14	68.26	78.44	77.33	74.27	81.92

(B) MINIMUM.

July	56.78	50.49	48.49	47.66	47.18	60.33	60.59	57.54
August	53.72	52.28	47.10	50.05	51.17	63.61	60.59	57.94
September	52.65	50.99	43.51	48.17	50.64	60.22	61.32	58.63
October	44.76	51.74	46.66	44.34	52.61	55.68	62.60	59.17
November	47.44	44.78	44.24	41.98	50.05	56.84	58.46	50.21
December	45.08	46.98	37.95	43.19	47.18	52.55	54.75	49.25
January	45.94	45.51	38.62	41.50	64.60	54.89	59.99	51.16
February	45.77	44.77	41.13	44.94	58.56	51.86	57.67	51.56
March	48.39	42.37	42.78	39.06	53.50	52.92	59.40	53.58
April	47.38	45.88	43.84	42.49	53.01	53.83	55.98	53.91
May	50.82	46.23	44.23	44.05	59.83	55.66	54.32	53.48
June	51.48	48.03	44.50	45.10	54.92	57.91	53.21	55.78

TABLE 1.—*Consumption (in million gallons) of water per 24 hours*—Con.

(C) AVERAGE.

Month.	Fiscal years.							
	1914	1915	1916	1917	1918	1919	1920	1921
July	63.64	58.83	55.93	56.76	58.58	66.64	68.55	68.10
August	60.15	59.53	55.46	57.88	62.37	70.48	69.43	68.37
September	59.33	58.49	55.04	57.07	60.60	68.03	69.91	68.92
October	55.60	58.31	54.48	51.59	58.50	65.62	68.48	67.29
November	53.02	52.84	49.78	50.95	55.41	65.29	64.53	63.86
December	50.42	54.43	48.41	50.74	58.15	63.50	65.50	62.05
January	53.17	52.10	49.31	51.92	70.88	66.06	67.27	61.46
February	56.60	50.28	49.46	54.25	68.21	62.20	66.97	60.46
March	56.78	48.71	49.49	49.89	62.04	61.33	66.04	60.62
April	51.13	51.20	50.14	58.49	62.38	62.15	63.71	61.74
May	57.10	53.88	52.67	53.69	67.51	63.91	63.59	61.47
June	60.40	55.53	52.61	60.08	67.75	67.65	67.02	69.54
Average	56.43	54.54	51.91	53.81	62.67	65.26	66.75	64.49
Population	353,297	353,664	357,749	359,997	395,947	417,405	455,428	437,571
Daily per capita consumption, gallons	160	154	145	149	158	156	147	147

[From p. 78 of S. Doc. 403, 66th Cong., 3d sess.]

TABLE No. 4.—*Present and estimated future population of the District of Columbia.*

	Gravity.	First high.	Second high.	Third high.	Total.
Population, 1920	161,800	163,000	85,000	27,800	437,600
Estimated increase to 1980	147,000	20,400	65,000	130,000	362,400
Estimated population in 1980	308,800	183,400	150,000	157,800	800,000
Estimated increase for ultimate population	311,000	43,300	136,800	274,000	765,100
Estimated ultimate population	472,800	206,300	221,800	301,800	1,202,700
PRESENT AND FUTURE CONSUMPTION IN MILLION GALLONS PER DAY.					
Consumption, 1920	34.40	19.81	9.24	3.30	66.75
Estimated increase to 1980	24.20	3.37	10.72	21.45	59.74
Estimated consumption in 1980	58.60	23.18	19.96	24.75	126.49
Estimated increase for ultimate population	51.30	7.15	22.55	45.20	126.20
Estimated ultimate consumption	85.70	26.96	31.79	48.50	192.95

NOTE.—The figures in the "Gravity" column include Anacostia, and those in "Third high" include the fourth high areas. The water for Anacostia is supplied through the gravity system and the water for the fourth high service is supplied through the third high system and both are again pumped by pumps other than those in the main District of Columbia pumping station.

[Extract from Annual Report Chief of Engineers for fiscal year 1921, p. 2050.]

Washington Aqueduct and filtration plant.

FINANCIAL SUMMARY—STATEMENT OF EXPENDITURES ON ALL PROJECTS TO JUNE 30, 1921.

Expenditures.	Washington Aqueduct.	Purification plant.	Investigation of additional supply.	Metering Government services.	Total.
Appropriated to June 30, 1921	$10,349,231.81	$4,495,334.16	$55,500.00	$66,050.00	$14,966,115.97
Balance available until expended	.....	.....	.....	141.90	.....
Reverted to Treasury or held in reversion fund	111,914.20	164,431.95	1,484.10	1,553.59	279,383.84
Reappropriated	93,547.69	.....	.....	.....	93,547.69
Expended, including outstanding liabilities [1]	10,164,140.99	4,330,902.21	54,015.90	64,496.41	14,613,555.51
For construction	7,919,737.21	3,508,961.71	54,015.90	64,496.41	11,547,211.23
For maintenance and operation	2,244,403.78	821,940.50	.....	.....	3,066,344.28
Paid by United States	6,558,820.83	2,165,451.105	37,516.40	9,648.23	8,771,436.565
Paid by District of Columbia	2,748,516.26	2,165,451.105	16,499.50	9,648.23	4,940,115.095
Paid by water department, District of Columbia	856,803.90	.....	.....	45,199.95	902,003.85

[1] Not deducting $15,651.39 received from sale of land, etc., and $4,719.68 interest on claim of Maloney & Gleason.

[From District auditor's report.]

Amount of water revenues collected from July 1, 1878, to June 30, 1920	$18,227,906.30
Amount of water revenues expended for distribution or betterment and improvements of the water system to June 30, 1920	8,122,077.39
Amount of water revenues expended in payment of expenses of maintenance and operation to June 30, 1920	$7,531,305.10
Amount of water revenues expended for any other purpose to June 30, 1920	1,650,778.50
Balance of water revenues unexpended June 30, 1920	164,652.22
Balance of water revenues unexpended at last balance, June 30, 1921	209,331.18

Now, if I am right about this statement that I have made, and if we are going to spend, as they say, practically $10,000,000 to provide a new system, we ought not to be left at the end of six years in practically the same condition in which we now are. It is easy to criticize, but my idea is that one ought to suggest something. I am not an engineer, but I have had some practical experience in works of this character, and my suggestion, made to one of the engineers, was to connect the lines of pipe which now carry the water from the McMillan Reservoir or filtration beds to the high level with this system, which will of necessity be connected with the McMillan Reservoir, by putting in a by-pass around the engine or pump, and in the case of the loss of use of this aqueduct under Rock Creek you would get for practical purposes the same amount of water back to the McMillan Reservoir that it is now furnishing to the higher levels. The engineer did not say that this idea was wrong, but he admitted that it might be worked out nicely. The line which they propose to run from the Dalecarlia Reservoir is more than sufficient to take care of the water consumption on these two levels. You could do the same thing with reference to the reservoir, by connecting the bottom of the reservoir with the pipe that pumps the water from the McMillan Reservoir to the reservoir in the highest or third level, and by putting a by-pass around that pump. I am informed that before they used the McMillan Reservoir there was a system by which this water was carried through to what we now know as lower Washington, or the business portion of Washington, without filtration, and that at some place near where I am pointing on the map, which is not more than a hundred rods from the end of their line, is the old system of distribution, and if you would connect the line that runs southeast from the Dalecarlia Reservoir with the old Georgetown system you then would have practically what would give you a way to furnish water to all of Washington, even though you did have difficulty with the tunnel. There is a letter, which has already been put in the RECORD, in which the estimated cost of this improvement is fixed at nearly half a million dollars—between $400,000 and $500,000. I think that estimate is too large.

Mr. DOWELL. Will the gentleman yield there?

Mr. EVANS. I would rather go on until I get through with my explanation. Then I will answer any questions that I can.

When the engineer and the gentleman from Virginia [Mr. MOORE] and I were considering this question I asked the engineer to fix approximately what would be the cost of this connection from the old Georgetown Reservoir down to the old water system. Of course, we all knew that he could not fix it exactly, but I asked him to approximate it. He gave it at $130,000, and it seems to me that that is quite reasonable. Suppose, however, that you make it $500,000; that is but a little over 4 per cent of the cost of your entire system—that is, of the improvement—and it does give you a dual plant. Permit me to say that most water systems have a dual or circulating system. For instance, if a line of distributing mains is run up Eighteenth Street and another one up Fourteenth Street, with your pumping plant, we will say, at F Street, the proper thing to do is to connect the north end of Eighteenth Street with the north end of Fourteenth Street, so that you have circulation in your system. It furnishes an additional advantage. If you should have a break in your system halfway up Eighteenth Street, you have only to shut off the short part of the system in which the break is located, and you can feed from Fourteenth Street around to the north end of Nineteenth Street and also up the south end of Eighteenth Street.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska be allowed to continue until he concludes his explanation.

Mr. MANN. Let us fix a time. The gentleman can have all the time he desires.

Mr. MOORE of Virginia. Fifteen minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Nebraska be allowed to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. EVANS. What I have suggested here with reference to the other system is simply the application of that principle in a

more extended way. It does not seem to me to be the proper thing to spend over $9,000,000 and then have your system so that in the course of 10 or 15 years you will be where you are now.

In talking with the engineers it was suggested that it would be much harder to repair the conduit from Great Falls down to the District line than it would be to repair the line from Georgetown Reservoir to the McMillan Reservoir. I can not conceive how that can be.

In the one case you have to put everything up and down shafts and in the other there are many gates or ways of getting into the conduit at various places from the dam down to the reservoir.

Another reason why I think there ought to be hearings on this matter is that these estimates were made when things were quite high. You have your report practically made in 1920, and if we would go into an investigation into this system by hearings had by the proper legislative committee and examine the various plans I think it would be very much better. Now, these were the reasons we had in mind besides that of the point of order when deciding as we did with reference to this appropriation.

Mr. DAVIS of Minnesota. Will the gentleman yield?

Mr. EVANS. I will yield.

Mr. DAVIS of Minnesota. Does not the gentleman think that the legislative committee of either the Senate or the House ought to go thoroughly into this matter before they ask for an appropriation?

Mr. EVANS. In my mind there is no question about it. The legislative committee ought to take it up and consider it both as to costs and also as to efficiency. The estimates in detail with the plans ought to be examined, so that when you come to fix the authorization you will be within the limit.

Mr. MANN. Will the gentleman yield?

Mr. EVANS. Certainly.

Mr. MANN. Under whose direct charge is the water system?

Mr. EVANS. If I understand the gentleman, the water system from the dam to the McMillan Reservoir is under the War Department and the balance is under the District.

Mr. MANN. Whatever is done this side of the first reservoir the conduit needs to be reconstructed and a new conduit in any case.

Mr. EVANS. That is my opinion.

Mr. MANN. That is something that is not dependent on doing the work this side of that.

Mr. EVANS. The gentleman is suggesting what has been talked of and thought of by those who have studied the situation.

Mr. MANN. Why is it not perfectly feasible to go ahead with the construction of the additional conduit—I suppose that is what would be done, although I do not know—while you are investigating the rest of the subject?

Mr. EVANS. The solution the gentleman suggests, which is the one suggested by the gentleman from Virginia, I think is a better way. The engineer thinks it is the way they should proceed.

Mr. MAPES. Will the gentleman yield?

Mr. EVANS. I will.

Mr. MAPES. In the gentleman's statement he said there were two weak points in the present system, one the conduit from the Great Falls leading into the city and the other the tunnel under Rock Creek. In discussing the proposed improvement he stated that it contemplated a new conduit paralleling the present one running to the city and then a filtration plant at the city limits which would supply the two higher levels.

Mr. EVANS. All the upper levels.

Mr. MAPES. It is not clear to me, although it seems to be to the gentleman, why it would be necessary after the completion of the proposed improvement to have the whole 88,000,000 gallons a day run through the conduit under Rock Creek, inasmuch as the water going through there only supplies the lower levels in the southeast.

Mr. EVANS. I am not sure whether the gentleman was here when I first began my explanation.

Mr. MAPES. Yes; I was here.

Mr. EVANS. I will repeat. For seven years the tunnel has not been dewatered because you can not dewater it and have any time left. Now, seven years ago, when they stopped dewatering it, the average amount of water which went through per diem was 49,000,000 gallons. When you have 88,000,000 gallons consumption, one-half of which is used by the gravity level, you have 44,000,000 gallons going through the tunnel, although you have the new conduit supplying the upper levels, and it is only 5,000,000 gallons below the average at the time they ceased to be able to get into the tunnel.

Mr. MAPES. The whole 81,000,000 gallons per day necessary to supply the city would not have to go through there after the improvement?

Mr. EVANS. It does now.

Mr. MAPES. The whole 81,000,000 gallons?

Mr. EVANS. The 81,000,000 gallons go through that tunnel.

Mr. MAPES. They do now, but it would not be necessary for them to do so after the new conduit was laid and the upper levels supplied from the proposed filtration plant at the limits of the city.

Mr. MANN. Perhaps this will help. Does all of the water go through the McMillan Reservoir?

Mr. EVANS. Yes.

Mr. MANN. That is the one north of us.

Mr. EVANS. Yes; all the water used in Washington goes through the filtration plant out near the Soldiers Home.

Mr. MAPES. If one-half of it stops at the District line, why is it necessary to have the full 81,000,000 gallons go under Rock Creek?

Mr. EVANS. It is necessary to supply water to the gravity of lower Washington. They are afraid of the tunnel, more so than the conduit between here and Great Falls.

Mr. MANN. As I understand the gentleman, his point is that the tunnel under the creek would have to supply in the neighborhood of 40,000,000 or more gallons for the gravity system.

Mr. EVANS. That is correct.

Mr. MANN. If the other were diverted.

Mr. EVANS. That is correct.

Mr. MANN. And that that amount of water daily is so carried that the reservoirs could not be made to hold enough to keep using it for more than a day.

Mr. EVANS. That is it exactly.

Mr. MANN. And in a day you can not repair it.

Mr. MAPES. I have in mind the water for the lower level of the city.

Mr. MANN. That is the gravity system.

Mr. EVANS. With the exception of right where we are now, where I direct my pointer, which is called the first high, the water flows by gravity from the McMillan Reservoir and furnishes water to all this territory that is colored blue. When we put in the new system we will take off the McMillan Reservoir the burden of furnishing water to all the balance of Washington; but this blue territory uses one-half of all the water Washington consumes. We have now gotten to nearly the limit of this conduit, which, according to the engineers, is 90,000,000 gallons, and we used at times during this past year practically 82,000,000 gallons—79,000,000 gallons a day in a number of months. I think there were three months in which we passed 79,000,000 gallons of water consumption in one day.

Mr. MAPES. Does that all go under the creek?

Mr. EVANS. Yes; under Rock Creek. If there is an increase of 2,000,000 gallons in daily consumption for three years, you have an increase of 6,000,000, so that there will be days when there will be 88,000,000 gallons of water consumed in Washington.

Mr. MAPES. If you divert half of that at the District line, why would it be necessary to send just as much under the creek then as now?

Mr. EVANS. That will leave going to the gravity system 44,000,000 gallons per day. When they stopped being able to dewater the tunnel under Rock Creek they were using only 49,000,000 gallons, so that you are within 5,000,000 gallons of the point where you are unable to dewater the tunnel for repairs, and you will then have your tunnel under Rock Creek in exactly the same condition it is now and you will have no way to supply water to the gravity portion of the system in case of accident to the tunnel unless you get it from these other sources that I have mentioned.

Mr. MANN. What is the water supply in the reservoirs?

Mr. EVANS. I can not give you that, except in a general way. He said that as it is now they could only have one day—that is, it would take them a day to dewater—and then they would have a day left, which would be practically two days' water.

Mr. MANN. Of course, there is a great deal of difference in the amount of water at different times in the year.

Mr. EVANS. The average amount of water used in 1921 was 66,000,000 gallons plus.

Mr. MANN. The average does not make so much difference. What you want is the lowest amount of water.

Mr. EVANS. In the same year you had practically 82,000,000 gallons used at a certain time of the year.

Mr. MANN. But if there is a certain season in the year when they use comparatively little water, that is the test as to

whether you can store enough to cover a certain period of time.

Mr. EVANS. That is the proposition of Maj. Tyler, that he intends to get into this tunnel during the fall or the spring when the use of water is at its lowest stage and repair it then.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. EVANS. Yes.

Mr. KINDRED. Is it not a fact that the water coming from the Great Falls direction and from Georgetown all has to go through this main tunnel which is never dewatered?

Mr. EVANS. It is never dewatered, and it all goes through there at the present time.

Mr. KINDRED. From the standpoint of public health, is it not a fact that organic matter and silt continues to gather in this main tunnel, affording a nucleus and a field for germs which, in a measure, may destroy all of the effort made to purify the water in the filtering plants, showing the necessity for some process by which the main tunnel may be dewatered as quickly as possible?

Mr. EVANS. The gentleman I think is in error as to where the purification process takes place. At present it all takes place after the water has passed through the tunnel except the silting basins. The filtering basins are on the other side at McMillan Reservoir.

Mr. KINDRED. I thought the gentleman spoke of some elaborate filtering plant in the water system toward Great Falls.

Mr. EVANS. Correct, but the water running through that will not pass through the tunnel to which attention has been called; it will go pretty nearly west from the Dalecarlia Reservoir to those portions of the system that are needed to supply the north part of Washington. The other portion goes in a southeasterly direction. I may say there that the detailed distribution was not presented to the committee, and just how they are going to perfect it from the point near the Georgetown Reservoir I am not certain.

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Will the gentleman permit me to put a question or two to him?

Mr. EVANS. Certainly.

Mr. MOORE of Virginia. As I understand, the gentleman is of opinion that it is necessary to provide an additional water supply, and that construction of the facilities ought to be carried on as rapidly as it can be carried on?

Mr. EVANS. That is my opinion, and I think the facts that I have enumerated would suggest that.

Mr. MOORE of Virginia. In addition to what the gentleman said in answer to a question from the gentleman from Illinois [Mr. MANN], I understand that the gentleman thinks that this matter of determining the method of distribution to the east of the District line need not delay the construction of the new conduit from the Great Falls to the District line and the construction of the new filtration plant at the District line?

Mr. EVANS. I do not think it will delay it at all. I may say in further answer to the question I think this ought to be done; that before the money is appropriated, or before the appropriation is made for the construction of the conduit and the filtration plant, there ought to be hearings to which I have alluded, and they ought to fix with reasonable accuracy just what the cost is going to be, and provisions ought to be made which would insure the proper construction within a proper limit of cost and under such terms as would insure the Government against loss.

Mr. MOORE of Virginia. Assuming the construction of the new conduit and filtration plant at the District line will cost approximately $5,000,000, does the gentleman think it would be inexpedient before this bill is finally enacted to amend it by making an appropriation of, say, $2,000,000, which is about all that could be spent up to the expiration of the fiscal year 1923, to be expended altogether in the construction or toward the construction of a new conduit to and the construction of a filtration plant at the District line, assuming that such amendment could be drawn in proper terms?

Mr. EVANS. I think it is a wise thing to do.

Mr. MOORE of Virginia. If I may say to the gentleman, I shall not offer to amend the bill, but I hope that it will be amended before we finally act upon the bill in this House.

Mr. EVANS. Well, I should not want to see any amendment put upon the bill with conditions as they are now. I think there ought to be further investigation and certainty fixed, both as to how this is going to be distributed ultimately and——

Mr. BLANTON. Will the gentleman yield?

Mr. EVANS. I will.

Mr. BLANTON. In view of the fact that the Government paid for the present conduit—that is, it belongs to the Government, and the Government paid all the expenses of it, owns it—and in view of the further fact that the District has grown now to be a city of 437,000 people, with great commercial interests, does the gentleman think it fair to the people of the United States to be called upon now to spend 40 per cent of $5,000,000 to furnish this extra water supply about which the gentleman from Virginia has spoken so much?

Mr. EVANS. The gentleman has raised a question which can be justified very largely by facts. If the gentleman wishes to investigate, if he will get the first volume of the Chief of Engineer's report for 1921, and turn to page 2045, he will find the meter measurement for water used by the Government of the United States.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BRIGGS. I would like to ask the gentleman if in this purification process they are continuing to keep the water supply of the District purified?

Mr. EVANS. Washington, according to the report of the Engineers, has one of the best water systems, so far as purity is concerned, that there is in the country. There are systems that have water a little bit less hard, but those of us who come from the West think this water is the best we have seen.

Mr. BRIGGS. Does an analysis of the water disclose anything that would be deleterious to health?

Mr. EVANS. Nothing.

Mr. BRIGGS. I have understood they make analyses of this water about every day. Is that correct or not?

Mr. EVANS. That I do not know.

Mr. DAVIS of Minnesota. Is it not a fact that the hearings before us have disclosed the fact that there never was any better water in the United States than now furnished the District of Columbia in all respects?

Mr. EVANS. I think that is a fair statement.

Mr. BRIGGS. I desire to ask the gentleman another question. Has the meter system been installed in the District yet?

Mr. EVANS. Quite thoroughly. I think as to those who use water, outside of what the Government uses, it is all metered; that is my understanding.

Mr. BRIGGS. I think it was stated on the floor some time at other periods when the appropriation bill for the District of Columbia was under discussion that the water was not metered in the District of Columbia, and it only encouraged waste, and there was great need for this metering; and I wondered if it was metered now, and what the effect of this metering has been in reference to the consumption of water—whether it has been reduced or increased?

Mr. MANN. We commenced forcing the installation of meters here 15 or 20 years ago.

Mr. BRIGGS. Has that been rather general?

Mr. MANN. We have been requiring it. I do not know whether they have been enforcing it or not.

Mr. ZIHLMAN. I will state that the consumption of water has remained almost stationary in the District for the past seven years notwithstanding the increase in population of almost one-third.

Mr. BRIGGS. What is the average consumption now?

Mr. ZIHLMAN. Around 65,000,000 gallons per day. The gentleman stated that only the legislative committee of Congress had passed on this project. Is it not a fact that two Secretaries of War and the Chief of the Corps of Army Engineers, and the Waterpower Commission, which is composed of the Secretary of War and the Secretary of the Interior and the Secretary of Commerce, have reported on this proposition, and the present Secretary of War, Mr. Weeks, has in two instances, at least, urged upon Congress the imperative necessity of beginning the construction of this conduit?

Mr. EVANS. As the gentleman stated the question, I can not answer. I have here the report which was made when they investigated under the direction of Congress the matter of power and water supply. That report did not go into distribution and, as I view it, and as I think it is, the most of the investigation has covered the water supply and bringing it from Great Falls to the District line, and the rest of it has not received much attention.

Mr. ZIHLMAN. The War Department, that made the investigation, has not any jurisdiction, but before you can distribute the water you must get it to the District line.

Mr. EVANS. There is not any question about that.

Mr. LINTHICUM. Is it contemplated in this survey to acquire any land around the watershed at Great Falls?

Mr. EVANS. There is no intention, so far as I know, to acquire land that is included in the watershed. They have investigated it in this report, and, if you care to read it, you will see that they cover that question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended.

Mr. DAVIS of Minnesota. I object, Mr. Chairman. We have been having this for an hour or so.

Mr. LINTHICUM. You can not spend the time on any better subject.

Mr. DAVIS of Minnesota. But we can not do anything about it.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. I want to ask the gentleman if he does not think it important to acquire land in the watershed?

Mr. EVANS. My opinion is based on the report, and in that report they say it is not necessary to acquire land along the watershed, but they do require land along the conduit if they put in the addition.

Mr. LINTHICUM. Do you think the water here ought to be metered to the people, or whether or not it ought to be distributed on some other basis?

Mr. EVANS. I think it ought to be metered to them.

Mr. LINTHICUM. I want to say to the gentleman that I was convinced against that two or three years ago by the gentleman from Illinois [Mr. MANN], and I think it ought to be free to the people.

Mr. DAVIS of Minnesota. I wish to say that we make appropriation this year for more meters, and we are going to continue that system.

Mr. LINTHICUM. The gentleman from Illinois [Mr. MANN] said two or three years ago we ought not to meter the water to the homes of the District, but that it ought to be as free as it could be made.

Mr. MANN. I think the more water in the homes the better it is.

Mr. LINTHICUM. That is what I think. I agree with the gentleman on that.

Mr. MOORE of Virginia. Mr. Chairman, may I have the attention of the gentleman from Minnesota [Mr. DAVIS], the chairman of the committee? At this time, or when the reading of the bill is concluded, will not the gentleman agree that I may have 10 or 15 minutes in which to discuss the general subject to which it relates?

Mr. DAVIS of Minnesota. After we have read the bill.

Mr. MOORE of Virginia. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That the services of assistant engineers, draftsmen, levelers, rodmen, chainmen, computers, copyists, and inspectors temporarily required in connection with water department work authorized by appropriations may be employed exclusively to carry into effect said appropriations, and be paid therefrom, when specifically and in writing ordered by the commissioners, and the commissioners in their annual estimates shall report the number of such employees performing such services and their work and the sums paid to each: *Provided*, That the expenditures hereunder shall not exceed $15,000 during the fiscal year 1923.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. What is the idea of this proviso that the expenditure shall not exceed $15,000 during the fiscal year 1923?

Mr. DAVIS of Minnesota. The idea is that they could not spend more than $15,000.

Mr. WALSH. How much do you appropriate?

Mr. DAVIS of Minnesota. The appropriation is very large, four or five hundred thousand dollars in an item over here. That may be used for the purposes for which it is expressed. This is for temporary employees. I think we have enough employees already, but if an emergency arises we do not want to expend more than $15,000 for temporary employment. This has been in the law for many years.

Mr. WALSH. This is the general appropriation, and then you are providing it may be used, for this particular emergency purpose, not to exceed $15,000?

Mr. DAVIS of Minnesota. That is all. It is for temporary employment.

The Clerk concluded the reading of the bill.

The CHAIRMAN. The Clerk has just called the attention of the Chair to what is evidently an error in the word "receipt," page 100, line 6. It should be in the plural and not in the singular. Without objection, the correction will be made.

There was no objection.

Mr. DAVIS of Minnesota. Mr. Chairman, the bill has been read through, and before I move that the committee rise, I want to ask unanimous consent that the gentleman from Virginia [Mr. MOORE] be granted 10 minutes to talk on any matter on which he desires to talk.

Mr. MOORE of Virginia. Can not the gentleman make it 15? I have given the gentleman no trouble.

Mr. DAVIS of Minnesota. That is true.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the gentleman from Virginia may be allowed to proceed for 15 minutes out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Virginia. Mr. Chairman, I shall not, as I stated awhile ago, offer a water-supply amendment to this bill because it would go out on a point of order. I have, however, placed in the RECORD, as has been indicated by the gentleman from Nebraska [Mr. EVANS], correspondence with the Chief of Engineers, Gen. Beach, which points to the propriety of an amendment which, if adopted, will avoid delay in providing new facilities, and, at the same time, in no manner interfere with the future decision of the question raised by the committee as to how the water gathered in the proposed new filtration plant at the District line shall be distributed—a question just discussed by the gentleman from Nebraska.

The view expressed by the committee relative to the distribution feature of the Tyler project differs from the view of the engineers of the War Department, and the question as to which is the correct view and the view which should receive the approval of Congress can hereafter be determined without much difficulty. Meanwhile the confessedly necessary construction of a new conduit from the Great Falls to the District line and the construction of a new filtration plant at the District line can be rapidly carried on if the bill finally includes an appropriation confined to that portion of the project. We must, it seems, rely not upon ourselves but upon the Senate to make possible such an appropriation, and likewise for other important amendments.

It is regrettable that the subcommittee which framed the bill, due in part to its wholesale acceptance of the reduction of the estimates of the commissioners made by the Bureau of the Budget and in part to limitations imposed by the rules of the House, must, along with the rest of us, look to the Senate for such action as may, and it is to be hoped will, result in the passage of a more satisfactory bill. We are compelled to rely upon the Senate to rescue the House from the unfortunate consequences of its own self-repression.

The debate that has been had has at least served to suggest that it is possible to improve the relations of Congress to the District. What I am about to say is intended to support that suggestion by outlining certain steps that might be taken in the way of modifying the legislative procedure and that would result, as it seems to me, in materially bettering the condition that now exists.

There is one fundamental change favored by some that in my judgment should not be thought of, namely, the institution of self-government in the District, if thereby is meant government similar to that of a State having a governor and legislature elected by the people, or of a city with a mayor and council elected by the people. It would be a mistake to abandon the present commission form of government when so many cities are turning to it as the desirable form, or to assimilate the local government to that of a State, which would be entering again upon an experiment which proved so almost disastrous when it was tried here many years ago.

There is another thing that invites incidental comment. It is understood that an effort is being made to obtain a constitutional amendment that would enable the District, by popular vote, to secure representation in Congress and participate in presidential elections, and this, I am inclined to believe, is a reasonable proposition. Other considerations aside, it would give the District a political status that would tend to assure it more comprehensive and tolerant treatment. But without waiting for that there is much that might be done at once.

1. Congress is the District legislature, and one trouble is on account of delay in enacting legislation. The initiation of District legislation now rests with one or the other of two large District committees—the Senate Committee of 13 members and the House Committee of 21 members. These committees act separately. A measure carefully, and often very elaborately, considered and reported by one may be considered de novo and to the same extent by the other. Why not, in order to speed

legislation, establish a single Joint District Committee, to which could be referred bills originating in either House and empower it to make reports to either House, or simultaneously to both Houses, as it may determine? That this would save the waste of time attaching to independent Senate and House committee action can hardly be questioned. Nor is it open to question that the reports of such a joint committee would carry a weight and authority that separate reports do not commonly carry. The justification for such a departure from the present procedure lies in the fact that the legislative power of Congress over the District is exceptional, just as the requirements of the District are exceptional, and that it would contribute to facilitate Congress in performing the unusual functions which it must exercise in enacting all the laws that are applicable here—a task that Congress did not attempt in governing the numerous Territories that have become States, and that it does not now attempt in governing the remaining Territory of Alaska. The departure would not be a crude experiment. There is now a Joint Committee on Printing, which promotes coherence and expedition, and special joint committees have from time to time been created to discharge duties that otherwise would have been less coherently and expeditiously performed.

2. There should be more opportunity given for considering and disposing of District measures. The House is, of course, crowded with work, but that is not a good reason why District legislation should be constantly sidetracked by disregarding the rule that assigns certain days for that purpose. If there is a will to do it, time can be found. For instance, perhaps ample opportunity could be found if one-half of the time should be allotted to District business that is now taken up in what is called "general debate," when we make speeches mainly for the benefit of our constituents, a large percentage of which could just as well be printed without being delivered as delivered in advance to very small audiences.

3. And I ask here the attention of the distinguished gentleman from Illinois, the chairman of the Committee on Appropriations, Mr. MADDEN: Appropriation bills are, of course, of prime importance to the District. It is to be kept in mind that the taxpayers of the District now bear 60 per cent of the expenditures that are permitted. The burden to be borne by the Treasury under the present bill is 40 per cent of the total, or about $8,000,000. This is mentioned to show that in this respect, as in other respects, the relation of Congress to the District is exceptional not only because of the division of liability but because of the comparatively small amounts appropriated. During the debate I have ventured the belief that, while the Budget law may be all that is claimed for it otherwise, it should not apply to District appropriations. It is one thing for the Bureau of the Budget to compile for submission to Congress estimates for the expenditures of a department, but it is quite another thing to compile and submit estimates for District expenditures, which can not be done without a full knowledge and survey of the District situation, of its schools, its parks, its streets, its sewers, its public utilities, and all of the other varied activities that pertain to the well-being and progress of a large municipality. Under a State budget law the governor and his advisers are responsible for the estimates presented to the legislature. The estimates are the products of executive investigation. Department estimates are the product of executive investigation. The commissioners are the executive of the District. They are selected because of their acquaintance with local conditions, their experience, and the confidence that is felt in the fidelity with which they will guard all interests, and the District estimates should be the product of their investigation. They should not be hampered, nor should Congress be hampered, by leaving it to any other agency to advise Congress as to what should or should not be appropriated, and in that connection presupposing that the House, while it may diminish the Budget estimates, must not take the liberty of increasing them. The commissioners are the executive branch of the District government, and should be in close contact and deal directly with the legislative branch, which is Congress. To the commissioners should be intrusted the duty of submitting to Congress what, in their opinion, is needed, and Congress, without placing itself under any restraint, should decide whether the commissioners are right; and if not, to what extent they are wrong.

4. I also entertain the belief, in further recognition of the exceptional jurisdiction of Congress over the District, that there would be a gain in concentrating legislative processes by conferring upon the joint committee jurisdiction to report the District appropriation bills and incorporate therein legislative provisions. The great policy that is thought to be served by placing all appropriations in the control of a single House committee would not be impaired in any real sense by placing District appropriations, which, as stated, are comparatively small, under the control of a joint committee; nor do I see how anything but good could come from releasing such a committee from the present rule that subjects legislative provisions on appropriation bills to points of order. The embarrassment and delay caused by the House being disabled from doing in the first instance what it so frequently does after the Senate has led the way would thus be removed.

The plan I have briefly outlined would make for simplicity and expedition. May I again call this to the particular attention of the distinguished gentleman from Illinois?

Mr. MADDEN. I am listening with very careful attention to the gentleman's very lucid statement.

Mr. MOORE of Virginia. The machinery for bringing legislation before Congress would thus consist of the commissioners and one joint committee, instead of the commissioners, the Bureau of the Budget, two standing committees of the House, and one standing committee of the Senate. It would be only a modification of procedure. The House would surrender no single element of power. Nothing could be finally done without the approval of Congress. The last act and the last word would rest with Congress.

Mr. MADDEN. Would it not simplify it if it were left entirely with the commissioners?

Mr. MOORE of Virginia. That would divest Congress of any final authority, which no one suggests, and of course it is not to be thought of.

Should it be said that the plan outlined would be a deviation from the general system of procedure now in force and a sacrifice of the theory pervading that system, the reply is that in conducting government differences of environment and circumstances can not be ignored but must always be reckoned with.

A sound political philosophy is expressed in the well-remembered lines of the great author who declared in substance that the government which is best administered is best. We should all desire for the District the best character and methods of government that can be devised.

Mr. EVANS. Does not the gentleman believe that there ought to be local self-government in the District; that is, within proper limitations?

Mr. MOORE of Virginia. I have stated that I do not believe in instituting local self-government here if I understand the term as it is now used. That was tried for a time many years ago, and the experiment was well-nigh disastrous. I do not think the experiment should be renewed. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. DAVIS of Minnesota. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 10101) making appropriations for the government of the District of Columbia for the fiscal year ending June 30, 1923, and for other purposes, had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DAVIS of Minnesota. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

Mr. DAVIS of Minnesota. If it is in order, Mr. Speaker, I would like to inquire how many amendments were adopted by the committee?

The SPEAKER. The Chair is informed that there are about 10. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. DAVIS of Minnesota, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to the appropriate committee as indicated below:

S. 1610. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.; to the Committee on Ways and Means.

EXTENSION OF REMARKS.

Mr. KETCHAM. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 10101.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks on the bill just passed. Is there objection?

There was no objection.

ORDER OF BUSINESS TO-MORROW.

Mr. MONDELL. Mr. Speaker, a number of gentlemen have asked in regard to the program to-morrow. So far as I am advised Calendar Wednesday work will be taken up to-morrow. As gentlemen are aware, the Committee on Claims has the call.

LEAVE OF ABSENCE.

Mr. GERNERD, by unanimous consent, was granted leave of absence for the remainder of the week, on account of important business.

ADJOURNMENT.

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 8, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KAHN: Committee on Military Affairs. H. R. 8786. A bill to amend 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; with an amendment (Rept. No. 672). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOMINICK: Committee on the Judiciary. H. R. 8342. A bill to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts; with an amendment (Rept. No. 673). Referred to the Committee of the Whole House on the state of the Union.

Mr. CRAGO: Committee on Military Affairs. S. 2774. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920; without amendment (Rept. No. 674). Referred to the Committee of the Whole House on the state of the Union.

Mr. CRAGO: Committee on Military Affairs. S. 2307. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920; without amendment (Rept. No. 675). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FOCHT: A bill (H. R. 10314) to limit the immigration of aliens into the United States; to the Committee on Immigration and Naturalization.

By Mr. VOLSTEAD: A bill (H. R. 10315) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved by the President July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 10316) for the relief of the estate of George B. Spearin, deceased; to the Committee on Claims.

By Mr. CROWTHER: A bill (H. R. 10317) granting a pension to Gregory Bird; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 10318) granting a pension to Martha H. Saers; to the Committee on Pensions.

Also, a bill (H. R. 10319) granting a pension to George Pointer; to the Committee on Invalid Pensions.

By Mr. LYON: A bill (H. R. 10320) authorizing the Secretary of War to make a survey of the northwest branch of the Cape Fear River, between Wilmington and Navassa, N. C.; to the Committee on Rivers and Harbors.

By Mr. PATTERSON of Missouri: A bill (H. R. 10321) granting a pension to Mary Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10322) granting a pension to Sarah A. Hawkins; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 10323) for the relief of Lawrence J. Kessinger; to the Committee on Claims.

By Mr. STEDMAN: A bill (H. R. 10324) for the relief of Charles Brown; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3864. By Mr. ATKESON: Petition of V. J. Burns and other duck hunters, of Warrensburg, Mo., urging the extension of the duck-hunting season to March 10; to the Committee on Agriculture.

3865. By Mr. CRAMTON: Petition of Mr. Sam Dobson, of Decker, Mich., and other residents of that State, asking that the tariff on Cuban sugar be continued; to the Committee on Ways and Means.

3866. By Mr. CULLEN: Resolution adopted by the Western Association of State Game Commissioners, protesting against the enactment of Senate bill 1452, the Federal public shooting ground and game refuge act; to the Committee on Agriculture.

3867. Also, petition of the New York State legislative board, Brotherhood of Locomotive Firemen and Enginemen, opposing sales tax and favoring the La Follette Senate bill 2901; to the Committee on Ways and Means.

3868. Also, resolutions adopted by the Department of New York, American Legion, urging the dismissal of all inefficient employees of the Veterans' Bureau; to the Committee on Interstate and Foreign Commerce.

3869. Also, resolution adopted by the directors of the Pennsylvania State Chamber of Commerce, relative to the eradication of bovine tuberculosis; to the Committee on Agriculture.

3870. By Mr. DALLINGER: Petition of the city council of the city of Cambridge, Mass., relative to reconditioning the *Leviathan* at the Charlestown Navy Yard; to the Committee on the Merchant Marine and Fisheries.

3871. Also, petition of the United Spanish War Veterans, Camp No. 30, of Medford, Mass., urging the inclusion of the veterans of the Spanish War in any bonus bill that might pass in Congress; to the Committee on Ways and Means.

3872. By Mr. KISSEL: Petition of the United Spanish War Veterans, of Buffalo, N. Y., urging the enactment of House bill 4; to the Committee on Pensions.

3873. Also, petition of the Connecticut Chamber of Commerce, of Hartford, Conn., relative to the Fordney tariff bill; to the Committee on Ways and Means.

3874. By Mr. LYON: Resolutions adopted at meeting of North Carolina Forestry Association, held at Wilmington, N. C., January 27, 1922, protesting against the proposed transferring of some or all of the activities of the Forest Service from the United States Department of Agriculture to the Department of the Interior, and indorsing bills pending in Congress for extending the scope of the work of the United States Forest Service for increasing the appropriation for prevention of forest fires as authorized under the Weeks law; to the Committee on Agriculture.

3875. By Mr. McDUFFIE: Resolutions adopted by the Kiwanis Club of Gadsden, Ala., urging Congress to give due care and consideration to the offer of Mr. Ford for development of Muscle Shoals, Ala., with the view of accepting his offer; to the Committee on Military Affairs.

3876. By Mr. MORIN: Petition of 150 citizens of Pittsburgh, Pa., requesting tax on light wines and beer in order that money may be raised for the soldiers' bonus; to the Committee on Ways and Means.

3877. By Mr. RAKER: Petition of the Longshoremen's Association of San Francisco and bay districts, San Francisco, Calif., indorsing Senate bill 745 and urging its passage; to the Committee on the Judiciary.

3878. Also, letter and resolutions of the Western Association of State Game Commissioners, Salt Lake City, Utah, protesting against Senate bill 1452, entitled "The Federal public shooting ground and game refuge act"; to the Committee on Agriculture.

3879. Also, petition of the California Corrugated Culvert Co., of West Berkeley, Calif., indorsing House bill 9446, to incorporate the American Institute of Accountants; to the Committee on the District of Columbia.

3880. Also, petition of the California Forest Protective Association, of San Francisco, Calif., indorsing House bill 9882 and Senate bill 2924, providing for Federal appropriation to

assist in prevention of the spread of white-pine blister rust; also petition of Vallejo Lodge, No. 252, I. A. M., of Vallejo, Calif., relative to the military and naval appropriation bills; to the Committee on Appropriations.

3881. By Mr. RIDDICK: Petition of farmers of Shawmut, Mont., urging revival of United States Grain Corporation; to the Committee on Agriculture.

3882. Also, petition of farmers of Andes, Cottonwood, Chinook, Weldon, Poplar, and Bonin, all in the State of Montana, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

3883. By Mr. SMITH of Michigan: Petition of Henry B. Joy, vice president of the Lincoln Highway Association, against Federal aid for construction of highway between Salt Lake City and Reno; to the Committee on Roads.

3884. Also, petition of 48 citizens of Calhoun County, Mich., against Sunday blue laws; to the Committee on the Judiciary.

3885. By Mr. TEMPLE: Petitions against tax of 3 cents per gallon on gasoline, as provided in House bill 9808, as follows: Beaver Falls Garage, Daquilla Motor Car Co., B. C. Fair, Paramount Tire Repair Co., John Q. Patterson, John S. Tress, Wagner & Kribbs, all of Beaver Falls, Pa.; C. A. Brookover, Auto Co. Trades Association; J. J. Dean; Marcus Feuchtwanger, S. & M. Tire Co.; Funkhouser & Carson; Gasoline Consumers' Association; H. C. Heck, Penn Coal & Supply Co.; David A. Jamison, president Automobile Club of Lawrence County; Lawrence Automobile Co.; McCoy Motor Co.; Mahoning Auto Co.; Newcastle Motor Co.; New Castle Auto Service Co.; Patterson Motors Co.; Rice Bros.; Simpson Auto Co.; Universal Sales; Elliott M. Waddington; Percy Walls, all of New Castle, Pa.; and H. R. Campbell, secretary Automobile Club of Washington County; C. L. Palmer, Capitol Paint & Varnish Co.; and James P. Eagleson, Esq., all of Washington, Pa.; to the Committee on Ways and Means.

3886. By Mr. WILLIAMSON: Petition of Carl Schmele and others, of South Dakota, urging the revival of the Grain Corporation; to the Committee on Agriculture.

3887. By Mr. YOUNG: Petition of Elizabeth Preston Anderson and Barbara H. Wylie, of Fargo, N. Dak., urging the passage of the Jones-Miller narcotic bill; to the Committee on Interstate and Foreign Commerce.

3888. Also, petition of Elizabeth Preston Anderson, of Fargo, N. Dak., urging that the time within which Austria may pay debt to the United States be extended a period of 20 years; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *February 8, 1922.*

(Legislative day of Friday, February 3, 1922.)

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8762) to create a commission authorized under certain conditions to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes, and it was thereupon signed by the Vice President.

CALL OF THE ROLL.

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:

Bursum	Harris	McCormick	Sheppard
Cameron	Heflin	Newberry	Simmons
Capper	Johnson	Norris	Sterling
Culberson	Kellogg	Oddie	Swanson
Cummins	Kendrick	Page	Wadsworth
Curtis	Kenyon	Phipps	Warren
Fernald	Keyes	Pittman	Weller
Glass	King	Poindexter	
Gooding	Ladd	Ransdell	
Hale	La Follette	Robinson	

Mr. PHIPPS. I desire to announce that my colleague [Mr. NICHOLSON] is absent on account of the death of his sister. I ask that this announcement may stand for the remainder of the week.

Mr. CURTIS. I was requested to announce the absence of the Senator from Washington [Mr. JONES] on official business.

I was also requested to announce that the Senator from Connecticut [Mr. BRANDEGEE], the Senator from Kentucky [Mr. ERNST], the Senator from Ohio [Mr. WILLIS], the Senator from Tennessee [Mr. SHIELDS], and the Senator from North Carolina [Mr. OVERMAN] are detained in a committee hearing.

Mr. HARRIS. I wish to announce that my colleague [Mr. WATSON of Georgia] is absent on official business.

The VICE PRESIDENT. Thirty-seven 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 Mr. ERNST answered to his name when called.

Mr. McCORMICK. I desire to announce that the senior Senator from Ohio [Mr. POMERENE] is engaged in an important committee hearing, and is consequently unable to be present.

Mr. CURTIS. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. McLEAN], the Senator from Vermont [Mr. DILLINGHAM], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from New York [Mr. CALDER] are detained in a hearing before the Committee on Finance.

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

Ball	France	Moses	Walsh, Mont.
Broussard	Harrison	Spencer	
Caraway	Hitchcock	Pomerene	

Mr. CURTIS. I desire to announce the absence of the senior Senator from Massachusetts [Mr. LODGE] on official business.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. NORRIS. If the Senate should adjourn now, it would reconvene, would it not, at 12 o'clock?

The VICE PRESIDENT. The Chair is of the opinion that it would not reconvene on this day at 12 o'clock but on the next calendar day, which is to-morrow.

Forty-eight Senators have answered to their names. A quorum is not present.

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

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

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

McNary	Shortridge	Smoot	Sutherland

The VICE PRESIDENT. Fifty-two Senators having answered to their names, there is a quorum present. Without objection, further proceedings under the call will be dispensed with.

REINTERMENT OF SOLDIER DEAD.

The VICE PRESIDENT laid before the Senate a communication from the Quartermaster General of the Army, transmitting lists of American soldier dead returned from overseas to be reinterred in the Arlington National Cemetery Thursday, February 9, 1922, at 2.30 p. m., which was ordered to lie on the table for the information of Senators.

WILLIAM CASEY *v.* UNITED STATES.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims announcing that December 6, 1921, the court had dismissed the cause of William Casey *v.* United States, referred to the court for adjudication by Senate resolution of June 3, 1920, which was referred to the Committee on Claims.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Acting Postmaster General, transmitting, pursuant to law, a schedule of papers and documents on file in the Post Office Department which are not needed in the transaction of the business of the department and have no permanent value or historic interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The Vice President appointed Mr. TOWNSEND and Mr. McKELLAR members of the committee on the part of the Senate, and ordered that the Secretary of the Senate notify the House of Representatives thereof.