

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4963. By the SPEAKER (by request): Petition of George Noble Todd-Windermere, engineer and inventor, and others, relative to the lease and use of his inventions and patent rights; to the Committee on Patents.

4964. Also (by request), communications from Frank J. Batcheller, chairman national committee of the American Minute Men, of Newton Center, Mass., transmitting resolutions adopted by the Eastern Swedish Conference, representing a membership of 4,667, of the Methodist Episcopal Church; Philadelphia Conference, representing a membership of 101,091; the congregation of the First Baptist Church, of Walton, N. Y.; and the West End Baptist Church, of Oneonta, N. Y., urging the passage of House joint resolution 159, to prohibit sectarian appropriations by constitutional amendment; to the Committee on the Judiciary.

4965. By Mr. APPLEBY: Affidavits to accompany House bill 10774, for the relief of John H. Lang; to the Committee on Naval Affairs.

4966. By Mr. CROWTHER: Petition of numerous residents of Montgomery County, N. Y., urging the immediate enactment of House bill 8086; to the Committee on Agriculture.

4967. By Mr. FENN: Petition of the East Hartford (Conn.) Chamber of Commerce, protesting against the appropriation of \$350,000,000 for reclaiming swamp lands in the South and West; to the Committee on Irrigation of Arid Lands.

4968. By Mr. KISSEL: Petition of the National Association of United States Civil Service Employees at navy yards and stations, Brooklyn, N. Y., urging retention of the naval supply station at South Brooklyn; to the Committee on Naval Affairs.

4969. Also, petition of the National Lutheran Council, New York City, N. Y., relative to certain legislation; to the Committee on the Judiciary.

4970. By Mr. RAKER: Petition of Mrs. Carletta Hayes, secretary of the Johnson-Reeds Creek Farm Center, of Red Bluff, Calif., relative to agriculture and allied industries; to the Committee on Agriculture.

4971. Also, petition of the special committee on resolutions of Gazelle Grange, No. 380, of Gazelle, Calif., relative to labor conditions on railroads and in coal mines; to the Committee on Labor.

4972. Also, petition of Mrs. Leafie Sloan-Orcutt, of Los Angeles; Aubrey F. Holmes, of Oakland; Paul W. Macfarland, of Los Angeles; Los Angeles Chapter, Disabled Emergency Officers of the World War, of Los Angeles, all in the State of California, and W. H. Kobbe, of Washington, D. C., indorsing the Bursum bill (S. 1565); to the committee on Military Affairs.

4973. Also, petition of William E. Johnson, of 1109 Oak Street, Oakland, Calif., indorsing and urging support of Senate bill 1565; to the Committee on Military Affairs.

4974. Also, petition of S. B. Vincent, manager of the Oregon Tourist and Information Bureau, of Portland, Oreg., urging support of Senate bill 2959; to the Committee on Appropriations.

4975. Also, petition of William Dolge, secretary of the State board of accountancy, of San Francisco, Calif., indorsing and urging support of Senate bill 2531; to the Committee on the District of Columbia.

4976. Also, petition of H. M. Remington, manager and traffic director of the California Growers and Shippers' Protective League, of San Francisco, Calif., indorsing and urging support of Senate bill 3031; to the Committee on Agriculture.

4977. By Mr. REED of West Virginia: Petition signed by G. E. James, F. P. Martin, R. L. Gaines, Aaron E. Brode, and 35 others, requesting the passage by Congress immediately of an adequate tariff law based upon American valuation; to the Committee on Ways and Means.

4978. Also, petition signed by citizens of Charleston, W. Va., asking that Congress refrain from passing House bill 4388; to the Committee on the District of Columbia.

4979. By Mr. SNELL: Petition of citizens of St. Lawrence County, N. Y., favoring House bill 8086, prohibiting the manufacture of filled milk; to the Committee on Agriculture.

4980. By Mr. SNYDER: Petition of Mr. and Mrs. W. C. Davies, of Frankfort, N. Y., and Ernest N. Ames and Frank L. Rickmyer, of Rome, N. Y., for the enactment of House bill 8086, prohibiting the introduction of imitation milk; to the Committee on Agriculture.

4981. By Mr. TAYLOR of Colorado: Petition from the Sarah Platt Decker Chapter of the Daughters of the American Revolution, of Durango, Colo., urging the enactment of more drastic immigration law; to the Committee on Immigration.

4982. Also, petition from citizens of Redvale, Colo., protesting against the enactment of compulsory Sunday observance bills; to the Committee on the District of Columbia.

4983. Also, petition from citizens of Fruita, Colo., protesting against the passage of House bill 9753 or other Sunday legislation; to the Committee on the District of Columbia.

4984. By Mr. TOWNER: Petition of H. L. Campbell, of Howe, Okla., and 131 other citizens of the State of Oklahoma, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

4985. Also, petition of R. E. W. Goodridge, of Coleraine, Minn., and 43 other citizens of Coleraine, Minn., asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

4986. By Mr. WASON: Petition of Ernest E. and L. B. Whitmore, of Unity, N. H., protesting against the passage of House bill 9753 or any other Sunday bill; to the Committee on the District of Columbia.

4987. By Mr. WATSON: Resolution adopted at the conference of the Colonial Dames of America, approving the conversion of Fort McHenry into a city park; to the Committee on Military Affairs.

4988. By Mr. ZIHLMAN: Resolution by members of the Allegany Trades Council, of Cumberland, Md., expressing their opposition to the continued imprisonment of war-time political prisoners and indorsing the efforts of Senator Borah to ascertain the status of all cases of persons convicted under the espionage act; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, April 5, 1922.

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

O Lord, Thou art the author and giver of life. Thou hast given to us our span of life. We would spend it before Thee agreeable to Thy good pleasure. While we think many times our paths are strange and we know not how to go, we bless Thee that there is light from Thy presence and that where we fail to understand we can trust Thee to lead us in every line of duty, and Thou canst illumine the way for our feet. We humbly ask Thee this morning for Thy help and strength. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, April 3, 1922, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

HEARINGS BEFORE THE COMMITTEE ON PATENTS.

Mr. NORRIS. Mr. President, I wished to make an inquiry of the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate. I understand the chairman is not here and I do not know who are the other members of the committee.

Mr. CURTIS. The chairman of the Committee to Audit and Control the Contingent Expenses of the Senate is a member of the Committee on Finance and is engaged at a hearing of that committee. I will send for him if the Senator desires.

Mr. NORRIS. I wish the Senator from Kansas would send for him. The Senator from California [Mr. JOHNSON] was called away from the city, but before he left he introduced the ordinary resolution providing that authority be given the Committee on Patents to hold hearings and take testimony. It was referred, of course, to the Committee to Audit and Control the Contingent Expenses of the Senate. I am informed by the Senator from California, who is chairman of the Committee on Patents, that a meeting of that committee is called for to-morrow to have hearings and to take testimony on a very important bill pending before the committee.

It is quite important therefore that the resolution should be passed to-day. There can be no objection to it. I have not examined it, but I assume it is in the regular form of resolutions passed in reference to hearings before all committees. I ask the Senator from Kansas if he will send for the Senator from New York [Mr. CALDER], who is chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CURTIS. I have sent for the chairman of the committee, and as soon as he comes I will speak to him about the resolution. It can be taken up by unanimous consent later in the day.

THE MUSCLE SHOALS PLANT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War transmitting an offer from Charles L. Parsons, of Washington, D. C., covering certain properties at Sheffield, Ala., and the first hundred thousand kilowatts of secondary power to be derived from the proposed water-power development at Muscle Shoals, etc., which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

- H. R. 2558. An act for the relief of Richard P. McCullough;
- H. R. 7870. An act for the relief of I. C. Johnson, jr.;
- H. R. 8815. An act to amend the act of March 1, 1921 (41 Stats., p. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries";
- H. R. 8832. An act to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent;
- H. R. 9604. An act for the acquisition of a post-office site at Madison, Wis.;
- 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. 10297. An act to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War; and
- H. J. Res. 257. Joint resolution to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented a resolution adopted by the New Mexico Wool Growers' Association at Albuquerque, N. Mex., March 16-17, 1922, favoring the passage of the Capper-French truth in fabric bill, which was referred to the Committee on Interstate Commerce.

Mr. SHORTRIDGE presented a letter in the nature of a petition of the Grain Trade Association of the San Francisco (Calif.) Chamber of Commerce, giving their views relative to the enactment of legislation to legalize the manufacture and sale of light wines and beers, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by Sacramento (Calif.) Grange, No. 12, favoring the passage of the Fordney tariff bill and inclusion therein of the American valuation plan, which was referred to the Committee on Finance.

He also presented the petitions of Janet Richards, Mrs. Court F. Wood, and sundry members of the District of Columbia Federation of Women's Clubs, in the District of Columbia, praying for the enactment of legislation to prohibit experiments upon living dogs in the District of Columbia or the territorial or insular possessions of the United States, which were referred to the Committee on the District of Columbia.

Mr. BURSUM. Mr. President, I ask unanimous consent to have printed in the RECORD certain resolutions adopted by the live stock convention with reference to legislation desired at the hands of Congress.

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

Mr. CURTIS. Mr. President, I should like to know what is the matter which it is desired may be printed in the RECORD? Is it a resolution, or what is it?

Mr. BURSUM. I have asked to have printed in the RECORD resolutions which have been adopted by the Live Stock Association in convention assembled, asking certain legislation from Congress.

Mr. CURTIS. And the Senator desires to have them noted in the RECORD and referred to the appropriate committees?

Mr. BURSUM. Yes.

Mr. CURTIS. I have no objection to that.

The PRESIDENT pro tempore. If there be no objection, the resolutions presented by the Senator from New Mexico will be printed in the RECORD.

Mr. CURTIS. Mr. President, I think there is a misunderstanding regarding the petitions presented by the Senator from New Mexico. I understood the Senator desired the petitions noted in the RECORD and referred to the appropriate committees. Is that correct?

Mr. BURSUM. I desire to have them printed in the RECORD.

Mr. CURTIS. I understand they are quite long.

Mr. BURSUM. No; they are very short. There are a number of papers accompanying the resolutions, but the resolutions themselves are very short; they will not occupy more than a page of the RECORD all told.

Mr. CURTIS. Could not one of the resolutions be printed without the names?

Mr. BURSUM. The resolutions refer to several different subjects, such as the activities of the Biological Survey, war-finance legislation, the payment of fees on forest reserves, and the tariff.

Mr. CURTIS. I suggest that the rule be followed and that they be noted in the RECORD and referred to the proper committee. In that way they will be printed by title, and the RECORD will indicate what they contain.

Mr. BURSUM. Mr. President, the only object in asking that the resolutions be printed in the RECORD is that the Senate may be advised as to the desires of those engaged in the live-stock industry. The printing of the resolutions, as I have said, will not occupy more than a page.

Mr. CURTIS. I shall not object.

Mr. JONES of Washington. Is it understood that the names signed to the petitions are to be printed in the RECORD?

Mr. BURSUM. Oh, no; merely the contents of the resolutions. As I have said, the whole thing will not take up a page.

The PRESIDENT pro tempore. In the absence of objection, the resolutions will be printed in the RECORD and appropriately referred.

The resolutions were referred as below indicated.

Resolution thanking our Representatives in Congress.

In full realization of the great interest and earnest endeavor of our Representatives in Congress to further the interests of the stockmen of this State, and with full appreciation of results already obtained—

Resolved by the New Mexico Cattle and Horse Growers' Association, in convention assembled at Las Vegas, N. Mex., March 20-21, 1922. That we express our sincere thanks to said Representatives for what they have done for us in the past and are planning to do for us in the future.

Ordered to lie on the table.

Truth in fabric resolution.

Resolved by the New Mexico Wool Growers' Association, in convention assembled in Albuquerque, N. Mex., March 16-17, 1922. That we believe in the honest labeling of all products; that we deplore the use of shoddy in the manufacture and sale of so-called all-wool goods under the term "all wool," which term is construed by the public to mean "virgin wool"; that we consider the French-Capper bill, now pending in Congress, the best effort yet attempted to correct such fraudulent practices, and that this convention indorses the French-Capper bill and urges its immediate enactment.

To the Committee on Interstate Commerce.

Cooperative work resolution.

Resolved by the New Mexico Cattle and Horse Growers' Association, in convention assembled at Las Vegas, N. Mex., March 20-21, 1922. That we most strongly indorse the work of the United States Biological Survey in the destruction of predatory animals and range-destroying rodents in this State; and be it further

Resolved, That we earnestly recommend the continuance of a committee to cooperate with them in their work and to join with a committee from the New Mexico Wool Growers' Association in making a study of the most practicable way to obtain for the Biological Survey a more stable source of revenue with which to continue their meritorious work.

To the Committee on Agriculture and Forestry.

Federal reserve bank resolution.

Whereas the Federal reserve banking system was created principally in the interest of our commercial institutions; and Whereas present banking facilities are inadequate to properly finance agricultural and live-stock raising; and

Whereas long-term credits and the acceptance for loans of ranch property as collateral are absolutely essential to a stabilization of these industries: Therefore be it

Resolved by the New Mexico Wool Growers' Association in convention assembled in Albuquerque, N. Mex., March 16-17, 1922. That Congress amend the Federal reserve banking act so that long-time loans may be extended to live-stock growers and agriculturists; and be it further

Resolved, That lands and ranch property be accepted as collateral.

To the Committee on Banking and Currency.

Resolution recommending amendment of farm loan act and increase of loan limit.

Whereas owing to drought and deflation many live-stock producers who have invested the earnings of a lifetime in ranches and improvements now have their ranches inadequately stocked and due to lack of live-stock collateral are unable to avail themselves of the benefits to be obtained from the War Finance Corporation; and

Whereas there is now functioning a Government agency operating through Federal farm-loan banks, providing farmers with funds at a low rate of interest for a period of 33½ years, but with the amount for which any individual can apply so small that it is impracticable for the live-stock producers; Therefore be it

Resolved, That the New Mexico Cattle and Horse Growers' Association, in convention assembled at Las Vegas, N. Mex., March 20 and 21, 1922, recommends the enactment at this session of Congress of an amendment of the Federal farm loan act to include more fully grazing lands and improvements and a substantial increase of the loan limit; and be it further

Resolved, That a copy of this resolution be sent to the Secretary of Agriculture and to our Senators and Representatives in Congress.

To the Committee on Banking and Currency.

War Finance Corporation resolution.

Whereas since the War Finance Corporation has been revived and the scope of its work broadened to include the business of financing our live-stock and agricultural industries; and since the corporation has created machinery through which the live-stock and agricultural industries may be financed, and is attempting to secure the cooperation of the banks and live-stock loan companies that are financing the industries: It is therefore

Resolved by the New Mexico Cattle and Horse Growers' Association, in convention assembled in Las Vegas, N. Mex., March 20 and 21, 1922, That we heartily indorse the action of Congress in passing legislation to help solve this reconstruction problem of the live-stock industries, and we further pray that the time for accepting new loans be extended and applications be accepted for loans up to January 1, 1923.

To the Committee on Finance.

Import duties resolution.

Whereas a measure relating to import duties will doubtless be considered during the present session of Congress, and since we believe our industries can not survive unless we are protected in our home markets; and, further, that the financial condition of those engaged in the basic industries—farming and stock growing—has a direct relation to the financial condition of every other person in the United States, no matter what his occupation may be: It is therefore

Resolved by the New Mexico Cattle and Horse Growers' Association, in convention assembled in Las Vegas, N. Mex., March 20 and 21, 1922, That we favor a substantial tariff upon live stock, agricultural, and meat products, and urge that there be fixed a duty of 6 cents per pound on dry, and 3 cents per pound on green hides. We indorse the truth-in-fabric measure, and urge the immediate passage of the same, and protest against the indifference of the merchants of the country in regard to this bill, believing that their lack of interest is not justifiable.

To the Committee on Finance.

Tariff resolution.

Whereas the sheep industry was threatened with annihilation by importations of cheap foreign wools and frozen lamb until the enactment of the Fordney emergency tariff bill; and

Whereas our costs of production can not be reduced to anywhere near prewar costs; and

Whereas farmers, bankers, merchants, and all classes of citizens, particularly in the West, are dependent on a stable and prosperous live-stock industry; and

Whereas the Southern Tariff Association and the farmers of the country, in conference recently in Washington, advocated proper protection for all agricultural and live-stock products: Therefore be it

Resolved, That the New Mexico Woolgrowers in convention assembled in Albuquerque, N. Mex., March 16-17, 1922, urge upon Congress the necessity of a specific duty on all wools used in the manufacture of wearing apparel imported into this country to the amount of 33 cents per pound based on scoured content, together with consistent duties on wool and wool on pelts, waste, and shoddy; and be it further

Resolved, That we favor adequate compensatory and protective duties on imports of articles manufactured from wool; and be it further

Resolved, That we favor a duty of 5 cents per pound on imported lamb and mutton, and 6 cents per pound duty on dry, and 3 cents per pound duty on green hides; be it further

Resolved, That we favor the use of American valuations as the basis of levying import duties, and are altogether opposed to ad valorem limitations on specific duties.

To the Committee on Finance.

Resolution indorsing Senate bill 3149.

Be it resolved, That the New Mexico Cattle and Horse Growers' Association, in convention assembled at Las Vegas, N. Mex., March 20-21, 1922, hereby expresses its earnest approval of Senate bill 3149, introduced by Senator H. O. BURSUM, respecting the transfer of all public domain from Federal ownership and control to that of the State, and copies of this resolution be sent to the Secretary of the Interior and to the Senators and Representatives in Congress.

To the Committee on Public Lands and Surveys.

Resolution protesting against transfers.

Whereas a movement is now pending in Congress to transfer in whole the control of the Forest Service from the Department of Agriculture to the Department of the Interior, and since we are of the opinion that the administration of this work can be handled more advantageously and with less duplication in the Department of Agriculture: Now, therefore, be it

Resolved by the New Mexico Cattle and Horse Growers' Association in convention assembled in Las Vegas, N. Mex., March 20 and 21, 1922, That we protest against this transfer being made; that it is now in the proper department for the best interest of the live-stock industries, and should remain where it is.

We believe the same to be true of the Bureau of Markets, and we ask that the administration of the same be left to the Department of Agriculture.

To the Committee on Public Lands and Surveys.

Public domain resolution.

Resolved, That the New Mexico Wool Growers' Association, in convention assembled in Albuquerque, N. Mex., March 16-17, 1922, approve Senator BURSUM's bill, S. 3149, relative to the handling of public lands in New Mexico; and be it further

Resolved, That copies of this resolution be sent to our Representatives in Congress and to the chairmen of the Public Land Committees of the House and Senate.

To the Committee on Public Lands and Surveys.

Payment of grazing fees on national forests resolution.

Whereas the holders of grazing permits on the national forests of New Mexico are not in a financial position to pay any part of the grazing fees due April 1, 1922: Be it

Resolved by the New Mexico Wool Growers' Association in convention assembled in Albuquerque, N. Mex., March 16-17, 1922, That the payment of the 1922 grazing fees be deferred till December 1, 1922.

To the Committee on Public Lands and Surveys.

REPORTS OF COMMITTEES.

Mr. COLT. From the Committee on Immigration I report back favorably with an amendment the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921. The amendment continues for two years, instead of one year, the 3 per cent immigration restriction provision contained in the present law. I ask that the joint resolution be placed on the calendar.

The PRESIDENT pro tempore. The joint resolution will be placed on the calendar.

Mr. CAMERON, from the Committee on the District of Columbia, to which was referred the bill (S. 3169) to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes, reported it with an amendment and submitted a report (No. 589) thereon.

Mr. BURSUM, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 6569. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 590); and

H. R. 7340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 591).

Mr. HEFLIN, from the Committee on Agriculture and Forestry, to which were referred the following bills and joint resolution, reported them severally without amendment:

A bill (S. 2579) to provide for the publication of estimates of unginned cotton;

A bill (S. 3220) to amend section 2 of the United States warehouse act, approved August 11, 1916; and

A joint resolution (S. J. Res. 187) authorizing the Director of the Census to collect and publish additional cotton statistics.

ENROLLED JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on April 4, 1922, they presented to the President of the United States the enrolled 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 for the purchase of flour from the United States Grain Corporation, and for other purposes.

CONGAREE RIVER BRIDGE, S. C.

Mr. DIAL. From the Committee on Commerce I report back favorably without amendment the bill (S. 3360) to authorize the building of a bridge across the Congaree River in South Carolina, and I submit a report (No. 592) thereon. I ask unanimous consent for its present consideration.

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

Be it enacted, etc., That the Richland-Calhoun River Bridge Commission be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Congaree River at a point suitable to the interests of navigation and at or near a point known as Bates Ferry, between the counties of Richland and Calhoun, S. C., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

DONATION OF ABANDONED BUILDINGS AT NOME, ALASKA.

Mr. NEW. Mr. President, I ask unanimous consent for the immediate consideration of House Joint Resolution 249, authorizing the Secretary of the Interior to donate and grant certain

buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church, for the passage of which there is an emergency. I do not think there will be any objection whatever to it; I am sure there will not be.

The circumstances are these: The War Department had a post at Nome, Alaska, called Fort Davis. On that post there were certain temporary wooden structures erected. The post has been abandoned. The structures are of no use whatever to the Government, but the women at Nome have asked the department for some of the buildings for hospital purposes. The Secretary of the Interior wants to grant them, but lacks the authority, and the joint resolution simply gives him the necessary authority.

I have a telegram from the ladies interested stating that unless the joint resolution is immediately passed, so that they may take advantage of the snow for the removal of the buildings, the whole purpose will fail and the donation will be of no use. That is the reason why I ask that the joint resolution may be considered. It has already passed the House.

Mr. CURTIS. Let the joint resolution be reported.

The PRESIDENT pro tempore. It will be read for information.

The reading clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to donate and grant to the Woman's Home Missionary Society of the Methodist Episcopal Church not exceeding three of the frame buildings on the abandoned Fort Davis Military Reservation in or near Nome, Alaska, the material so donated to be used for the erection of a hospital by said society for the use of white and native residents of the Nome district, Alaska.

Mr. OVERMAN. It has been reported favorably by the committee?

Mr. NEW. The committee reports favorably, and the Secretary of the Interior wants to have the donation made.

There being no objection, the joint resolution was considered as in Committee of the Whole.

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

HEARINGS BEFORE COMMITTEE ON PATENTS.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate resolution 268, which is designed to permit the Committee on Patents to hold hearings and to employ a stenographer, as all other standing committees have authority to do. For some reason, however, the resolution was not adopted at the beginning of the present Congress. I ask unanimous consent for the immediate consideration of the resolution.

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

Mr. OVERMAN. I ask that the resolution be read.

The resolution (S. Res. 268) submitted by Mr. JOHNSON on April 3, 1922, was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-seventh Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer at a cost not exceeding \$1.25 per printed page to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

BILLS INTRODUCED.

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

By Mr. CAPPER:

A bill (S. 3398) declaring the railway bridge across the Kansas River in the State of Kansas, at a place about 1,578 feet from its mouth, in the city of Kansas City, Kans., an obstruction to navigation, and for other purposes; to the Committee on Commerce.

By Mr. ASHURST:

A bill (S. 3399) for the relief of the Indians of the Gila River and Papago Reservations in Arizona; to the Committee on Indian Affairs.

A bill (S. 3400) granting a pension to Ammon M. Tenney; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3401) to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York; to the Committee on Commerce.

A bill (S. 3402) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United

States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. SHORTRIDGE:

A bill (S. 3403) to provide a uniform rule of naturalization and to amend and codify the laws relating to the acquisition and loss of citizenship, to equalize the citizenship status of men and women, to establish a method for the registration of aliens for their better guidance and protection, and for other purposes; to the Committee on Immigration.

By Mr. FRELINGHUYSEN:

A bill (S. 3404) granting an increase of pension to Charles Burrows; to the Committee on Pensions.

A bill (S. 3405) for the relief of the surviving children of John Moylan; to the Committee on Claims.

ADDITIONAL DISTRICT JUDGES.

Mr. STERLING. I have a letter from the junior Senator from Kentucky [Mr. ERNST], who was called suddenly from the city, leaving at midnight last night. As he can not be present to-day, he sent to me an amendment intended to be proposed by him to House bill 9103, the judicial bill, now pending. He desires to have the amendment printed, and I ask that it may be printed and lie on the table.

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

HOSPITALIZATION OF EX-SERVICE MEN.

Mr. CULBERSON submitted an amendment intended to be proposed by him to the bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

FRANCES KELLY.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (H. R. 9275) for the relief of Frances Kelly, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

BUREAU OF INTERNAL REVENUE.

Mr. KING. Mr. President, I submit a resolution and ask that it may be read and then lie upon the table. During the afternoon, if I can secure the floor, I desire to submit a few observations in support of it.

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

The reading clerk read the resolution (S. Res. 270), as follows:

Whereas it is alleged that there is waste, inefficiency, and extravagance in the administration of the Bureau of Internal Revenue, due in part to the disorganized and demoralized condition of the bureau, caused by attempts to replace and reassign personnel for partisan purposes; and

Whereas it is alleged that the work of the recovery and collection of delinquent taxes, amounting to hundreds of millions of dollars, has been delayed by reason of assigning personnel to the work of auditing claims against the Treasury, for the refund of taxes already collected, and of claims for tax exemption, and that such claims are being injudiciously allowed to the detriment of the Government; and

Whereas it is claimed that numerous tax attorneys, agents, specialists, advisers, and lobbyists in the employ of claimants for refunds and exemptions, some of whom, it is claimed, pretend to have partisan political influence, are carrying on negotiations with officers of the Bureau of Internal Revenue, in regard to the allowance of such claims, which negotiations preclude a judicious examination of and action upon such claims, and will result in scandal, and the disadvantage of the Government: Now, therefore, be it

Resolved, That the Committee on the Judiciary of the Senate, or any subcommittee thereof, is authorized and directed to investigate the aforesaid matters, and to report to the Senate whether or not it be advisable to make a public record of tax exemption and tax-refund claims which have been decided or which are pending before the Bureau of Internal Revenue, and whether or not it be advisable to establish a court or public tribunal for the handling and allowance of claims for tax exemptions and refunds filed with the Bureau of Internal Revenue; and to recommend effective measures to relieve the Bureau of Internal Revenue from the influence of partisan politics. The committee is authorized to administer oaths, to send for persons and papers, and to employ such clerical and professional assistance as may be necessary, payment therefor to be made out of the contingent fund of the Senate, upon the order of the chairman of the committee.

Mr. CURTIS. Mr. President, I presume the resolution which has just been read will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, will it not?

Mr. KING. I have asked that the resolution lie on the table for the present.

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

APPOINTMENTS TO AND REMOVAL FROM OFFICE.

Mr. CARAWAY. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Arkansas will state his parliamentary inquiry.

Mr. CARAWAY. On page 4962 of the RECORD of yesterday, April 4, appear the proceedings in reference to a resolution submitted by me. I asked permission to submit a resolution out of order, and then asked also that it might be read. Now, here is what happened—

The PRESIDENT pro tempore. If the Chair may be permitted to interrupt the Senator, he desires to say that he is familiar with the RECORD on that point, and the present occupant of the chair is of the opinion that the resolution was offered by the Senator from Arkansas, and it will be laid before the Senate in its order.

Mr. CARAWAY. Very well.

ADDRESS BY SENATOR POMERENE.

Mr. UNDERWOOD. Mr. President, the senior Senator from Ohio [Mr. POMERENE] delivered a very able address on Thursday evening, March 30, 1922, before the Cleveland Association of Credit Men on the subject of the Great Lakes-St. Lawrence River improvement. It is an address which carries a great deal of meat in it, explaining the whole situation, and I think it is worthy of being printed in the CONGRESSIONAL RECORD. I ask that it may be printed in the RECORD in the regular RECORD type.

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

SPEECH OF SENATOR ATLEE POMERENE BEFORE THE CLEVELAND ASSOCIATION OF CREDIT MEN, CLEVELAND, OHIO, THURSDAY EVENING, MARCH 30, 1922.

THE GREAT LAKES-ST. LAWRENCE RIVER IMPROVEMENT.

The Great Lakes-St. Lawrence River improvement has two phases—one political, one economical.

When I speak of the political phase I do not have reference to our domestic partisan questions, but to the relations which the United States and Canada, as sovereign peoples, sustain to one another.

When I speak of the economical phase I use the term in its broadest acceptance. It includes not only navigation, but if we would get the maximum returns from this enterprise we must also take into consideration the tremendous possibilities in developing hydroelectric power—the cheapest power thus far known to man.

That we already have the political or legal right to navigate the St. Lawrence River upon the same terms and conditions as the nationals of the Dominion Government is evident to anyone who will examine the treaties.

TREATY RIGHTS IN THE ST. LAWRENCE RIVER.

By article 7 of the Webster-Ashburton treaty (1842) it was agreed that the channels in the River St. Lawrence on both sides of the Long Sault Islands and of Barnhart Islands, and so forth, "shall be equally free and open to the ships, vessels, and boats of both parties."

By article 26 of the treaty of Washington (1871) the "navigation of the River St. Lawrence, ascending and descending from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada not inconsistent with such privileges of free navigation."

By article 27 of the same treaty the British Government engaged to urge upon the Dominion Government to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion.

In 1905 the Dominion abandoned the system of canal tolls, since which time all Canadian canals have been free to all vessels with their cargoes or passengers, whether these were Canadian or American.

By article 1 of the treaty of January 11, 1909, Great Britain and the United States agreed that the navigation of all navigable boundary waters between the United States and Canada "shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privileges of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries."

At the time of the ratification of these treaties no definite plan had been adopted, or is yet adopted, looking to the method

of improving the river or of the proportion of the expense which should be borne by each of the two Governments. It necessarily follows that the first step after the determination of the practicability of the venture is to study the method by which the work is to be done, by which it is to be financed, and by which it is to be administered during the process of construction and in its maintenance thereafter.

I have such supreme faith in the spirit of fair dealing which always has inspired the people of the United States and our Canadian neighbors that I am quite sure but little difficulty is to be apprehended in this behalf. Write it down for all time, and without any reservation whatsoever, that what will redound to the benefit of the one nation in its transportation system will be of a proportional benefit to the people of the other nation.

I have heard it said that this great enterprise for the development of the middle continent and its commerce must not be undertaken because, while a portion of the route is along that part of the St. Lawrence River which forms the international boundary between the two nations, another extensive portion of the route lies wholly within the Dominion of Canada.

I can not agree with this position. I think it capacious. Will the gentlemen who are disposed to hesitate because of this condition pardon me if I say to them that I think they are "seeing things at night"?

I recall with great pleasure and greater pride that these two great virile people who have accomplished so much in the past, and give greater promise for the future, have lived and wrought along a boundary line which is nearly 4,000 miles in length, at peace with one another for more than 100 years, without a fort or a soldier to police the boundary. And if anyone were to rise in the Halls of Congress at Washington or in the Parliament at Ottawa and suggest the organization and maintenance of a military force to police this boundary line, he would be hooted down by his associates. I have no more fear of trouble between the United States and Canada than I have of trouble between the citizens of Ohio and the citizens of Pennsylvania, and I am quite sure our Canadian friends across the boundary, on the other side of the Lakes, have no more fear of serious difficulty between the United States and Canada than they fear aggressions between the peoples of two of their great Provinces.

To be more specific, I have heard it suggested that if the St. Lawrence route was canalized and deepened, warships, it might be, of Great Britain or some other country, could wend their way up the St. Lawrence River into the Great Lakes and attack our great cities. I would lose faith in humanity itself and in the onward progress of civilization if I were to take counsel of such groundless fears in weighing a great enterprise of this character which will mean so much to the development of our two great countries.

Let us then in the consideration of this subject, assuming, of course, that the enterprise is regarded by investigators as practicable, suggest that the two Governments, either through their respective Departments of State or Foreign Affairs, or through commissioners specially appointed for that purpose, negotiate a treaty or convention by the terms of which the two countries shall agree to undertake the construction, the financing, and the maintenance of this channel from the unsalted to the salted seas.

Surely there will be no disposition upon the part of our Government to take any undue advantage of our Canadian friends, and I am quite confident that they will approach the subject in the same spirit.

THE ECONOMICAL SIDE OF THE PROBLEM.

Let us devote ourselves to-night rather to the economical side of the problem.

Forty-two million people in the United States are found in the States directly tributary to the Great Lakes-St. Lawrence route, and there are nearly five million in the Provinces of Manitoba, Alberta, and Saskatchewan.

Sixty-three and three-tenths per cent of the aggregate value of all of the farm property in the United States is within this territory.

In this territory is produced 75 per cent of the wheat, 65 per cent of the corn, 100 per cent of the flax, 85 per cent of the iron, 40 per cent of the copper, 46 per cent of the lead, and 74 per cent of the zinc.

The report of the International Joint Commission, page 107, shows that out of 2,973,890 square miles of land surface in the United States, 1,232,645 square miles, or 41.5 per cent of the total, lies in the area tributary to the proposed waterway.

The value of the farm lands in this area is \$49,319,331,000, as against \$79,925,989,000, or 63.3 per cent of the total value.

It embraces, too, many of the great manufacturing industries of the country, producing agricultural implements, automo-

biles, rubber manufactures, meat packing, and all sorts of iron, steel, paper, and furniture products.

It is estimated by the commission that the average savings on grain through the Great Lakes-St. Lawrence route will amount to from 8 to 10 cents a bushel on all grain exported, as compared with traffic prices now prevailing through lake and rail, or all rail hauls. But let me be a little more specific.

At the present time it is somewhat difficult to ascertain exactly what the traffic rates might be for wheat or grain from the upper lake region through the St. Lawrence to European ports. Certainly it is one rate under present conditions. It would be a much lower rate were the channel completed for ocean traffic. I am entirely clear in my own mind that it will result in very substantial savings.

Mr. Charles F. MacDonald, of the Duluth Board of Trade, told the International Joint Commission that the lake rate on grain from Duluth to Buffalo at the present time was 4 cents a bushel, and the transportation from Duluth to New York, including lake and rail rates, with insurance and incidentals, was about 15½ cents a bushel, delivered in New York, but not on board vessel. The all-rail rate from Duluth to New York was 20.7 cents. With the present channels on the all-water route to Montreal there is little movement of grain. With deeper channels accommodating larger vessels, in his judgment, the movement would be greatly increased and the rate to Montreal would be about 11 cents.

Hugh J. Hughes, market director of the Minnesota Department of Agriculture, figured the cost of transporting a bushel of wheat from Duluth to Buffalo at 2½ cents. At Buffalo the transfer charges from boat to rail were approximately three-fourths of 1 cent. The rail haul from Buffalo to New York amounted to 4 cents.

The cost of transfer from car to ship in New York, three-tenths of 1 cent. Freight charges under normal conditions from New York to Liverpool were 5½ cents, making a total transportation charge from Duluth to Liverpool of 12.55 cents. Deducting the three items involving transfer and rail haul, amounting to 5.05 of 1 cent, there was left a total water haul of 7½ cents. In other words, fully one-half of the transportation charges from the terminals at Duluth to the warehouses in Liverpool were taken up by an overland portage that left the bushel of wheat when in New York Harbor farther away from its point of destination than when it left the ship at Buffalo. In his judgment the construction of a deep waterway from Duluth to the sea would result in a saving to the shipper of an amount equal to the cost of transportation from the lake boat at Buffalo to the ocean-going ship at New York.

Julius H. Barnes, than whom no man is better informed relative to the shipment of grain, says: "If the St. Lawrence waterway were opened so that either lake carrier would extend its trip down to Montreal or the ocean carrier go up to the head of the Lakes for its cargo, the transportation saving would amount to perhaps 10 cents a bushel." Surely this sum would be saved to the farmer on wheat actually transported to Liverpool, and this cheaper marketing would be reflected in a somewhat better price for the balance of his crop.

The Secretary of Commerce, Mr. Herbert Hoover, put the problem thus: "It is a sound economic assumption that the price of all agricultural produce was made at the points in the world where that produce must meet the tide and flow of similar produce from other quarters of the earth. In other words, the price to the farmer would be increased by whatever saving might be made in transporting and handling up to the point where his price was fixed by the flow of world current." He then adds: "If by the construction of the proposed canal it was possible to secure navigation of ocean-going ships on the Lakes or even of lake carriers to Montreal in a period of two or three days, it was not difficult to calculate that the transportation of wheat from Buffalo to Montreal would not exceed 1 cent a bushel or perhaps 2 cents. Putting it at 2 cents at the outside, there would be a saving of approximately 10 cents a bushel to the American farmer on his wheat reaching Liverpool."

At the time the commission held hearings in Buffalo the rate for the shipment of grain from the head of the Lakes to Buffalo was 4 cents a bushel, or about \$1.20 a ton. From Buffalo to New York, including transfer and loading into the vessel's hold, \$3.20 a ton. If the Lakes-to-ocean route is completed the voyage could be continued to Montreal for perhaps 3 cents a bushel, or 90 cents a ton. From Montreal the ocean rate is ordinarily equal to the rate from New York. So it would seem that the rate from Buffalo to Montreal would amount to about 90 cents a ton, whereas from Buffalo to New York, including transfer, and so forth, it would be \$3.20, or a saving of \$2.30 per ton. The ocean rates from Montreal to Great Britain are about the

same as they are from New York to the British ports. Those who have studied the problem are very certain that there can be a saving to the farmers of from 7 to 10 cents a bushel in the transportation abroad when the St. Lawrence is completed.

Governor Harding, of Iowa, testifying before the International Joint Commission, says that a bushel of wheat can be shipped from Duluth to Buffalo for 2 cents; from Buffalo to the ocean-going boats for 17 cents; and from the ocean-going boats to Liverpool for 14 cents. This is the present method.

With the St. Lawrence canal a bushel of wheat could be shipped from Duluth to Montreal for 3 cents, and from Montreal to Liverpool for 12 cents. The difference of 12 or 18 cents in transportation cost could go into the pockets of the American farmer.

I might quote from other expert witnesses on this subject, but time forbids. Suffice it to say that it is my judgment after a careful study of this proposition that if this Great Lakes-St. Lawrence water route is completed so as to permit of ocean-going vessels moving from the ports of the Great Lakes to the ports of the Old World to market our wheat there will be a saving of from 5 to 10 cents a bushel, thereby increasing the price to that extent to the producer.

It will be noticed that the figures I give vary. This is due in part to the fact that they are based partly on estimates and partly because they are based on various rates prevailing at different times.

Similar savings would result in many other classes of traffic, whether of agriculture or manufactures.

INCREASE IN LAKE TRAFFIC.

The increase in lake traffic has kept pace with the improvement of her harbors, docks, and channels. It has grown by leaps and bounds. This is due in part to the increased production in midcontinent, and in part to the great ability, energy, and foresight of the Great Lakes marine service.

Before the Federal Government began to improve the Great Lakes, Lake Erie had no harbor extending in depth more than 5 feet, and a few harbors extending that depth in the other lakes. In 1824 improvements were first begun by the Federal Government. Between that date and June 30, 1918, \$150,000,000 were spent by the Federal Government on channels, harbors, and rivers connected with this system of lakes. Now 27 harbors in these lakes will admit vessels drawing 19 to 21 feet, and 45 harbors of less importance admit vessels drawing 14 feet. Now the traffic from Lake Erie to Montreal is limited to vessels drawing 14 feet, that being the depth of the Welland Canal.

Iron ore was discovered in the Lake Superior region in 1844.

In 1855 there were 5,000 tons shipped in sailing vessels from the Lake Superior region to Cleveland.

Further discoveries and development tremendously increased this output.

In 1884, 68,000 tons were shipped.

Three years later this amount jumped to 400,000 tons.

In 1920 the iron-ore tonnage increased to 56,780,498 tons.

The total value of the iron ore shipped by water from Lake Superior increased from \$8,741,955.87 in 1887 to \$340,682,988 in 1920.

Coal shipments from Lake Erie ports to the upper Lakes over the same period increased from \$4,735,454 in 1887 to \$119,427,870 in 1920.

The tonnage of hard and soft coal for the last year was 14,156,259 tons.

GRAIN SHIPMENTS.

The first record of wheat shipments through the canal at Sault Ste. Marie was in 1870. The amount was 49,700 bushels.

Forty-five years later 255,481,558 bushels were shipped east by the same water route.

The total for 1920 was 143,456,487 bushels.

In 1870 the shipments of grain other than wheat aggregated 304,077 bushels.

In 1920, 51,630,135 bushels.

In 1870, 33,548 barrels of flour went through the canal.

In 1920, 7,477,533 barrels.

In 1920, \$1,000,000,000 worth of freight was carried through the canal at Sault Ste. Marie. This amount is distributed as follows:

Coal	\$119,000,000
Flour	86,000,000
Wheat	315,000,000
Other grain	78,000,000
Manufactured iron	6,000,000
Copper	18,000,000
Iron ore	340,000,000
Lumber	10,000,000
Stone	985,000
Salt	992,000
General merchandise	125,000,000

The total value of the freight through the canal increased from \$79,000,000 in 1887 to \$1,119,000,000 in 1920.

In 1855 the tonnage shipped through the canals at Sault Ste. Marie was 14,500 tons.

In 1920, 79,282,000 tons.

Four years earlier the tonnage was 92,000,000 tons.

And, now, before we dismiss this branch of our subject, let me ask, Does anyone seriously believe that we have reached the peak of production in the country tributary to the Great Lakes? In Indiana is located the center of our population. A little farther west is the center of agricultural production. Here in northeastern Ohio is the center of industrial development. Three of the five largest cities on the American Continent are on the Lakes—Chicago, Detroit, Cleveland.

Shall we believe that any one of these industrial centers, to say nothing of the many splendid lesser cities which dot the shores of the Great Lakes, have reached the limit of their growth or industrial activities? To even suggest the thought would offend our intelligence. The Middle West has not completed its growth. It is just beginning to grow and to feel its giant strength. Great things we have accomplished in the past. Greater things are in store for us. We must prepare for the future. Not the least of the tasks before us is to provide ourselves with the transportation facilities that may be necessary to accommodate not only the present traffic but the increased traffic for future years.

PRESENT RAIL AND RAIL-WATER TRANSPORTATION.

I think every student of our transportation system must admit that present rail and rail-water facilities are not keeping pace with the needs of the country.

Transportation, like production, ebbs and flows. Disturbed economic conditions will come in spite of all that human ingenuity can devise, but as sure as they come, so they will go. The progress of events is onward. New conditions must be met. It is estimated that at least one billion if not two billions a year should be added to the rail equipment in order to be able to accommodate the traffic which will come with returning good times, and this must continue for many years. But let us not deceive ourselves. Common prudence suggests that we ought not to spend two billion where one will suffice. Common sense admits that if certain routes of traffic are already congested, we ought to see other outlets, if they are practicable.

The points of greatest congestion now are New York City and New England. We know now as the result of very sad experiences during the war, if we did not know it before, that New York terminal facilities are wholly inadequate to meet the demands. I do not overlook the fact that these demands were made greatly excessive due to the conditions of the war, but to a very material, though a lesser, extent they did exist before the World War came.

The cost of handling traffic in New York is not going to be lessened by increasing traffic in this terminal. New York City and New York State will have their annual increases. Their shipping point will be New York City, as it ought to be, and if they improve their harbor and dock facilities sufficiently to keep pace with their own economic development, they will be doing well.

But shall the vast agricultural, manufacturing, and commercial interests of the Middle West and the Northwest, to say nothing of Canada, await the development of proper facilities in New York City?

I entertain none but the best of good will toward the great Empire State and the metropolitan city of New York, but if that city is not able to accommodate, as it has not been for years, the outgoing and incoming commerce of the great Central West, who is it that says we must be hampered in our development by its lack of capacity?

In speaking of the failure of New York to serve the commerce of the Middle West and his efforts to get cars for the shipment of wheat, Governor Allen, of Kansas, related this significant statement which had been made to him: "When you start a carload of grain from Chicago to New York and it reaches Trenton, N. J., it is only half way so far as time is concerned, and not one-half way yet so far as future expense is concerned." This may be a somewhat extravagant statement, but it epitomizes the experience of the great central and northwestern section of our country.

Mr. E. A. Kersten, of the S. S. Kresge Co., of Detroit, with a business aggregating over fifty millions a year, and a large part of whose sales are of imported articles, says, "That the average time consumed in getting merchandise from Europe or Japan through the port of New York to Detroit was four months, one month of which was used in the port of New York."

C. T. Bradford, of the International Harvester Co., said to the International Joint Commission that it was not at all

unusual for goods to be from 60 to 75 days from date of shipment from Chicago to date of clearing from New York.

Mr. Carl W. Brand, of Cleveland, said "that delays in getting shipments through New York had resulted in importers having to carry a much larger investment in their business. In some cases the cost of handling goods through New York amounted to 20 per cent of the first cost."

Walter L. Ross, with a railroad experience of 30 years, said "he had been convinced that the primary cause of most of the transportation difficulties was congestion in New England and New York. In his judgment, the waterway project through the Great Lakes and the St. Lawrence River would relieve New York and New England and Maryland ports very materially, and thereby make for efficiency in transportation all over the country."

I dare say that the merchants and manufacturers of Cleveland and of the great State of Ohio can duplicate these experiences.

New York has talked for years about the expenditure of from \$100,000,000 to \$200,000,000 in improvements in New York Harbor. A prominent railroad executive is my authority for the statement that the transportation of the country, estimated in ton-miles, doubles every 10 years. If this statement is only approximately true, I am convinced that before New York City or the Government at Washington could spend the \$100,000,000 or \$200,000,000 in improving New York Harbor the annual increase of traffic in that city would be so great that even with these contemplated improvements completed the congestion would be as great then as it is now.

EXPENSE OF TRAFFIC IN NEW YORK HARBOR.

The Port Facilities Commission of the United States Shipping Board has gone into the question of the charges borne by steamship companies at New York. They find that the actual physical loading of the vessel was not the great source of loss and expense to-day, but rather the time the vessel was held in port. The case was cited of a small steamer of 6,500 dead-weight tons which was 15 days in port discharging 2,713 tons and loading 3,783 tons of general cargo. The port pay roll, supplies, interest, depreciation, hull, marine, and other insurance, charter hire, etc., amounted to \$42,286. Other expenses, such as wharfage, pilotage, and the various stevedoring accounts amounted to \$23,385, altogether \$65,671, or an average of \$4,371 a day. Hamburg, Rotterdam, and a few other of the efficient ports of Europe could easily have dispatched this vessel in five days before the war. On that basis the delays were costing nearly \$5 a ton to the ship. Of course, this is no doubt an extreme case.

It may be said, as was urged before the commission, that the delays in New York Harbor were due to the failure of the New York authorities or of the Congress in furnishing funds for the necessary improvements. That may be true either in whole or in part, but the question now for us to determine is, keeping in mind not only the present demands but the future development of our country and the tremendous increases in outgoing and incoming freight to supply the needs of the interior of the continent, "Shall we make these expenditures in one harbor, which perhaps can not be developed sufficiently to take care of its annual increases, rather than to go to the development of the Great Lakes-St. Lawrence route, which for all time to come can bring the ocean-going vessels through its channel to the Great Lakes ports, such as Buffalo, Cleveland, Toledo, Detroit, Chicago, Milwaukee, and Duluth, to say nothing of the smaller but none the less important lake ports on both the American and Canadian side?"

PRACTICABILITY AND COST OF IMPROVEMENT.

Perhaps the strongest opponent of this Great Lakes-St. Lawrence route is Governor Miller, of New York. He is a great lawyer, whose vision seems to be limited to the boundaries of his own State. He seems to think that the scheme is not practicable and that it will cost too much. Governor Allen, of Kansas, after listening to the argument of Governor Miller, asked him somewhat facetiously, but pertinently, "Are you against the Great Lakes-St. Lawrence improvement because it will not work or because it will work?" With all due respect to Governor Miller he pleads like a skilled advocate who lacks confidence in his case. Others follow him with equally untenable objections.

One objection made is that in the St. Lawrence River traffic must be suspended for a period of five months during the winter because of the ice and the fog.

True, these are obstacles, but those who emphasize them forget that the same fog and ice for five months interferes with the ocean-going traffic to and from the great city of Montreal, through the lower St. Lawrence River, and yet her ocean-going traffic is greater than that of any Atlantic port in the United States save and except New York City alone. Two other Amer-

ican ports during the last year, I believe, have slightly exceeded Montreal. When this objection is made they forget that the lake traffic, too, is substantially suspended for four or five months, but nevertheless it is used to such an extent that 100,000,000 tons pass annually through the Detroit River, and it is all the time increasing, and would anyone say that the lake traffic is not a paying venture because ice interferes for four or five months in the year?

Again, they forget that the greatest congestion in rail traffic in the country is during the seven months when neither ice nor fog interferes with the St. Lawrence route.

Another objection urged is that ocean-going vessels will not enter the St. Lawrence. This is not tenable, because—

First, the cost of all rail traffic as compared with all water traffic is estimated as 5 or 6 to 1.

Second, already we have an enormous ocean traffic through the St. Lawrence to and from Montreal, which is perhaps second only to that of New York.

Third, there is a Great Lakes traffic amounting to nearly 100,000,000 tons annually, nearly eleven times as much as passes through the Suez Canal and almost twelve times as much as passes annually through the Panama Canal.

Having these facts in mind, who shall say that if the canalization of the St. Lawrence River from Montreal to Lake Ontario is completed that ocean traffic will not seek to go farther up the river; aye, even to the headwaters of Lake Superior?

Magna Swenson, the owner of the great Norwegian trans-Atlantic lines, has said:

"The moment the engineers who build the canal declare this canal is ready for operation, that moment his steamers would poke their noses into the St. Lawrence."

Certainly, in view of the enormous amount of ocean traffic at Montreal, 700 or 800 miles up the St. Lawrence River, the burden of proof is on those who contend that it will not go up farther to demonstrate the faith that is in them.

PLAN FOR CANALIZATION OF RIVER.

The distance from Lake Ontario to the Atlantic is approximately 1,000 miles. The Gulf of St. Lawrence extends to Quebec, or nearly so. The river is now improved for ocean-going vessels up river as far as Montreal. It is only 183 miles from Montreal to Lake Ontario. Only 33 miles of this distance must be canalized. The remainder of this distance needs little or no improvement, except a little dredging. The flow of water in this river is more nearly constant than in rivers usually. The variation due to seasons is seldom more than 25 per cent either above or below the mean level. For comparison purposes, it is interesting to note that there is a ratio of 30 to 1 between the spring flow and the late summer volume of the Mississippi River at Keokuk.

The engineers, Col. W. P. Wooten, United States Engineer Corps, for the United States, and Mr. W. A. Bowden, chief engineer of railways and canals for Canada, recommended the improvement. For convenience sake they divide the improvement into two sections.

First, the international section, extending from Lake Ontario to Cornwall, or the international boundary line, a distance of about 45 miles. The fall in the river is 91 feet. At present there are four canals on the Canadian side. The plan of the board contemplates the construction of a canal on the Canadian side with a prism depth of 25 feet at low water. This canal extends from the head of Long Sault Rapids down to Cornwall, a distance of 8 miles, and provided with two lift locks, with a depth of 30 feet on the sills. In order to concentrate the fall in the river so as to reduce the number of locks and lessen the mileage of restricted navigation the plans call for a series of dams. The plan is a combined scheme of navigation and water development. These dams will make possible a development of water power estimated at 1,500,000 horsepower. These engineers estimate the total cost of the entire international section, including flooded areas and power houses equipped to deliver one and one-half million horsepower, at \$159,000,000. Damages, of course, should be paid to Canada for the four existing canals which will be put out of commission. This amount is not included in the cost as stated, nor for certain charter rights of the New York & Ontario Power Co.

Second, the national section of the river is that section which lies between Cornwall and Montreal, a distance of about 72 miles. The fall in the river is about 134 feet. In this section of the river lie the three rapids, Coteau, Cedars, and Cascades, the first at the outlet of Lake St. Francis, the second 9 miles lower down, and the last at the entrance to Lake St. Louis. A canal is proposed 220 feet wide, with a depth of 25 feet at low water on the south side of the river, a distance of 15 miles. Some dredging will be required in Lake St. Francis

and Lake St. Louis. The cost of this improvement is estimated at \$93,000,000, not including the putting out of commission of the present existing canals. The depth contemplated under this plan is 25 feet. To get an additional 5 feet in both the international and national sections the estimated increased cost would be \$17,000,000.

The estimated annual operating and maintenance cost in connection with this scheme is \$2,562,000, of which they charge \$1,105,000 to cost of navigation and \$1,457,000 to power. These figures do not include interest on investment. The engineering board estimates that 2,260,000 horsepower could be developed on the national section of the river, if this should be thought desirable later, at an estimated cost of \$220,000,000.

IMPROVEMENTS SHOULD BE COMPLETED AT AN EARLY DATE.

Think what it will mean to have the Atlantic Ocean brought to the door of the great industrial centers of the Middle West. True, the very large ships will not enter. They are not expected to enter; 70 per cent of the commerce of the world is carried on vessels of 8,000 tons or less.

Major General Black gives some significant testimony to this effect. He says: "That out of 14,513 steamships listed in Lloyd's register for 1918-19, 81.45 per cent had drafts of 25 feet or less and 99.32 per cent drew 30 feet or less, leaving a percentage of sixty-eight one-hundredths of 1 per cent of vessels having 30 feet draft or over. The average draft of vessels passing through the Panama Canal is only 21 feet, and the Suez Maritime Canal Co. also states that the average draft of the vessels passing through the Suez Canal is a little over 21 feet."

It may prove necessary if this St. Lawrence improvement is completed and ocean vessels enter the Lakes to increase from time to time the depths of channels and of harbors, but what of it? Are we not from time to time increasing the depths of the harbors on the Atlantic and the Pacific and the Gulf, as well as the channels leading to them? Why then should we hesitate to embark upon this enterprise? Those who are most opposed to this improvement speak of the expense, but I have not yet heard them decry expense when they call upon the Congress of the United States for appropriations for their own harbors along the Atlantic.

The engineers who have made a very careful study of this project say that the total expense will not exceed \$252,000,000, which will include the necessary equipment for the generation of electricity amounting to 1,500,000 horsepower. Of course, their figures are not as definite as they might be. They went into the subject fully enough to convince them of its practicability. Capable engineers that they are, and not only they but the International Joint Commission, suggest that before "any final decision is reached the report of the board together with such comments, criticisms, and alternative plans as have been filed with the commission should be referred back to the board enlarged by other leading members of the engineering profession, to the end that the whole question be given that further and complete study that its magnitude and importance demand."

I am so convinced of the wisdom of this project that I would be for it even if I knew that it were to cost twice the sum. It can not fail. The present traffic of the United States now requires it, and the future industrial development of our own country as well as of Canada accentuate the need of it.

The commission suggests that that part of the cost of the improvement which may be properly chargeable to navigation shall be in proportion to the benefits which each shall receive. This amount they suggest shall be readjusted periodically.

As to the cost of the power works they recommend that as each of the countries is entitled to half of the available power in the international section of the river the cost of the works necessary solely for the development of that power should be borne equally by each country.

They further recommend that the cost of the navigation works required for the combined use of navigation and power over and above the cost of works necessary for navigation alone should be apportioned equally between the two countries.

As to that part of the navigation works which lies wholly within one country they recommend that they should be maintained and operated by the country in which they are located, and that "navigation works" not lying wholly within one country and not capable of economic and efficient construction, maintenance, and operation within one country as complete and independent units, be maintained and operated by an international board, upon which each country would have equal representation.

These, of course, are merely suggestions which have been thrown out for consideration by the proper authorities of the two countries. All of these questions can be very readily determined by a conference between the two Governments and

certainly some equitable plan can be devised which will prove satisfactory to all concerned.

I hope for the speedy completion of the Great Lakes-St. Lawrence River improvement at an early date for the common good of the people of the United States and Canada.

PENSION AND COMPENSATION LEGISLATION.

Mr. FRANCE. I hold in my hand an article written by Mr. Henry P. Janes. It is a very good summary of pension and compensation legislation and it has been suggested that it would make a valuable public document. I ask that it be referred to the Committee on Printing for the judgment of that committee upon the propriety of making it a public document.

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

SCHOOLS FOR AERONAUTICS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which the Secretary will read.

The resolution (S. Res. 266) submitted by Mr. WALSH of Massachusetts on the 3d instant was read, as follows:

Whereas immediate and adequate consideration and development of the science of aeronautics is vital to the commercial and industrial expansion and to the protection and prosperity of the United States; and

Whereas the science of aeronautics is recognized by all nations as a dominant factor in relation to transportation facilities and the national defense; and

Whereas many foreign nations, cognizant of the necessity and importance of aircraft, have indicated programs of mail and passenger transportation far superior to the present policy of our Government with reference to the stimulation, maintenance, and advance of aeronautics for all national purposes; and

Whereas aircraft is indispensable for the patrolling and for the protection of our coast and boundaries, and to supplement to a considerable degree naval craft, coast artillery defenses, and other means of protection and defense now maintained by the Army and the Navy; and

Whereas at the Conference for the Limitation of Armament no action was taken to reduce, limit, or control the aircraft of the countries represented, although the development of aircraft had a pronounced effect upon the reduction and limitation of navies; and

Whereas it should be apparent to the most casual observer that a sufficient and properly trained personnel capable of developing, instructing, and directing aeronautics, and available for the national defense, is extremely important; and

Whereas it daily becomes more evident that if the United States is not to be completely outdistanced in the field of aeronautics, and is not therefore to be left defenseless, a separate school of aeronautics should be created and maintained, or separate schools of aeronautics should be established in the United States Military Academy and in the United States Naval Academy: Therefore be it

Resolved, That the Secretary of War and the Secretary of the Navy are directed to report to Congress (1) whether or not it is feasible and advisable to establish a school of aeronautics, to be known as the United States Academy for Aeronautics, with buildings, grounds, and equipment necessary for instructing and training cadets; (2) whether or not it is practicable to use a part of the buildings and grounds of the United States Military Academy and of the United States Naval Academy for separate schools in aeronautics, to the end that young men desirous of qualifying for commissions in the United States Air Service may be appointed as cadets to such separate aeronautical schools in the same manner as cadets are now appointed to qualify for commissions in the United States Army and the United States Navy; and (3) whether or not it is feasible to take over one of the existing navy yards or arsenals for the purpose of converting the same into a Government plant for the development and manufacture of aircraft of various kinds suitable for national, commercial, and defense purposes.

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

Mr. WALSH of Massachusetts. Mr. President, I do not understand that there is any opposition to this resolution.

Mr. CURTIS. I understand that the resolution only calls for information, and therefore there will be no objection, so far as I am concerned, and I think there will be no objection.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

ADMIRAL SIMS'S STATEMENT AND AMBASSADOR HARVEY'S ADDRESS.

Mr. HARRISON. The clerks at the desk are, I understand, anxious to clear the calendar of sundry matters that have become somewhat out of date. On their suggestion, I move that a resolution I offered some time ago, the resolution (S. Res. 91) requesting the President of the United States to furnish the Senate certain information as to the purported speech of Ambassador Harvey, made at the Pilgrims' Day dinner May 19, 1921, and as to the revocation of the leave of Admiral Sims, be indefinitely postponed.

The motion was agreed to.

RECORDS OF OFFICERS AND ENLISTED MEN IN THE WORLD WAR.

Mr. CUMMINS. Mr. President, on Monday last, during a call of the calendar, the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making appropriation therefor, was passed. I

was not present in the Chamber at that time. The Military Affairs Committee had reported the bill with two amendments striking out a part of the bill in which I was particularly interested. In view of these circumstances, I desire to enter a motion that the Senate reconsider the vote by which the bill was passed and move that the House be requested to return the bill to the Senate.

Mr. HARRISON. Mr. President, I did not understand to what bill the Senator referred.

Mr. FLETCHER. I did not catch the title of the bill.

Mr. CUMMINS. The bill is one intended to require the Secretary of War to furnish the various States with historical information relating to the troops and the movement of troops in the World War.

Mr. FLETCHER. I recall the bill.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The question is on the motion of the Senator from Iowa that the bill be recalled from the House.

The motion was agreed to.

COTTON EXCHANGE METHODS.

Mr. DIAL. Mr. President, I desire to take just a few moments to state that I hope the Committee on Agriculture and Forestry will make a report upon a bill which I introduced some time ago. I would like to have the attention of the Senator from Nebraska [Mr. NORRIS].

On April 12, 1921, I introduced a bill to amend the present cotton futures contract law. It was immediately referred to the Committee on Agriculture and Forestry. On May 24 of last year I appeared before that committee and made a statement, and then I said I had no further witnesses to produce. The matter has been pending ever since. I have urged the committee and the subcommittee at various times to be kind enough to report the bill. Of course, I would be glad to have a favorable report, but I told them if they did not care to make that, to return the bill without any report, or, if they would not do that, to make an unfavorable report.

I want the matter disposed of by the Senate. I want to be perfectly agreeable to all my colleagues, and I have no particular complaint to make against the committee except as to the slowness with which they move. It does seem to me that 12 months is a long enough time to give consideration to the bill, especially when we remember that it took exactly 30 years for Congress to pass the original law on the subject. The hearings on the original law were voluminous and extended over many years, and all the testimony in those hearings is available for the committee in case they care for it. The matter is one of greatest importance to my constituents. In fact, I believe it is of as much importance as all the rest of the laws put together.

I wish to read just a short statement made before the Committee on Agriculture of the House. Some two months ago I went before that committee and they had witnesses there all the way from Houston, Tex., up to New York. They put those witnesses on the stand. One of them was Mr. Bailey C. Harris, president of the Galveston Cotton Exchange, and here is what he had to say:

We have offices in New Orleans and Savannah, and our head office in New York, although we are a southern firm. We have selling offices in Boston, Montreal, Bremen, Germany; Brussels, Belgium; Havre, France; Milan, Italy; and close working arrangements in Spain, in Scandinavia, in England, and in Japan.

Here is a startling statement of Mr. Harris:

Now, I have been in the cotton business about 23 years, 17 years of which time I have been in the business for my own account. Prior to the passage of the Smith-Lever bill, of course, you might say there were no regulations as to the grades or classification or anything else. The New York market was almost constantly used by two or three of the big houses for manipulation purposes, and they were really slaughtering the lambs, both the exporters and the local merchants and everybody.

When the bill was passed to which he refers that cured a great many of the defects of the then custom, but unfortunately it carried the vicious principle of the custom into the law, which law permits the seller of the contract to deliver all of the contract in any 1 of 10 grades instead of 32 grades under the custom. That is where they have kept slaughtering the lambs and everybody else ever since.

I hold in my hand an editorial from the Southern Textile Bulletin, of Charlotte, N. C., of March 16, 1922, which says, amongst other things:

More than 98 per cent of those, other than members, who have bought or sold contracts upon the New York Cotton Exchange have lost money, and the appearance of the New York Cotton Exchange in the rôle of protector of those who trade upon the American Cotton Exchange instead of with them is laughable.

Mr. President, I have no more love for the American Cotton Exchange than I have for the New York Cotton Exchange.

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

Mr. DIAL. Certainly; I yield.

Mr. NORRIS. Has the Senator filed a motion to discharge the committee?

Mr. DIAL. No; I do not care to do that at present. I am merely going to say that I hope the report will be made by next week; if not, at that time I shall ask the cooperation of the Senator from Nebraska, if he will be kind enough to render it.

Mr. NORRIS. I should like to say to the Senator that I think his statement is correct, and that the bill introduced by him is entitled to a consideration which it has not received at the hands of the committee. The Senator's bill was referred to a subcommittee, and it has been delayed by methods which, so far as I know, are all right. It is still pending before the subcommittee, and the delay against which the Senator has been protesting has occurred. I think the matter has been delayed too long. I have already told the Senator in conversation with him that if he should file a motion to discharge the committee from the further consideration of the bill and to have the bill placed on the calendar, I would not oppose it; that, in fact, I would vote for it, unless on argument I should be convinced otherwise, because it seems to me that, regardless of whether we agree with the Senator or not as to the bill which he has introduced, he is entitled to more prompt consideration of the bill than he has received.

It is not really the fault of the Committee on Agriculture that the bill has been delayed, as the Senator from South Carolina knows. A majority of the subcommittee, I think, are Senators from the South, who are members of the Senator's own party.

Mr. HEFLIN. If the Senator from South Carolina will permit me, I desire to ask the Senator from Nebraska, who is on the subcommittee, to which he refers?

Mr. NORRIS. The Senator from New Hampshire [Mr. KEYES] is the chairman of the subcommittee, but he is not now present.

Mr. DIAL. The Senator from New Hampshire [Mr. KEYES] is the chairman of the committee, and the Senator from South Dakota [Mr. NORBECK], and my colleague, the Senator from South Carolina [Mr. SMITH], are also members of the subcommittee.

Mr. NORRIS. I think the colleague of the Senator from South Carolina is opposed to the bill of the junior Senator from South Carolina. The senior Senator from South Carolina, who is a cotton expert, is a member of the subcommittee. The senior Senator from South Carolina has been sick a part of the time, and it has been on his account, to some extent, that the delay has taken place.

Mr. HEFLIN. I think the senior Senator from South Carolina is yet sick.

Mr. NORRIS. I think he is.

I want to say to the junior Senator from South Carolina that if the motion were pending now I should not want the Senate to pass upon it at present; but, under the rule, such a motion has to lie over a day, anyway. I repeat, I myself think there has been unnecessary delay in the matter, but in large part the delay has come about in a way that casts no reflection or blame upon anybody. If, however, the Senator desires to make a motion to discharge the committee, he may do so. I think, however, that this matter should come up on a day when the chairman of the subcommittee may be here, and I think it ought to be taken up when the Senator's colleague also can be present, when the matter may be fought out.

Mr. DIAL. I appreciate very much the fairness of the Senator from Nebraska, and I was satisfied his attitude was as he has stated it. Of course, I wish to disclaim any intention whatever of reflecting upon the subcommittee, which has charge of the bill. My only complaint is the unnecessary delay. When I have anything to do I like to move along and have it disposed of, either one way or the other.

As to my colleague being opposed to the bill, I rather think the Senator from Nebraska [Mr. NORRIS] is mistaken about that. I think he wants to propose some amendments to the bill, but I do not know that he is opposed to the principle of the legislation which I have proposed. However, he has a right to his view, and I have a right to mine.

I desire to insert in the RECORD, as a part of my remarks, an extract from the Southern Textile Bulletin which I have marked. It is very short.

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

NEW YORK COTTON EXCHANGE METHODS.

About two years ago a squeeze was being conducted in New York and southern cotton dealers who were caught on the short side made haste to ship cotton from Norfolk and Savannah, but when the cotton

reached New York they found that members of the New York Cotton Exchange had rented every lighter or means of landing the cotton and had rented all available warehouse space, although they had no need of the lighters or the warehouse space.

The southern cotton dealers had to settle at enormous premiums with those who had conducted the "squeeze" and within five minutes after the forced settlement the quotation on the squeezed month dropped 5 cents per pound.

The members whose piety forces them to attempt to save the man who buys 10 bales upon the American Cotton Exchange made no objection when such cutthroat methods as above stated were used by their members to rob southern cotton dealers of 5 cents per pound on a large volume of short cotton.

In 1914 Lewis W. Parker, one of the ablest cotton manufacturers the South ever produced, bought a large amount of cotton futures for his mills, and those on the inside of the New York Cotton Exchange manipulated the market to depress the month that he had bought.

Facing a severe loss by reason of the undue depression of that month, Mr. Parker decided to take up the cotton—that is, to call for delivery.

His action at first threw consternation into the exchange, but they put into effect every bit of red tape and every technicality at their disposal and when he finally got his cotton most of it was of almost unspinnable grades. They had also cornered all the cotton warehouse space in New York and Brooklyn so as to put him to additional expense of shipping the cotton elsewhere. Lewis W. Parker paid a large price for his temerity in accepting cotton upon New York Cotton Exchange contracts.

We have told only a few of the things that they did to him, but there are men who were associated with him at that time that can tell a tale worth hearing.

We do not want to see the New York Cotton Exchange put out of business, and we know that there are many honest men among its members, but they should purge themselves before they seek to remove the mote from their younger brother's eye.

Mr. DIAL. Furthermore, Mr. President, I desire to say that I have introduced a resolution, which has passed the Senate, requesting the Federal Trade Commission to investigate cotton exchanges. The passage of that resolution need not interfere at all with the particular bill which I have introduced. There are many things about the cotton exchanges which I desire to have investigated; but I have not the least shadow of a doubt about the justice of my bill and about its sufficiency in affording great relief to our people should it be passed. In fact, unless we have some legislation to help the cause of cotton production, it will not be more than a year or two until we shall have to offer a premium to get people to raise cotton in the United States. There is now the darkest outlook for a crop of cotton which I have even known in my lifetime.

Mr. President, I hope the subcommittee having charge of my bill will speedily make its report. It will be a year next week since the bill was introduced. If the subcommittee can not see its way clear to make a report next week, I shall then move that it be discharged from the further consideration of the bill and that it be placed on the calendar. Congress is unconsciously aiding the cotton bears every hour it allows the present law to remain unamended.

My amendment does not interfere with the 10 tenderable grades; it only classifies them in three classes—A, B, and C, with a basic grade in each class. This is similar to wheat. This amendment will make a contract flexible enough for anyone to trade in, and definite enough to make it worth what it is claimed to represent, thereby the buyer and seller will be on equal terms, and unquestionably the value of the commodity will be enhanced.

BUREAU OF ENGRAVING AND PRINTING.

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

The reading clerk read Senate Resolution 267, submitted by Mr. CARAWAY on the 3d instant, as follows:

Whereas without notice as required by law, and without warning, the President of the United States, under an Executive order issued Friday, March 31, 1922, dismissed James L. Wilmeth, Director of the Bureau of Engraving and Printing, and 31 other chiefs of divisions of that bureau; and

Whereas all of said persons were within the classified service; and Whereas the law permits the dismissal of persons within the classified service only after written notice of and an opportunity to reply to charges should be given the accused: Now therefore be it

Resolved, That the President of the United States be requested to inform the Senate, if not incompatible with the public good, (a) what facts warranted the dismissal of the men mentioned from the classified service; (b) on what authority and by what authority he dismissed these employees from the service.

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

Mr. ASHURST obtained the floor.

Mr. CURTIS. Mr. President—

Mr. ASHURST. I yield to the Senator from Kansas.

Mr. CURTIS. I simply want to give notice that unless the Senator will strike out the "whereases" I shall move to have the resolution referred to the Committee on Civil Service.

Mr. KING. What are the words that the Senator asks to have stricken out?

Mr. CURTIS. The "whereases." If the "whereases" are stricken out, I have no objection to the resolution.

Mr. BORAH. Mr. President, to my mind a more serious question than the "whereases" is involved. As I understand, this is a resolution asking the President of the United States to inform the Senate why he dismissed somebody from office.

Mr. CURTIS. If not incompatible with the public interest.

Mr. BORAH. Even if the public interest is not involved, there is the legal question as to whether or not Congress has a right to ask the President how he shall discharge his duties under his executive authority with reference to officers. I think it involves a very serious legal question.

Mr. KING. Mr. President, if the Senator will yield, if there is a law which inhibits the President of the United States—I am assuming that—from removing employees of the Government without cause, certainly the Senator from Idaho would not contend that it was improper for Congress to institute an inquiry.

Mr. BORAH. Of course, if the President of the United States has violated a law which we had a right to pass, there is a way to reach it.

Mr. KING. That could be done by impeachment, as they attempted to impeach Andrew Johnson for an alleged improper removal of one of his Cabinet officers.

Mr. BORAH. Yes; or a committee could be appointed to investigate; but I simply desire to say that I think the most important proposition involved in it is that of the right of the Congress to ask the President with reference to why he dismissed some man from office. That is a matter which was once discussed very thoroughly before Congress, and on which a Democratic President, if I remember correctly, advised the Congress that it was none of their business, or words to that effect.

Mr. STERLING and Mr. CARAWAY addressed the Chair. The PRESIDENT pro tempore. The Senator from Kansas has the floor. To whom does he yield, if to anyone?

Mr. CURTIS. I yield to the Senator from South Dakota.

Mr. STERLING. I simply want to suggest to the Senator from Kansas that if this resolution is referred to the Committee on Civil Service, it should be referred preamble and all—the preamble as well as the resolution. The Civil Service Committee might not agree to the form, it might not agree to the preamble, and might make its report accordingly.

Mr. CURTIS. Mr. President, I think the Senator misunderstood me. I said that so far as I was personally concerned, if the "whereases" were stricken from the resolution, I had no objection to the consideration of the resolution; but in view of what has been stated, I shall insist upon my motion that the resolution as a whole go to the Committee on Civil Service.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kansas.

Mr. HARRISON. Mr. President, may I ask the Senator from Kansas and also the Senator from Arkansas a question? There is another resolution here that proposes to have a special committee to investigate the question of the dismissal of these parties. Could we not take that up first, before action is taken on this resolution?

Mr. CURTIS. Mr. President, in view of the wording of the resolution, which the Chair has held properly comes before the Senate, I think it should go to the Committee to Audit and Control the Contingent Expenses of the Senate. It could go to the Committee on Civil Service and then be reported back and go to the Committee to Audit and Control the Contingent Expenses of the Senate; and when that resolution comes up I shall make the same motion with regard to it that I have made with regard to this one.

Mr. STERLING. Mr. President, if I may be allowed a word, while I am not seeking work for the Civil Service Committee, if it is appropriate that the first resolution—the one introduced by the Senator from Arkansas on day before yesterday—should go to the Civil Service Committee, I think there is additional reason why the second resolution, the one introduced on yesterday, should go to the Civil Service Committee.

Mr. CURTIS. Mr. President, the second resolution should go to two committees—the Committee to Audit and Control the Contingent Expenses of the Senate, in order to determine the question of expense, and the Committee on Civil Service.

Mr. CARAWAY. Mr. President, if I may interrupt the Senator from Kansas—

Mr. CURTIS. Certainly.

Mr. CARAWAY. I have no disposition to contend about which committee the resolution shall go to. I am only concerned that we shall finally get a vote upon it.

Mr. CURTIS. Then why not let both resolutions go to the Committee on Civil Service?

Mr. CARAWAY. I would rather, if the Senator from Kansas would agree, that both go, or at least that the second one go, to the Committee to Audit and Control the Contingent Expenses of the Senate. I only want action on it.

Mr. CURTIS. Mr. President, if the resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate, it would likely have to go to the Committee on Civil Service later on; so why not refer both of them there now?

Mr. CARAWAY. I do not think that necessarily follows. I presume the Senator from Kansas will agree with me that the Senator ought to have a chance to express itself upon these questions.

Mr. CURTIS. Certainly I do, but I think they ought to go to the committee first.

Mr. CARAWAY. I am willing to follow the Senator's first suggestion and let the first one go to the Committee on Civil Service and let the other one go to the Committee to Audit and Control the Contingent Expenses of the Senate. That was the Senator's first suggestion, and I shall not contest the matter if it is so agreed.

Mr. HARRISON. Mr. President, may I ask the Senator whether he will not incorporate in his motion instructions to the committee to report back within a few days?

Mr. CURTIS. Oh, no. If the committee does not report within a proper time, of course the Senator from Mississippi can move to discharge the committee. I move that the resolution be referred to the Committee on Civil Service.

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

The motion was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate another resolution coming over from a previous day, which will be stated.

The Secretary read Senate resolution 269, submitted by Mr. CARAWAY on the 4th instant, as follows:

Whereas pursuant to an order of the President, issued the afternoon of March 31 and immediately effective, there was a wholesale removal of responsible officials of the Bureau of Engraving and Printing and the appointment of other officials in their stead; and

Whereas the order was made notwithstanding the law, which provides "that no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him and be furnished with a copy thereof and also be allowed a reasonable time for personally answering the same in writing and affidavits in support thereof"; and

Whereas previous to being notified of their sudden dismissal by a letter from the Secretary to the President, accompanied by a copy of the President's order, none of the said persons, so far as they were aware, had been complained of to the Secretary of the Treasury, to whose department the Bureau of Engraving and Printing belongs, or complained of by him, or otherwise made the subject of complaint; and

Whereas the order recites that the action of the President dismissing the said persons was taken "for the good of the service," which carries the implication that the officials removed had been guilty of misconduct, which is a grave injustice to them if, as is alleged to be the fact, they are persons of capacity, character, and experience, who have discharged their duties faithfully and efficiently, some of them being officials whose inventions and improvements have been freely used by the Government to its great advantage, some of them having heretofore declined attractive offers of private employment because of their devotion to the interests of the Government, and some of them being war veterans; and

Whereas it was stated by the press at the time the order was issued that it was approved by the Attorney General, who was then in conference with the President, and it is now similarly stated that the Attorney General will cause an ex parte investigation of conditions in the bureau for the purpose, apparently, of determining whether the order, already executed, was justified by the facts; and

Whereas in view of his recent utterances, which shows that he is hostile to the general policy embodied in the civil service law, such an investigation made and any decision promulgated by the Attorney General would hardly inspire public confidence; and

Whereas it is in every sense proper and desirable that there should be a thorough and impartial inquiry into every feature of the transaction in question; and

Whereas it is also now charged that irregularities amounting to theft have occurred in said bureau; and

Whereas it is in the public press charged that the people were dismissed to prevent those who sought their dismissal from exposing these irregularities; and

Whereas it is charged that a Member of this Senate knew of said irregularities; and

Whereas if said statement in said publications be true, said acts would in fact be a compounding of a felony: Therefore be it

Resolved, That the President of the Senate appoint a committee of five Members, who shall ascertain and report:

The specific facts and reasons upon which the order is based, and by what, if any, real investigation it was preceded; whether the persons removed, or any of them, have failed in the performance of their duties; whether there is ground for believing that the good of the service is likely to be promoted by their removal or by the new appointments; and whether or not the facts indicate that the order may be regarded as a step in the direction of a return to the discredited spoils system by disregarding the spirit and, as is also claimed, the letter of the civil service law. Also find what, if any, basis of fact there is in the story of irregularities charged and the compounding thereof.

Mr. CURTIS. I move that the resolution be referred to the Committee on Civil Service.

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

The motion was agreed to.

ADDRESS BY HON. HENRY C. WALLACE.

Mr. CAPPER. Mr. President, I have here a copy of an address delivered by Hon. Henry C. Wallace, Secretary of Agriculture, at the annual dinner of the Washington Stock Exchange on Saturday night, on the farm-credit needs of this country. It is an exceedingly interesting discussion of the subject, and I am particularly impressed with the reasons given by Secretary Wallace for placing a representative of agriculture on the Federal Reserve Board. The address is short, and I ask unanimous consent to have it printed in the RECORD in 8-point type.

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

The matter referred to is as follows:

ADDRESS BY HENRY C. WALLACE, SECRETARY OF AGRICULTURE, BEFORE THE WASHINGTON STOCK EXCHANGE, AT THE NEW WILLARD, APRIL 1, 1922.

FARM-CREDIT NEEDS.

Economic conditions during the past 18 months have directed attention sharply toward the farmer and the important part he plays in our national life. In the fall of 1920 prices of agricultural products almost overnight fell to figures which represented far less than the actual cost of production and far out of line with freight costs, wages, interest, taxes, manufactured goods, and practically everything else which the farmer had to buy. Farmers found themselves under the necessity of practicing the most rigid economy and restricting their buying to the bare necessities. As almost 40 per cent of our population depends directly upon the land for a living, this restricted buying by the farmer very quickly affected our entire industrial and business life. It compelled the slowing down, and in some cases the cessation, of many industries. The inability of so many farmers to pay their debts to the banks when due caused serious trouble and made necessary emergency legislation designed to relieve the tension and ease us through a period of very real financial peril. Many people have been disposed to look upon this emergency legislation, especially such as had to do with financial matters, as of the nature of class legislation solely for the benefit of the farmer. In this they are in error. Bankers and business in general have benefited from it fully as much as have the farmers; indeed, probably more.

As a result of this experience there has been much talk, first, of the need of giving more thought to the effect on agriculture in the administration of our larger credit machinery, and, second, of the need for a better system of agricultural credits. People who deal mainly with evidences of credit and those whose business does not give them an opportunity to know of conditions which influence agricultural production are not unnaturally disposed to regard such suggestions as having for their purpose the securing for the farmer of special privileges and undue advantages over other classes. My purpose this evening is to discuss these matters in their larger phases and try to show that not only should careful thought be taken of the effect on agriculture when administering our larger credit machinery, and not only is there need for a better system of agricultural credits, but that the taking of such thought and the meeting of such need will be to the advantage of the Nation at large and business and industry in general, rather than to the special advantage of the farmer.

To begin with, I advance some general statements which I think may be accepted as truisms. It is to the national interest:

First. That the production of such agricultural products as can be grown successfully in this country should be large enough, one year with another, to meet home needs. In short, that agriculturally the Nation should be self-sustaining.

Second. That so far as possible production should be by landowners or those who are in the way of becoming landowners, and that our system of renting land should be such as to enable the tenants to practice diversification of crops and store and market surplus grain and forage crops in the form of live stock. Only when such conditions obtain can we expect that regard for the maintenance of the fertility of the soil which is our greatest national material asset, and upon which the continued life of the Nation depends.

Third. That inasmuch as almost one-half of all our people live on the land, and the surplus population from the country goes to make up a very important part of our urban life, standards of living on the farm should be maintained and improved rather than lowered.

Fourth. That the farms should yield a fair rate of return on the money invested in land and equipment and a wage to those who work them which is fairly comparable, everything considered, with the wage return in the cities and industrial centers. Otherwise there will be an increasing drift of the better class of farmers to the cities, and in the course of time the land will be worked by people of the peasant type.

Fifth. That inasmuch as profits from the rapid advance in the value of land, which heretofore have been very much larger than the profits from yearly farm operations, are fast disappearing, conditions should be such that in the future our farmers can reasonably count on an adequate return from their farm operations.

Sixth. That hazards, risks, and conditions over which the farmer has no control, but which profoundly influence his returns one year with another—such, for example, as changes in the price level, which throw agricultural prices out of their normal relationship to other prices; weather conditions and insect pests, which greatly affect crop yields—should, so far as possible, be carried by the community at large rather than by the individual farmer.

Seventh. That every proper means should be used to establish agriculture upon a basis which will yield adequate returns for productive effort, rather than put a premium on speculative enterprise.

I take it that there will be general assent to the statements I have just made. It is when measures are proposed which seem necessary to insure the conditions suggested by these statements that differences of opinion arise. There is little difficulty in agreeing upon the ideals which we all wish to attain, but when we consider ways and means there is considerable clashing of views.

Take, for illustration, the proposed amendment to the Federal reserve act. The law now reads that when appointing the five appointive members of the Federal Reserve Board the President "shall have due regard to a fair representation of the different commercial, industrial, and geographic divisions of the country." The proposal is to insert the word "agricultural," so that the law will read that the President "shall have due regard to a fair representation of the different agricultural, commercial, industrial, and geographic divisions of the country." Or, as was suggested by the national agricultural conference held in January, "that in the selection of members of the Federal Reserve Board and the directors of the Federal reserve banks, due representation shall be given to agriculture, merchandizing, and manufacturing, to the end that credit policies may the more surely comprehend the welfare of all basic industries."

These proposals that agriculture, as well as commerce and industry, should be represented on the Federal Reserve Board, grew out of the belief that the needs of agriculture have not had due consideration by the board in determining its general policies, and that, as a result, farmers have suffered severely. Whether or not such belief is justified, certainly policies determined by this board may have a pronounced effect upon prices of agricultural products and upon agricultural credits. It seems to be accepted that commerce and industry and finance should be conceded representation on the board. Agriculture, which is our largest and most important industry, surely can claim a similar place in its own right, and in view of the injurious effect upon commerce and industry in general if policies should be adopted which react unfavorably upon agriculture, the astonishing thing is that anyone should object to such recognition. Such objections probably arise out of the fear that what is meant is that an ignorant partisan, familiar with the practical phases of farming but knowing nothing of financial matters, would be appointed were the law changed as suggested. Such a fear is absurd. The proposed change would simply put agriculture on a par with commerce and industry in the wording of the law, and it is a far-fetched assumption that any President would appoint any man not qualified for the position. In the interests of the country as a whole the membership of this board should be a cross section of our varied industrial life. Its policies so directly affect the welfare of agriculture, business, and industry in general that these policies should not be determined until they have had full consideration by men who have broad understanding of our agricultural, business, and industrial life, using the latter word in its broadest meaning.

A careful examination of the credit facilities of the country leads one to the conclusion that they have been devised almost entirely in the interest of industry and commerce. With the notable exception of the Federal farm loan system, the needs of agriculture have had little attention. I do not mean to suggest

that there has been a conscious purpose to develop a credit system to the injury of the farmer, but, rather, that industry, commerce, and business in general have been able to work out and use various credit devices especially adapted to their particular needs, and which the farmer, because of his isolation, of the individualistic character of his business, and of his longer period of turnover, has not been able to use for himself. Having in mind that agriculture is our basic industry, and that it can not be conducted efficiently in the absence of credit facilities suited to its needs, there should be no disagreement with the statement that both long-time and short-time money ought to be as easily and as cheaply available to the farmer as to industry and commerce. The security the farmer has to offer is as good, and the moral risk is fully as low, as with other classes of borrowers.

Heretofore when speaking of the credit needs of the farmer we have been disposed to classify them as long-term or mortgage credit, resting upon real estate as security, and short-term or personal and collateral credit. With the advent of the Federal farm loan system a new and broader conception of farm-mortgage credit has been developed. It is estimated that the total farm-mortgage debt in the United States is about \$8,000,000,000. This debt is owing to commercial banks to the amount of approximately \$1,500,000,000, to the insurance companies to the amount of perhaps \$1,250,000,000, and the remainder to farm-mortgage companies, Federal and joint-stock land banks, various State funds and credit agencies, and individual investors. In well-developed farming sections the interest rate on farm mortgages has been fairly reasonable, although not so low as on other classes of securities no higher in character. In the more recently settled regions the interest rate has been higher than would seem to be justified by the character of the security offered. As a rule farm-mortgage loans run for a period of five years, and are generally made repayable in a lump sum at maturity, although companies which give especial attention to this class of business not infrequently provide for optional yearly payments before maturity.

Under normal conditions it has been possible to renew these mortgages, in whole or in part, upon the payment of a new commission and other incidental expenses, and this has been all the easier because there has been a fairly constant advance in the price of land, thus enhancing the security. However, when such mortgages have fallen due in times of depression or panic, renewals very often of necessity have been denied, and in some cases foreclosure, with consequent loss of the painfully accumulated savings of the farmer.

With the coming of the Federal farm loan system long-time amortized loans were introduced. While this system is hardly past the experimental stage, it promises to remedy many of the difficulties of long-time credit for the farmer. Evidently it has had a helpful effect in reducing interest rates for less-favored agricultural sections. As yet the Federal and joint-stock land banks provide but a relatively small part of the mortgage credit, somewhat less than 7 per cent of the total, but in the Southern and Western States, where interest rates were higher and loans more difficult to obtain, the loans from the Federal system now exceed 10 per cent of the total, and in five of these States exceed 15 per cent.

The most frequently urged objection to the Federal farm-loan system is the tax-exempt privilege of the bonds. I make no argument in favor of tax-exempt securities. I am conscious of the evils and dangers involved in our rapidly increasing volume of such securities, which make it possible for those who have large incomes to shift the tax burden from their own shoulders to those of others less able to bear it, but the Federal farm-loan system is very slightly responsible for the issuance of these tax-exempt securities. While the actual amount of such securities outstanding is not known, it has been estimated by members of the Treasury Department's staff that on January 1, 1922, it was about as follows:

State, county, and minor political subdivisions	\$8,142,000,000
United States tax-free bonds (net outstanding)	2,184,000,000
Federal farm-loan bonds (net outstanding)	284,000,000
Bonds of insular possessions (net outstanding)	50,000,000
Total	10,660,000,000

This estimate is below estimates made by various students of taxation, and it makes no allowance for the existence of billions of dollars' worth of semitax-free securities which carry exemptions when held in amounts not exceeding a specified sum. Probably it is not far out of the way to say that we have at least \$15,000,000,000 worth of securities upon which no income tax is levied.

In view of the fact that farm tax-exempt securities constitute less than 2 per cent of the whole, such criticism of the Federal

farm-loan system is not well taken. It would be to the advantage of the farmer, of the average taxpayer, and of the Government itself, if all tax-exempt securities should be discontinued, but as long as other people are granted such privilege as comes from the issuance of such securities it does not lie in them to protest against similar benefits being extended to the farmer.

Short-time or working credit is secured by the farmer from two sources—the commercial bank and the merchant. Such loans by banks probably aggregate between three and one-half and four billion dollars. It is impossible to estimate the amount of such credit extended by the merchants, but necessarily this also must be carried mostly by the banks. The trouble with such short-time credit as has been available to the farmer is twofold. First, ordinarily the notes given run for a shorter time than he needs the money and therefore must be renewed; and second, except in favored agricultural regions, the interest rate is often higher than farm profits justify the farmer in paying. What the farmer needs is a form of personal credit available for varying lengths of time, according to the purpose for which it is used. It may be called intermediate credit. For the growing of crops credit running from three months to six months is needed; for live-stock growing or feeding the period may run from three months to a year and a half or two years, while for improvement or development purposes, such, for example, as the purchase of certain kinds of machinery, the building of silos and barns, the fencing and draining of land, not infrequently as much as three years' time is needed. Our personal credit machinery, therefore, is not at all adapted to farm requirements. In normal times and in favored regions the farmer can get along fairly well, but in times of financial trouble he is placed at a terrible disadvantage and often is obliged to sacrifice his live stock and grain to the disadvantage not only of himself but of the community at large. For many years past the farmer has been conscious of the disadvantage under which he has labored in this matter of personal credit, but has been unable to help himself. Now, however, due to the economic difficulties of the past two years, bankers and others who have to do with large financial operations, as well as business men whose dealings with farmers are more or less direct, have come to see that the problem is one for them as well as the farmer, and there seems hope of relief.

Two presentations of this matter, both of which have been made recently, are worthy of careful consideration. One is by the Congressional Joint Commission of Agricultural Inquiry, which, after prolonged hearings, last fall made an exceedingly valuable report on credit and has caused the introduction of a bill to amend the Federal farm loan act by establishing a farm credits department in each Federal land bank. In brief, this bill provides that Federal land banks may rediscount notes given for money advanced to farmers for agricultural purposes, such notes having a maturity of not less than six months nor more than three years, these notes to be converted into short-time debentures to be sold to the public in the same way that farm loan bonds are now sold. It is proposed further that such notes shall be eligible for rediscount at any Federal reserve bank when they have reached a maturity of not less than six months; also, the Federal reserve banks would be authorized to buy and sell the debentures issued by the Farm Loan Board, as they now buy and sell farm loan bonds.

The other report was made by the committee on agricultural credit, insurance, and taxation of the National Agricultural Conference. This committee recommended legislation to empower an agency of the Government to discount for banks, trust companies, incorporated live stock associations, and so forth, any note the result of money advanced or used in the first instance for an agricultural purpose; also, to make loans direct to cooperative associations of farmers, such loans to have a maturity of not less than six months nor more than three years at the time they are discounted. Such agency would be authorized to issue or sell debentures with a maturity of not more than three years and Federal reserve banks would be authorized to rediscount for such agency, as well as to buy and sell debentures and other obligations issued by such agency. The committee proposed also that the Federal reserve act be amended to give reserve banks authority to buy and sell notes secured by warehouse receipts covering readily marketable, nonperishable agricultural staples, and also notes secured by live stock.

When it is remembered that among the members of this committee were A. C. Miller, of the Federal Reserve Board; Eugene Meyer, jr., of the War Finance Corporation; Guy Huston, of the Joint Stock Land Bank Association; George Woodruff and Joseph Hirsch, of the American Bankers' Association; A. F. Lever, of the Federal Farm Loan Board; and Theodore H. Price, editor of Commerce and Finance of New York, its recom-

mentations are entitled to the respectful consideration of bankers and financial men generally.

In conclusion, permit me to say that in speaking to you of the need of better agricultural credit it is not with the thought of making a special plea for the farmer or of asking for him special favors to which he is not entitled or advantages over any other class of citizens. The point I have been trying to make is that credit facilities should be provided which are adapted to the peculiar needs of agriculture and thus make it possible for farmers to produce efficiently and abundantly. This is all the more important to our business and industrial life now that we are coming into a period of strenuous competition with foreign manufacturers. Therefore every effort to this end should have the friendly consideration of those who have had training and experience in financial and credit matters.

ADJUSTED COMPENSATION FOR VETERANS OF THE WORLD WAR.

Mr. NEW. Mr. President, I have here a synopsis of the proposed adjusted compensation bill, prepared by the Senator from Missouri [Mr. SPENCER], which puts into very concise and easily understandable form the provisions of that bill. I suggest that it would be well to have it printed in the RECORD, for the convenience particularly of service men, and I ask that that be done.

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

The matter referred to is as follows:

SYNOPSIS OF BONUS BILL AS PASSED BY THE HOUSE OF REPRESENTATIVES, BY SELDEN P. SPENCER, UNITED STATES SENATOR FROM MISSOURI.

1. The name of the bill is the World War adjusted compensation act. It applies to practically every veteran in military and naval forces in the United States between April 5, 1917, and November 12, 1918.

2. It provides for the payment of \$1.25 for each day of overseas service, and \$1 a day for each day of home service (excluding the first 60 days of service, which was taken care of by the original bonus of \$60), with a limit of \$625 for overseas service and \$500 for home service.

It does not apply to anyone with a grade above that of captain in the Army and its relative rank in the other branches of service.

3. Four optional plans are provided:

- a. For adjusted service pay, provided that if the amount coming to the ex-service man is \$50 or less, it is payable at once.
- b. To receive vocational training aid.
- c. To receive farm or home aid.
- d. To receive land settlement aid.

The choice must be made by the ex-service man by application to the Secretary of War if he was with the military forces, or to the Secretary of the Navy if he was with the naval forces, and must be made on or before July 1, 1923. Full regulations giving detailed information as to precisely what could be done will be compiled by the War Department and the Navy Department and distributed.

4. No one can interfere by any attachment or levy or any other legal or equitable process with this bonus. It comes from the Government direct to the ex-service man, or if he dies in meantime, to his named beneficiary or estate, nor can the rights under this law be assigned by the ex-service man to anyone else. He must avail himself of it himself.

5. If the ex-service man elects to take an adjusted service certificate, he receives a certificate for the amount due him at the rate of \$1 a day or \$1.25, as above provided, and in addition for an amount equal to 25 per cent of the actual service compensation, and in addition to this, interest on the full amount at the rate of 4½ per cent compounded annually for 20 years, so that the actual face value of the adjusted service certificate which the ex-service man has is about three times the amount due him at the rate of \$1.25 or \$1 a day for the time he served, as above indicated.

For example, if a man served 360 days overseas, he would be entitled to \$1.25 per day for every day after the first 60 days. This would entitle him to \$375. To this amount there would be added 25 per cent of it, or \$93.75, and in addition there would be added interest on both amounts at 4½ per cent for 20 years, so that the face value of his certificate would be approximately \$1,125.

This certificate is payable in 20 years; that is, on or before September 20, 1942. If the holder should die before this maturity, then the full amount is immediately payable to the person designated by him as his beneficiary, or, failing such designation, to his estate.

If an ex-service man needs any money at any time before September 1, 1925, he can borrow at any State or National bank a half of the amount actually due him for service at the rate per day mentioned above, plus interest on such amount at 4½ per cent compounded annually for the time the certificate has actually run. This loan is based not upon the value of the certificate at maturity but upon the amount due him at the rate per day indicated above, together with interest.

After September 30, 1925, the terms of the loan are more advantageous. A loan then can be made at any post office at 4½ per cent interest. Between October 1, 1925, and October 1, 1928, 85 per cent of the amount actually due for service, plus interest thereon compounded annually, can be borrowed, and as the certificate gets older the borrowing privileges are more and more liberal.

The second choice is vocational aid. To the man who selects this plan there is paid \$1.75 for each day he takes vocational training provided for him, but the amount so paid shall not exceed in the aggregate 140 per cent of the amount to which he was entitled for service at the rate per day mentioned above. That is, if a man is entitled to \$500 because of his service, he would be entitled to receive \$700 if he took vocational training. The vocational training to be selected will be such as the man desires to take and will meet with the approval of the United States Veterans' Bureau. If the man taking vocational training should die before the training is completed, his beneficiary or his estate receives at once the balance due to him.

The third choice is farm or home aid. To the man who selects this plan there is paid at once the amount of his service compensation, computed at the rate per day as indicated above, and to this is added

25 per cent of the amount, but this amount, which becomes at once available, can be used only to enable the man to either make improvements on a city or suburban home or in connection with the farm.

The fourth plan is the land-settlement plan, and provides that the Government shall institute such reclamation projects as a selected board may determine, and when this board has determined what tracts of land shall be reclaimed, then employment, so far as practicable, shall be given in this reclamation work to veterans, and when the project is completed a certain number of acres, which shall not be too large for cultivation by a family and shall be sufficiently large to support the family, shall be allotted to veterans to apply for, and the veteran thus applying therefor shall be allowed to apply on the purchase price of such farm the amount which he is entitled for service as indicated above per day, and to pay the balance of the price of the farm in small installments running, if necessary, through a period of not exceeding 25 years.

If the veteran should die after he has made application for such land, then his beneficiary or his estate would succeed to his rights.

The above is simply a general synopsis of the bill, and is intended to give some idea of what the bill as passed by the House of Representatives provides.

APPOINTMENTS BY EXECUTIVE ORDER.

Mr. HARRISON. Mr. President, I was under the impression that Senate Resolution 258 was to be handed down by the Chair, but I am informed that it is on the table. I therefore move that Senate Resolution 258 be laid before the Senate and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution of the Senator from Mississippi will be read.

The Assistant Secretary read Senate Resolution 258, submitted by Mr. HARRISON on the 3d instant, as follows:

Resolved, That the President of the United States is requested to furnish to the Senate the name of every person appointed by Executive order setting aside the civil-service rules, and to furnish to the Senate the reasons therefor.

Mr. HARRISON. Of course, if there is no objection, and everyone is in favor of the resolution, I shall not occupy the floor.

Mr. MOSES. With reference to the resolution as it stands, the Senator from Mississippi makes an assumption which is not warranted. Does the Senator mean he wishes the President to send us the name of every person appointed by Executive order since the civil service was first instituted?

Mr. HARRISON. No; I mean since the President assumed the control of the Government.

Mr. MOSES. The Senator means the present President?

Mr. HARRISON. Yes.

Mr. MOSES. Mr. President, I assume this information is sought for the purpose of comparison, and if the resolution is to be adopted, I hope at least it will be amended so as to include the prior administration. I will say, further, for the information of the Senator and for the information of the Senate, that every Executive order setting aside the civil-service regulations and authorizing an appointment is printed in the annual report of the Civil Service Commission, and a full statement of the reasons is given always in the order; so that, in my capacity as chairman of the Committee on Printing, which is charged by the statute to guard against waste and extravagance in public printing, I should hope that the Senator would not ask for this information when he can readily go to the files of the reports of the Civil Service Commission and get it.

Mr. HARRISON. I am very glad to know that it is accessible, and there will be no obstacles thrown in the way. I am not asking for an unusual thing, then, according to what the Senator has said.

Mr. MOSES. The Senator is asking for an unusual thing, because he is asking for a lot of duplicated information to be sent by the President, when a diligent Senator could get it for himself.

Mr. STERLING. In corroboration of what has been stated by the Senator from New Hampshire, I simply call the attention of the Senator from Mississippi to the last report of the Civil Service Commission, in which is given the list of appointments under Executive orders.

Mr. HARRISON. When was that made?

Mr. STERLING. This is the 1921 report, containing a list of the orders excepting the persons named from the requirements of the rules, and they are given in detail.

Mr. HARRISON. Does that give the reasons for the orders?

Mr. MOSES. Yes; Mr. President, in every case the date of the order and the reasons for it are given. The first order printed here is dated October 2, 1920, and they run down to September 23, 1921.

Mr. HARRISON. That is one of the very reasons, may I say, why I offered this resolution and asked for its immediate consideration. That report gives the list only up to September, 1921, and I want to bring it down to date. It has been some months since then.

Mr. MOSES. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Senator will state his inquiry.

Mr. MOSES. Just what is the status of the resolution? Is the Senator asking unanimous consent for its present consideration?

Mr. HARRISON. It is already before the Senate.

The PRESIDING OFFICER. The resolution is on the table, and the Chair understands the Senator from Mississippi has moved to take it from the table and proceed with its consideration. That motion, the Chair understands, has not yet been put.

Mr. MOSES. If I may, I move that the resolution be referred to the Committee on Civil Service.

Mr. KING. Will the Senator from Mississippi yield to me?

Mr. HARRISON. I yield.

Mr. KING. I would like to inquire of the Senator from South Dakota whether or not that report, or any report which has been made by the Civil Service Commission, will reveal the fact that several hundred employees in the customs service of the Government have been removed or transferred by Executive order, or by some order, largely because, or ostensibly for the reason, that they have opposed the American valuation plan of determining the duties to be imposed upon articles imported into the United States? Has the President or has any executive officer given any information as to the reasons for those changes and transfers?

Mr. MOSES. The question is not addressed to me, Mr. President.

The PRESIDING OFFICER. The Chair desires to know whether the Senator from Mississippi has yielded the floor or not?

Mr. HARRISON. No; I have the floor, and I yielded to the Senator from Utah.

Mr. KING. And I propounded an inquiry to my distinguished friend from South Dakota.

Mr. STERLING. No; it does not. The Civil Service Commission report, under the head of "Executive orders," refers, I think, for the most part, to individual cases. So far as I have scanned that report, it does.

Mr. MOSES. If I may add a word, Mr. President, these orders which are issued are for the purpose of putting people into the classified service without regard to the civil service rules, and an Executive order has to be issued in every case. The Civil Service Commission invariably refuses its assent. That happens under all administrations, Republican and Democratic.

Mr. STERLING. Appointing some originally, or reinstating some?

Mr. MOSES. The Civil Service Commission always withholds its assent, but the Executive always overrides it. However, Mr. President, I am sure the Senator from Mississippi will pardon us if we go on talking, because it helps in the general policy of delay which I am sure his record shows he so much desires.

Mr. HARRISON. Mr. President, I did not yield to be upbraided in that way.

Mr. MOSES. I beg the Senator's pardon; I did not want to upbraid him. I thought I was stating a perfectly patent fact.

Mr. HARRISON. I am not trying to take up time unnecessarily, and I make a point of order against the motion of the Senator from New Hampshire to refer the resolution to a committee, because it is not in order. My motion must be put before that would be in order.

The PRESIDING OFFICER. The Chair did not understand that the Senator from Mississippi had yielded the floor for the purpose of allowing another Senator to make a motion to refer the resolution to a committee.

Mr. MOSES. A parliamentary inquiry, Mr. President.

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

Mr. MOSES. What is the motion now before the Senate?

The PRESIDING OFFICER. As the Chair understands, the Senator from Mississippi has moved to take from the table Senate Resolution 258.

Mr. MOSES. I move to amend that by adding the words "and refer it to the Committee on Civil Service."

The PRESIDING OFFICER. The Senator from Mississippi has not yielded for that purpose.

Mr. MOSES. He has made a motion, and I am entitled to move an amendment to his motion.

The PRESIDING OFFICER. The Senator from Mississippi was discussing his motion and until he yields the Senator from New Hampshire can not move to amend.

Mr. MOSES. I beg the Senator's pardon; I hope he will go on with his discussion of the resolution.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas.

Mr. HARRISON. I yield.

Mr. CURTIS. I want to ask as a parliamentary inquiry if a motion to commit a resolution to a committee does not have precedence?

The PRESIDING OFFICER. It may have, possibly, when a Senator has an opportunity to make such a motion. The Senator from Mississippi has the floor as yet.

Mr. MOSES. Will the Senator from Mississippi yield to me for a question?

Mr. HARRISON. I yield to the Senator, if I can get the floor again, for the purpose of allowing him to make his proposed motion, so that we can have the whole thing before the Senate.

Mr. MOSES. I simply ask the Senator from Mississippi to accept the amendment to his motion which I have proposed.

Mr. HARRISON. I do not want my resolution buried in that way.

Mr. MOSES. Oh, Mr. President, the Senator does not mean "buried." The Senator from South Dakota [Mr. STERLING], the chairman of the committee, will give the resolution every consideration, and very sympathetic consideration, I am sure.

Mr. HARRISON. Mr. President, I did not know that there would be any opposition to this resolution, and I am very much surprised. I thought there would be cooperation in trying to obtain this list of names of people who have been appointed by the President since the 4th of March, 1921, by Executive order. The Senator from New Hampshire, who is always alert, and who was yesterday styled a political spoilsman, cites us to this report—

Mr. MOSES. Mr. President, may I correct the Senator?

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. HARRISON. I yield.

Mr. MOSES. I want it to appear very clearly in the RECORD that I am self-styled that way.

Mr. HARRISON. I thought the Senator had a pretty good opinion of himself.

Mr. President, the report of the Civil Service Commission does not furnish the information I want. If it did, I would not press this resolution. It only furnishes a list of names of persons appointed under Executive order up to August, 1921. The great number of Executive orders, I understand, have been signed by the President since that time, only when influence has been brought to bear by the distinguished Senator from Illinois and others who sought patronage. So the list I want is not incorporated in this report of the Civil Service Commission. We need it, and we should have it.

Mr. MOSES. May I ask the Senator a question?

Mr. HARRISON. Another thing about this report which impresses me as I look over it is that the reasons are not assigned in all cases. They are supposed to be assigned, but they are not assigned in this report. I notice in numerous instances that no reason was assigned for the action. My resolution calls for the reasons as well as for a list of the names.

Now I yield to the Senator for a question.

Mr. MOSES. I simply wished to ask the Senator if he could not content himself in patience until the next report came out?

Mr. STERLING. May I correct the Senator in regard to his resolution? It does not call for any reasons at all. It just asks for names.

Mr. HARRISON. The resolution I have offered?

Mr. STERLING. I beg the Senator's pardon; I see that it does call for the reasons.

Mr. HARRISON. That is one of the things I wanted, because I thought that in some cases the reasons could not be given. I hope the resolution will be adopted, so that we may be informed as to just how many Executive orders have been issued placing these people in the classified service.

Mr. MOSES. What is the motion?

The PRESIDING OFFICER. The motion is to take from the table Senate Resolution 258 and proceed with its consideration.

Mr. MOSES. I move to amend that by striking out the words "proceed with its consideration," and add the words "refer it to the Committee on Civil Service."

Mr. HARRISON. I make a point of order against that.

The PRESIDING OFFICER. The Senator from Mississippi will state his point of order.

Mr. HARRISON. I make the point of order that that motion is premature, that the resolution must be before the Senate first, and then if the Senator wants to make his motion he can do so.

The PRESIDING OFFICER. The Chair understands that the motion is not amendable. The Chair will put the question.

Mr. CURTIS. I desire to know if it would not be in order at this time to move to commit the resolution, and if that would not have precedence over the motion to take it up.

The PRESIDING OFFICER. It is not before the Senate yet.

Mr. KING. Mr. President, a parliamentary inquiry.

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

Mr. KING. I desire to inquire if the resolution is not automatically before the Senate?

The PRESIDING OFFICER. The Chair understands not. It is still on the table.

Mr. KING. It is my understanding that under the rule it went over yesterday, and to-day automatically came before the Senate.

The PRESIDING OFFICER. It has been on the table for some time, the Chair understands. It was offered several days ago.

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

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. CUMMINS. My point of order is that during the morning hour a motion of this character is not debatable.

The PRESIDING OFFICER. The point of order is well taken; but the debate had closed.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

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

Mr. HARRISON. Is it in order and permissible at this time for me to answer the question propounded by the Senator from Utah, that the reason why we did not take up the resolution yesterday, when it was presented to the Senate, was because the Senator from Nebraska asked me to let it go over until to-day, and I did so at his instance.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi to take this resolution from the table and proceed with its consideration.

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

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

The PRESIDING OFFICER. The Senator from New Hampshire suggests the absence of a quorum, and the Secretary will call the roll.

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

Ashurst	France	Moses	Simmons
Ball	Frelinghuysen	Myers	Spencer
Borah	Gooding	Nelson	Stanley
Broussard	Harrell	New	Sterling
Bursum	Harrison	Nicholson	Sutherland
Caldor	Heflin	Norbeck	Townsend
Cameron	Hitchcock	Norris	Trammell
Capper	Jones, N. Mex.	Oddie	Underwood
Caraway	Jones, Wash.	Overman	Wadsworth
Culberson	Kendrick	Page	Walsh, Mass.
Cummins	Keyes	Pepper	Walsh, Mont.
Curtis	King	Phipps	Warren
Dial	Ladd	Rawson	Watson, Ga.
du Pont	La Follette	Reed	Weller
Elkins	McCormick	Sheppard	
Fernald	McKinley	Shields	
Fletcher	McNary	Shortridge	

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from Mississippi [Mr. HARRISON] to proceed to the consideration of Senate Resolution 258, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. McKellar]. I transfer that pair to the junior Senator from Ohio [Mr. Willis] and vote "nay." I will let the announcement of this pair and its transfer stand for the day.

Mr. SHIELDS (when his name was called). I have a general pair with the Senator from Maine [Mr. Hale]. I understand that he is absent. I transfer that pair to the Senator from Rhode Island [Mr. Gerry] and vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. Smith] to the Senator from Pennsylvania [Mr. Crow] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. Robinson]. I transfer that pair to the senior Senator from Connecticut [Mr. Brandegee] and vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. Lodge] to the senior Senator from Nevada [Mr. Pittman] and vote "yea."

Mr. WATSON of Indiana (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. Williams], which I transfer to the junior Senator from Oregon [Mr. Stanford] and vote "nay."

The roll call was concluded.

Mr. DIAL. I desire to announce that my colleague [Mr. Smith] is detained on official business. I ask that this announcement may continue through the day.

Mr. STANLEY (after having voted in the affirmative). Has the junior Senator from Kentucky [Mr. Ernst] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. STANLEY. I have a general pair with the junior Senator from Kentucky [Mr. Ernst]. I transfer that pair to the senior Senator from Louisiana [Mr. Ransdell] and allow my vote to stand.

The PRESIDING OFFICER (Mr. Jones of Washington, after having voted in the negative). The Chair desires to state that the senior Senator from Virginia [Mr. Swanson] is necessarily absent, and I agreed to take care of him for the day. I transfer my pair with that Senator to the junior Senator from Michigan [Mr. Newberry] and allow my vote to stand.

Mr. CALDER. Has the senior Senator from Georgia [Mr. Harris] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. CALDER. I am paired with the senior Senator from Georgia [Mr. Harris]. I transfer that pair to the senior Senator from Utah [Mr. Smoot] and vote "nay."

Mr. DIAL. I wish to announce that the senior Senator from Georgia [Mr. Harris] is detained on official business.

Mr. KING (after having voted in the affirmative). May I inquire whether the senior Senator from North Dakota [Mr. McCumber] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. KING. I have a general pair with the senior Senator from North Dakota. I transfer my pair with that Senator to the senior Senator from Ohio [Mr. Pomerene] and allow my vote to stand.

Mr. CURTIS. I wish to announce that the Senator from New Jersey [Mr. Edge] is paired with the Senator from Oklahoma [Mr. Owen], and that the Senator from Vermont [Mr. Dillingham] is paired with the junior Senator from Virginia [Mr. Glass].

The result was announced—yeas 28, nays 40, as follows:

YEAS—28.

Ashurst	Fletcher	La Follette	Simmons
Borah	Harrison	Myers	Stanley
Broussard	Heflin	Norris	Trammell
Caraway	Hitchcock	Overman	Underwood
Culberson	Jones, N. Mex.	Reed	Walsh, Mass.
Cummins	Kendrick	Sheppard	Walsh, Mont.
Dial	King	Shields	Watson, Ga.

NAYS—40.

Ball	Frelinghuysen	Moses	Rawson
Bursum	Gooding	Nelson	Shortridge
Caldor	Harrell	New	Spencer
Cameron	Jones, Wash.	Nicholson	Sterling
Capper	Keyes	Norbeck	Sutherland
Curtis	Ladd	Oddie	Townsend
du Pont	McCormick	Page	Wadsworth
Elkins	McKinley	Pepper	Warren
Fernald	McLean	Phipps	Watson, Ind.
France	McNary	Pointexter	Weller

NOT VOTING—28.

Brandegee	Glass	McCumber	Robinson
Colt	Hale	McKellar	Smith
Crow	Harris	Newberry	Smoot
Dillingham	Johnson	Owen	Stanfield
Edge	Kellogg	Pittman	Swanson
Ernst	Lenroot	Pomerene	Williams
Gerry	Lodge	Ransdell	Willis

So Mr. HARRISON's motion to take from the table Senate Resolution 258 was rejected.

Mr. MOSES. Mr. President, a parliamentary inquiry.

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

Mr. MOSES. The motion which has just been rejected was a motion to take from the table and to consider, was it not?

The PRESIDING OFFICER. It was.

Mr. MOSES. A further parliamentary inquiry. Mr. President, would it now be in order for me to move to take the resolution from the table and refer it?

The PRESIDING OFFICER. In the opinion of the Chair, it would be.

Mr. MOSES. Then, I move to take from the table Senate Resolution 258.

Mr. HARRISON. I hope the Chair will not render an opinion prematurely on the motion. Does the Senator from New Hampshire make the motion?

Mr. MOSES. I am about to make the motion under the ruling of the Chair.

Mr. HARRISON. I did not understand the Chair to make a ruling.

The PRESIDING OFFICER. The Chair simply expressed an opinion that the motion suggested by the Senator from New Hampshire [Mr. MOSES] would be in order, but the Chair would be perfectly willing to listen to argument on the subject, because the Chair does not claim to be an expert parliamentarian.

Mr. MOSES. Of course, the Senator from Mississippi is, and therefore he will give us his opinion.

Mr. HARRISON. No; I am merely waiting for the motion to be made, and then I shall make a point of order against it.

Mr. MOSES. Then, I move that Senate Resolution 258 be taken from the table and referred to the Committee on Civil Service and Retrenchment.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire.

Mr. HARRISON. I make the point of order that the motion is not in order; that if a resolution or a bill is on the table the only motion which may be properly made is to take it from the table and lay it before the Senate; and that a matter must be before the Senate before it may be referred to a committee.

The PRESIDING OFFICER. The Chair is of the opinion that the two propositions may be coupled in one motion, and therefore overrules the point of order made by the Senator from Mississippi.

Mr. HARRISON. Then, I ask for a division of the question, so that the vote may first be taken on the motion to take the resolution from the table.

The PRESIDING OFFICER. The Senator from Mississippi asks for a division of the motion. The question is, Shall the resolution be taken from the table?

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll on the part of the motion to take the resolution from the table.

The Assistant Secretary proceeded to call the roll.

Mr. SIMMONS (when his name was called). I have a pair with the junior Senator from Minnesota [Mr. KELLOGG], who is absent. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "yea." On the last vote I inadvertently overlooked the fact that my pair was absent.

Mr. STANLEY (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. I transfer that pair to the senior Senator from Louisiana [Mr. RANDELL] and vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the former vote, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as on the last roll call, I vote "yea." The roll call was concluded.

Mr. DILLINGHAM. In view of the necessary absence of the Senator from Virginia [Mr. GLASS], with whom I have a general pair, I transfer that pair to the Senator from Michigan [Mr. NEWBERRY] and will vote. I vote "yea."

Mr. DIAL. I desire to make the same announcement as to the absence of the Senator from Georgia [Mr. HARRIS] that I made on the former vote. He is necessarily absent on official business.

Mr. SHIELDS. Making the same announcement as previously in reference to my pair and its transfer, I vote "yea."

The result was announced—yeas 64, nays 1, as follows:

YEAS—64.

Ashurst	Gooding	Moses	Shortridge
Ball	Harrell	Myers	Simmons
Borah	Harrison	Nelson	Spencer
Broussard	Heflin	New	Stanley
Calder	Hitchcock	Nicholson	Sterling
Cameron	Jones, N. Mex.	Norris	Sutherland
Capper	Jones, Wash.	Oddie	Swanson
Caraway	Kendrick	Overman	Townsend
Curtis	Keyes	Page	Trammell
Dial	King	Pepper	Underwood
Dillingham	Ladd	Phipps	Wadsworth
du Pont	McCormick	Poindexter	Walsh, Mass.
Elkins	McCumber	Rawson	Walsh, Mont.
Fletcher	McKinley	Reed	Watson, Ga.
France	McLean	Sheppard	Watson, Ind.
Frelinghuysen	McNary	Shields	Weller

NAYS—1.

Bursam

NOT VOTING—31.

Brandegge	Gerry	Lodge	Robinson
Colt	Glass	McKellar	Smith
Crow	Hale	Newberry	Smoot
Culberson	Harris	Norbeck	Stanfield
Cummins	Johnson	Owen	Warren
Edge	Kellogg	Pittman	Williams
Ernst	La Follette	Pomerene	Willis
Fernald	Lenroot	Ransdell	

So the motion to take Mr. HARRISON's resolution from the table was agreed to.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The question recurs on the second part of the motion of the Senator from New Hampshire [Mr. MOSES].

Mr. HARRISON. Mr. President, I take it that the resolution is now before the Senate, and therefore I desire to discuss it.

Mr. CURTIS. Mr. President, I rise to a parliamentary inquiry.

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

Mr. CURTIS. The morning hour not having expired, I ask if the motion is debatable?

Mr. HARRISON. It is after 1 o'clock.

Mr. MOSES. But the morning hour has not expired.

The PRESIDING OFFICER. The Chair understands that the motion before the Senate was divided; the question was taken on the first part of that motion; and now the question recurs on the second part of the motion. In the opinion of the Chair, the question is not debatable during the morning hour.

Mr. HARRISON. Mr. President, does the Presiding Officer hold that the resolution being now before the Senate, a motion made to refer it to the committee is not debatable? I understand the rule specifically states that a motion to proceed to the consideration of a bill is not debatable before 1 o'clock; I believe that is the hour stated; but there is nothing in the rule which prevents a Senator from discussing a motion to refer, whether before 1 o'clock or after 1 o'clock. The resolution now being before the Senate, I submit that I have a right now to be heard upon the motion to refer.

The PRESIDING OFFICER. The Chair is still of the opinion that the question having arisen in the way it did arise, namely, on the motion of the Senator from New Hampshire that the resolution be taken from the table and referred, and then, on request of the Senator from Mississippi that motion being divided, and motion having been taken on the first part, the same rule applies to the consideration of the second part of the motion as would apply to the motion if undivided.

Mr. HARRISON. But I desire to offer a substitute for the motion at the proper time, and whether the resolution should be referred or whether we should proceed to its immediate consideration, I submit, Mr. President, a motion to refer is debatable. I do not like to appeal from the ruling of the Chair.

Mr. MOSES. Mr. President, in the case of the Senator's own motion to take from the table and consider his resolution, which was the manner in which he stated his motion, it was held not to be debatable.

Mr. HARRISON. But since then the resolution has been taken from the table and laid before the Senate.

Mr. MOSES. The Senate has acted on one-half of the motion to take from the table and refer.

Mr. HARRISON. Yes.

Mr. MOSES. And the Chair has ruled that it all reverts back to the one motion, which is not debatable, having been made prior to 2 o'clock.

Mr. SUTHERLAND. Regular order.

The PRESIDING OFFICER. An appeal may be taken, of course, but it is the opinion of the Chair that he has ruled correctly on the question now before the Senate. If it were an independent matter brought up at this time, the Chair would be inclined to agree with the Senator from Mississippi.

Mr. KING. Mr. President, will the Chair hear me for just a moment, if the Senator from Mississippi will yield?

The PRESIDING OFFICER. Certainly.

Mr. KING. It seems to me that the moment the motion was divided and the segregation occurred, the latter part of the motion would stand exactly in the situation as if it were a motion de novo; as if it were an original proposition. I can not conceive of its being carried back by some sort of a Siamese twin twist of the rule to a situation which existed anterior to the division. As soon as the division occurred and the separation resulted, then the latter part of the proposition stands or falls upon its own merit, the same as if it were an original proposition. I respectfully submit that the distinguished occu-

pant of the chair misconceives the rule and applies it in too narrow a manner.

The PRESIDING OFFICER. Perhaps the Chair does.

Mr. MOSES. Mr. President, the integral quality of my motion can not be destroyed.

Mr. HARRISON. Mr. President, I suggest to the Chair that Rule VIII, on page 13 of the Manual, reads as follows:

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

Now, here is the point I desire to impress upon the Chair:

All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

This is not a motion to proceed to the consideration of any matter. I am going to offer a substitute for the motion to refer the matter to a committee, and I submit that when I do that it can be debated. A motion to proceed to the consideration of a matter can not be debated, but a motion to refer it to a committee certainly should be debated, so that the Senate may be informed whether they shall proceed to the immediate consideration of it or have it go to a committee. I submit that the rule expressly says that it shall not be debated if it is a motion to proceed to the consideration of a matter, and says nothing in the world about a motion with respect to reference.

Mr. MOSES. Mr. President, has the Senator from Mississippi appealed from the ruling of the Chair?

The PRESIDING OFFICER. If Senators will permit the Chair to say just a word, the Senator from Mississippi has read the rule which governs procedure under the calendar.

Mr. HARRISON. Yes.

The PRESIDING OFFICER. The Chair would like to ask the Senator if he believes that this motion would have been debatable if it had been voted upon as a unit, without having been divided?

Mr. HARRISON. No; in its original form it was not debatable.

The PRESIDING OFFICER. Now, it is divided for the convenience of the Senate, in order that it may vote on each question separately. That is the object of the division. The Chair still is of the opinion that the rule applies to the divided question the same as it did to the original question.

Mr. MOSES. And has the Chair so ruled?

The PRESIDING OFFICER. The Chair so rules.

Mr. HARRISON. If the Chair will permit me, the question was divided for the reason that all except one Senator wanted to proceed to take the resolution from the table, and they voted that way. We are divided on the question of whether we want to proceed to the immediate consideration of it or refer it to a committee.

Mr. MOSES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MOSES. The Chair having ruled, is the Senator from Mississippi taking an appeal from the ruling of the Chair?

Mr. HARRISON. No; I do not want to appeal.

Mr. MOSES. Then the Senator is out of order.

Mr. HARRISON. But I move, as a substitute, to proceed to the immediate consideration of this resolution.

Mr. CURTIS. Mr. President, a point of order. That motion is out of order. The question is on referring it.

Mr. HARRISON. Mr. President, the motion that was voted on was to take the resolution from the table and proceed to its consideration. This motion is, since it is before the Senate, to proceed to its consideration; and it is a new proposition, offered as a substitute for the motion to refer it to the committee. We are divided now on that question, and I can not understand why the Senator should make a point of order.

The PRESIDING OFFICER. The Chair will not feel at all embarrassed if the Senator desires to take an appeal, because he does not claim to be an expert on the rules; but the Chair is thoroughly convinced that the only thing in order now is to vote on the second part of the question before the Senate.

Mr. HARRISON. I offer an amendment to the motion to refer, that the committee be instructed to report to the Senate within three calendar days.

Mr. CURTIS. I make the point of order that that is out of order.

Mr. REED. That is in order.

Mr. KING. Mr. President, a parliamentary inquiry. Would not a motion to refer the resolution to some particular committee be in order?

The PRESIDING OFFICER. A motion was made to refer it to a particular committee. That was the motion before the Senate—to take it from the table and refer it to a particular committee.

Mr. KING. Yes. Now, is not that amendable, I ask, as a parliamentary inquiry? The motion is to refer the resolution to some other committee, and obviously that is amendable. If that motion was proper, then it is proper to instruct the committee named in the first motion to report within a certain time, because it follows under the rule that a motion to refer is proper. It does not mean that you may not move to instruct the committee how to report, or when to report. So I submit that the amendment offered by the Senator from Mississippi is proper, just as much as it would be if he should move to refer the resolution to some other committee, to the Judiciary Committee or any other committee of the Senate, rather than the one named in the motion.

Mr. HARRISON. We can not hear the argument of the Assistant Secretary in his conversation with the Chair, but I assume that he is correct.

The PRESIDING OFFICER. The Assistant Secretary advises the Chair at his request as to a point on which the Chair is somewhat in doubt; but in order to solve the doubt the Chair will go contrary to the advice and everything else, and hold that the motion of the Senator is in order, and not debatable. So the question before the Senate is the motion of the Senator from Mississippi to amend the motion to refer by instructing the committee to report in three days.

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

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

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

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

Ashurst	Frelinghuysen	McNary	Shields
Ball	Gooding	Moses	Simmons
Broussard	Harrel	Myers	Smoot
Bursum	Harrison	Nelson	Spencer
Calder	Heflin	New	Stanley
Cameron	Hitchcock	Nicholson	Sterling
Capper	Jones, N. Mex.	Norris	Sutherland
Caraway	Jones, Wash.	Oddie	Swanson
Curtis	Keyes	Overman	Townsend
Dial	King	Page	Trammell
Dillingham	Ladd	Pepper	Wadsworth
du Pont	La Follette	Phipps	Walsh, Mass.
Elkins	Lenroot	Polindexter	Watson, Ga.
Fernald	McCormick	Rawson	Weller
Fletcher	McKinley	Reed	Williams
France	McLean	Sheppard	

Mr. DIAL. I desire to announce the absence of the Senator from Georgia [Mr. HARRIS] on official business.

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. I understand that the yeas and nays have been ordered.

The PRESIDING OFFICER. They were ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CALDER (when his name was called). I transfer my pair with the Senator from Georgia [Mr. HARRIS] to the Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. DILLINGHAM (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. KING (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence, I transfer my pair with him to the senior Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. SHIELDS (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "yea."

Mr. SIMMONS (when his name was called). Making the same announcement as to my pair and its transfer as heretofore, I vote "yea."

Mr. STANLEY (when his name was called). Making the same announcement as to my pair and its transfer, I vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the former vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WILLIAMS (when his name was called). Has the senior Senator from Indiana [Mr. WATSON] voted?

The PRESIDING OFFICER. He has not.

Mr. WILLIAMS. I have a pair with that Senator, and in his absence I am not at liberty to vote. If I were, I would vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Massachusetts [Mr. LODGE] with the Senator from Alabama [Mr. UNDERWOOD]; and

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

Mr. FRELINGHUYSEN (after having voted in the negative). I transfer my general pair with the Senator from Montana [Mr. WALSH] to the senior Senator from Iowa [Mr. CUMMINS] and allow my vote to stand.

Mr. DIAL. I make the same announcement with reference to the Senator from Georgia [Mr. HARRIS], that he is absent on official business, and ask that this announcement may stand for the day.

Mr. BALL (after having voted in the negative). Has the senior Senator from Florida [Mr. FLETCHER] voted?

The PRESIDING OFFICER. He has not.

Mr. BALL. I transfer my pair with that Senator to the junior Senator from South Dakota [Mr. NORBECK] and allow my vote to stand.

The result was announced—yeas 21, nays 37, as follows:

YEAS—21.

Ashurst	Kendrick	Reed	Trammell
Broussard	King	Sheppard	Walsh, Mass.
Caraway	La Follette	Shields	Watson, Ga.
Dial	Myers	Simmons	
Harrison	Norris	Stanley	
Heflin	Overman	Swanson	

NAYS—37.

Ball	Frelinghuysen	Moses	Spencer
Bursum	Gooding	Nelson	Sterling
Calder	Harreld	New	Sutherland
Cameron	Jones, Wash.	Oddie	Townsend
Capper	Keyes	Page	Wadsworth
Curtis	Ladd	Pepper	Warren
Dillingham	McCormick	Phipps	Weller
du Pont	McKinley	Poindexter	
Fernald	McLean	Rawson	
France	McNary	Smoot	

NOT VOTING—38.

Borah	Gerry	McCumber	Shortridge
Brandeggee	Glass	McKellar	Smith
Colt	Hale	Newberry	Stanfield
Crow	Harris	Nicholson	Sutherland
Culberson	Hitchcock	Norbeck	Walsh, Mont.
Cummins	Johnson	Owen	Watson, Ind.
Edge	Jones, N. Mex.	Pittman	Williams
Elkins	Kellogg	Pomerene	Willis
Ernst	Lenroot	Ransdell	
Fletcher	Lodge	Robinson	

So Mr. HARRISON's amendment to the motion to refer was rejected.

Mr. HARRISON. Instead of referring the resolution to the Committee on Civil Service, I move that it be referred to the Committee on Post Offices and Post Roads, with instructions that they report to the Senate within three calendar days, and on that I ask for a division.

Mr. CURTIS. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. CURTIS. I make the point of order that this motion is not in order. It is not in order to move to substitute another committee.

The PRESIDING OFFICER. The Chair sustains the point of order, for the reason among other things he has already stated. In this respect the Chair may have been wrong in his former ruling, though he did it as a matter of expedition. This motion now changes the original motion as it came before the Senate, which was to take from the table and refer to a particular committee, and that motion was in order. A division of that question simply gave an opportunity to the Senate to vote on each one of those questions separately. Now, the motion of the Senator changes that proposition entirely.

Mr. HARRISON. The Chair holds, then, that we would have to vote down the motion to refer it to the Committee on Civil Service and then we could vote on the other motion.

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. HARRISON. It may be that some of the Senators present thought that my amendment did not allow sufficient time for the Committee on Civil Service to consider the resolution, just three days. So I move to amend by providing that they

shall make a report within six calendar days. I make a point of no quorum.

Mr. MOSES. No business has intervened since the last vote, which disclosed a quorum present in the Chamber.

Mr. HARRISON. Mr. President, I submit that the Chair has just sustained a point of order against a motion I made, and that, therefore, business has been transacted. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	Myers	Spencer
Ball	Harreld	Nelson	Stanley
Borah	Harrison	New	Sterling
Broussard	Heflin	Norbeck	Sutherland
Bursum	Hitchcock	Norris	Swanson
Calder	Jones, N. Mex.	Oddie	Townsend
Cameron	Jones, Wash.	Overman	Trammell
Capper	Kendrick	Page	Underwood
Caraway	Keyes	Pepper	Wadsworth
Cummins	King	Phipps	Walsh, Mass.
Curtis	Ladd	Poindexter	Walsh, Mont.
Dial	Lenroot	Rawson	Warren
Dillingham	McCormick	Reed	Watson, Ga.
du Pont	McKinley	Sheppard	Weller
Fernald	McLean	Shields	Williams
Fletcher	McNary	Shortridge	
Frelinghuysen	Moses	Simmons	

The PRESIDING OFFICER. Sixty-six Senators have answered to the roll call, and a quorum is present.

Mr. HARRISON. Mr. President, were the yeas and nays ordered on this amendment?

The PRESIDING OFFICER. They were not.

Mr. HARRISON. I ask that the Secretary report the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. The Senator from Mississippi moves to amend the motion by adding the following words:

And that the committee be instructed to report the same back to the Senate within six calendar days.

Mr. STERLING. I make a point of order that any amendment is out of order.

The PRESIDING OFFICER. The Chair ruled that a similar motion before was in order, and no question was made of the ruling. The question is now on the amendment offered by the Senator from Mississippi.

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

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

Mr. CALDER (when his name was called). I transfer my pair with the senior Senator from Georgia [Mr. HARRIS] to the junior Senator from Oregon [Mr. STANFIELD], and vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. Not knowing how that Senator would vote, I withhold my vote.

Mr. SHIELDS (when his name was called). Making the same announcement as to my pair and transfer, I vote "yea."

Mr. STANLEY (when his name was called). Making the same announcement with reference to my pair and its transfer, I vote "yea."

Mr. STERLING (when his name was called). Making the same announcement with reference to my pair and its transfer, I vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the Senator from Ohio [Mr. POMERENE], and vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

The result was announced—yeas 26, nays 36, as follows:

YEAS—26.

Ashurst	Heflin	Reed	Underwood
Borah	Hitchcock	Sheppard	Walsh, Mass.
Broussard	Jones, N. Mex.	Shields	Walsh, Mont.
Caraway	Kendrick	Simmons	Watson, Ga.
Dial	Ladd	Stanley	Williams
Fletcher	Myers	Swanson	
Harrison	Norris	Trammell	

NAYS—36.

Ball	Frelinghuysen	Nelson	Shortridge
Bursum	Gooding	New	Spencer
Calder	Harreld	Norbeck	Sterling
Cameron	Jones, Wash.	Oddie	Sutherland
Capper	Keyes	Page	Townsend
Cummins	Lenroot	Pepper	Wadsworth
Curtis	McCormick	Phipps	Warren
Fernald	McKinley	Poindexter	Watson, Ind.
France	Moses	Rawson	Weller

NOT VOTING—34.

Brandegee	Gerry	McCumber	Pomerene
Colt	Glass	McKellar	Ransdell
Crow	Hale	McLean	Robinson
Culberson	Harris	McNary	Smith
Dillingham	Johnson	Newberry	Smoot
du Pont	Kellogg	Nicholson	Stanfield
Edge	King	Overman	Willis
Elkins	La Follette	Owen	
Ernst	Lodge	Pittman	

So Mr. HARRISON's amendment to the motion to refer was rejected.

ADDITIONAL DISTRICT JUDGES.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the resolution now goes to the calendar, and the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. CUMMINS. Mr. President, I ask that the pending question be stated.

The PRESIDING OFFICER. The pending question will be stated.

The READING CLERK. The pending question is the amendment offered by the senior Senator from Florida [Mr. FLETCHER] to the amendment of the committee, in line 22, page 10, to insert before the word "and" the words "for the southern district of Florida, one."

Mr. NELSON obtained the floor.

Mr. SHIELDS. Mr. President—

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

Mr. NELSON. For what purpose does the Senator ask me to yield? I have no objection to yielding if the Senator merely desires to introduce a bill or other paper.

Mr. SHIELDS. I wish to speak about one matter connected with the pending bill. It will require only a moment.

Mr. NELSON. I have no objection to yielding if the Senator desires to introduce some paper.

Mr. SHIELDS. I am informed that while I was absent from the Chamber this morning the Senator from South Dakota [Mr. STERLING], as a matter of courtesy to the junior Senator from Kentucky [Mr. ERNST], offered an amendment to the pending bill to restore to the bill a provision for a judge for the middle district of Tennessee. The House bill provided for this judge, and it is the House bill that was reported with amendments and is now being considered. The provision for a judge in the middle Tennessee is immaterial, in the sense that it would be considered by a conference committee, and therefore there is no amendment necessary in order that it may be finally considered.

Tennessee has two Senators in this body and, if I may be allowed to say so, they are both able to take care of the affairs of Tennessee and to provide all necessary judges, and they have introduced and had a bill of that kind passed on two occasions.

I have understood that the junior Senator from Kentucky moved to strike this provision from the House bill in the committee in its last meeting when I was absent on account of illness, and it was so stricken. It is not necessary that it be considered or that any amendment be offered to the bill. What has come over the spirit of the dreams of the junior Senator from Kentucky, what influences have changed his mind, I am not here to state and will not in his absence state any opinion I may have. But I do wish the Senate to know that the two Senators from Tennessee are amply able to take care of proper provisions for the judiciary of their own State.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from South Dakota?

Mr. NELSON. I yield.

Mr. STERLING. I simply desire to say that I do not doubt the ability of the two Senators from Tennessee to look after the judicial requirements of that State, but I think the senior Senator from Tennessee knows that I presented the amendment suggested to the bill, providing for a judge for the middle district of Tennessee, at the special instance and request of the junior Senator from Kentucky [Mr. ERNST], and on his behalf and out of courtesy to him. The amendment was not offered as an amendment, but I think the RECORD will show that I submitted it as an amendment intended to be proposed at the proper time. I did not know the amendment had been offered.

Mr. SHIELDS. I want it distinctly understood that I was not resenting any action of the Senator from South Dakota, and I thought I had stated that much. If not, I now state that his action in the matter was mere courtesy to the junior Senator from Kentucky and was in no sense an interference with the prerogatives and duties of the Senators from Tennessee.

The provision is in the bill and is one that ought to have stayed in it. Tennessee has one of the ablest district judges in the United States. The Chief Justice went out of his way to say, when he was before the Committee on the Judiciary of the House, that Edwin T. Sanford, of Tennessee, was one of the ablest district judges of the United States and was overworked, and in that I agree with him. He is a fine judge, he is an industrious judge, and in the two districts for which he holds court, one of them not having a judge provided by law, he does twice as much business as some of the judges in districts for which assistance is provided, and five times as much as some of those judges.

Mr. NELSON. Mr. President, I propose to take the time of the Senate but for a few moments in discussing the amendment of the Senator from Florida [Mr. FLETCHER] proposing to appoint an additional judge for the southern district of Florida. The Senator from Florida on yesterday in his remarks, after adding between 200 and 300 cases to those listed in the report of the Attorney General as pending and undisposed of in the southern district of Florida, kept continually comparing that judicial district with other judicial districts of the country. The fact of the matter is, however, that Florida, with a population of not more than 1,000,000, has two districts, and as a result of the manner in which the State was divided into those districts in 1894 the district court in the northern district of Florida has very little business to transact. Let me read the figures as to the number of cases which were pending there undisposed of on June 30, 1921:

United States civil cases	4
Criminal, including prohibition cases	146
Admiralty cases	26
All other cases	32

Total cases ----- 208

That is the number of cases pending in that district on the date indicated.

As a matter of fact, the judge of that district does not spend, and it is not necessary for him to spend, to exceed two months in the year in his district. He spends most of his time, and he has done so for the last two years, holding court in the State of New York.

The situation in Florida is peculiar in one respect, Mr. President. Some years ago, in 1890, a man by the name of Charles Swayne, from either Delaware or Maryland—there was some question raised in the impeachment case whether he was from one State or the other—was appointed district judge for the northern district of Florida. For some reason, Judge Swayne became very unpopular; and from what transpired in the impeachment proceedings I have reason to believe that there was some ground for his unpopularity. Four years after he had been appointed judge, largely, I presume, because of his unpopularity, most of the territory in the northern district—Swayne's district—was transferred to the southern district; so that out of 61 or 62 counties in the State of Florida, 41 counties were transferred to the southern district of Florida, including nearly all of the long peninsula, as Senators will see if they will examine the map hanging on the wall of the Chamber, from the Georgia line clear down to the coast, embracing all the towns of any consequence except Pensacola on the west; Tallahassee, the capital of the State; and a small town of about 3,000, Apalachicola. All the other towns of any consequence in a wide range of territory were transferred to the southern judicial district. From the best information I could obtain at the time, the transfer was made because of hostility to Judge Swayne.

Mr. FLETCHER. Mr. President, if I may interrupt the Senator from Minnesota at that point, I desire to state that other important points in the northern district of Florida are Marianna, where there is one term of court held, Madison, Live Oak, Lake City, and Gainesville. Gainesville is far over toward the eastern part of the State. The distance from Gainesville to Pensacola must be 350 miles at least, Pensacola being at the extreme western end of the northern district, while Gainesville is at the eastern end of the district. A term of court is also held at Gainesville.

Mr. NELSON. As I have stated, two-thirds of the territory of Florida was put into the southern district in 1894, four years after Judge Swayne had been appointed. The hostility against him continued, and the delegation from Florida were constantly pressing for his impeachment. They finally suc-

ceeded in inducing the House of Representatives to prefer articles of impeachment against him in 1904. Judge Swayne was tried here. There was a large vote against him; my recollection is that on one or more of the articles of impeachment I voted for his conviction; but there was an insufficiency of votes to constitute the two-thirds vote which was necessary to convict him.

Mr. President, it seems to me if Florida would utilize the services of the judge in the northern district, who has little or no work to do, for the work in the southern district, the business could be properly transacted. Adding the number of cases in the two districts together, leaving out draft and bankruptcy cases, there would not be over 1,500 cases for the two judges.

As I have said, the judge of the northern district spends very little time in that district; most of his time being spent in holding court in the State of New York. It may be that the judge in the southern district has a great deal of work, but where there are two districts in a State and one judge has little or no work to do, why can his services not be utilized in the district where there is more work instead of his going outside into other States? If I have the list correctly, it appears that nearly all of the larger towns in Florida are in the southern district, including Jacksonville, with a population of 91,000; Key West, with a population of over 19,000; Miami, with a population of 29,000; Tampa and West Tampa, with a population of 59,000; Palm Beach, with a population of 8,650; St. Augustine, with a population of 14,237; Orlando, with a population of 9,282; and Lakeland, with a population of 7,062. All of those towns are in the southern district, which, as I have said, was carved out of Judge Swayne's district.

As I said a moment ago, the number of towns in what is left of the northern district, comprising the Panhandle, are Apalachicola, with a population of 3,066; Tallahassee, with a population of 5,637; and Pensacola, with a population of 31,000. There are some other smaller towns, but they are not of great consequence.

I have examined the railroad map of Florida and find that the railroad facilities in that State are good. There is a road which runs from Pensacola eastward through Tallahassee, connecting with the great lines running down the east and west coasts. A judge residing in any part of the State will experience no difficulty in reaching any other part where a term of court is to be held. There is even a railroad running to Key West, which is situated away down in the Gulf. There is also a railroad running down the western coast of Florida nearly the whole length of the State, and there are two lines, I believe, on the east coast. There are also lines running across from one of these railroads to the other. Thus the State has good railroad facilities.

Mr. President, to do exact justice in the case of Florida, either one of two things should be done: Either some of the territory now in the southern district should be placed in the northern district, where it really belongs, thus equalizing the districts and making it entirely possible for the two judges to conduct the business of the Federal courts in those districts; or, as has been done in Massachusetts and Minnesota, the State could be made one district and the services of the two judges could be utilized all over the State irrespective of district lines.

Massachusetts, with a population of over 3,000,000, has at present only one district judge, the entire State comprising one district. This bill proposes to add two additional judges to the Massachusetts district, and when the business and the population of that district are compared with others, that does not seem to me to be unreasonable.

The Senator from Florida yesterday made considerable ado about the distances by water around the coast of Florida from one place to another. Mr. President, as I have indicated excellent lines of railroad run there, and it is very easy by means of those railroads for a judge to travel from place to place where terms of court are to be held; he need experience no trouble in that respect whatever.

I imagine that one of the reasons back of the suggestion that an additional judge be provided for the southern district of Florida is that the judge in the northern district is not very well liked and that, therefore, the people of the State desire to secure an additional judge for the southern district.

The Senator from Florida stated that the creation of an additional judge for the southern district of Florida would not involve much expense. Mr. President, the creation of new judges does involve considerable expense, for every time a new judge is appointed there is created a life office. The judge not only receives his full salary while he is in office but he continues to draw that salary for life. It seems to me in the interest of economy—and we all talk economy, but fail oftentimes to enforce it—that no additional judge should be appointed for the southern district of Florida, but that one of two things, as I

have indicated, should be done: Either equalize the districts from the standpoint of territory—and that can easily be done, as Senators may see if they will examine the map—or else do, as has been done in Massachusetts and Minnesota, make the entire State one district, and then the judges may be sent anywhere within the State to hold court.

Florida is not such a very large State. It is large compared with some of the Atlantic States and the New England States, but in comparison with our Western States it is not large. It contains 58,000 square miles. Minnesota has 83,000 square miles, and the distances from southern to northern or northeastern Minnesota, on Lake Superior, are fully as great as the distances in Florida. So it seems to me that it is utterly unfair and unreasonable, under the circumstances, to ask for another judge for the southern district of Florida. The people themselves can correct and remedy the matter at their next legislature. They can set back to the northern district some of the territory that belongs to the northern district, equalize it, divide up the territory, and divide up the business so that each judge will get his fair share of the business. As it is now they have one judge in the southern district with a large amount of business on hand, and they have one judge in the northern district with little or no business. The total number of civil cases in his district was only 4. The total number of criminal cases—I read from the last report of the Attorney General—

Mr. FLETCHER. Mr. President, if the Senator will allow me to interrupt him, the Senator suggests that the legislature can correct that situation. I submit that the legislature can not redistrict the State. Only Congress can take action of that sort.

Mr. NELSON. It can be done by an act of Congress.

Mr. FLETCHER. That would not meet the situation.

Mr. NELSON. A bill can be introduced in Congress, and there is no trouble in passing such a bill, dividing up the territory equitably. The representatives of Florida brought about this condition themselves by securing legislation detaching most of the important part of the northern district from that district and assigning it to the southern district, and leaving the judge with only that little panhandle that runs west to Pensacola. All the rest of the State, all the business end of the State, all the populous end of the State is in the southern district. The northern district has next to no business.

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

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

Mr. NELSON. Certainly.

Mr. KING. If I understand the Senator, he is discussing now the two districts in Florida, and is accounting for the fact that in one district there is a vast amount of business and in the other but little. Why does not Congress amend the act so that either the senior judge could call upon the other judge, or there could be a redistricting of the State with reference to population and litigation?

Mr. NELSON. This judge now can be called into the southern district, but they do not want him there, I presume. The judge in the northern district spends most of his time holding court in New York City, and there are one or two other cases of that kind in the country. When they come up here I will refer to them. Here is one district with little or no business, the northern district of Florida. They have a judge there. Instead of utilizing him in the southern district of Florida, as they might and ought to do, he goes off to New York and holds court up there during the whole summer, and has little or no business.

My position is this—and I say it in all fairness: The territory and population of these two districts should be equalized and put in such a condition that there is a fair proportion of population and business and territory in each district. If that is done, the two judges that are there now can easily do all the business in Florida. The same result can be reached in another way, by doing as they do in Massachusetts and as we do in Minnesota, and having the State all one district. That can be done. If the State were made all one district, the judges could go all over the State and change with one another.

Mr. KING. The Senator, if he is making a plea now for legislation of either character, I think, speaks wisely.

Mr. NELSON. I say, either one of those things can be done. I do not feel like initiating legislation of that kind for Florida. I am simply suggesting it. The legislation to remedy this evil ought to come from the Senators from Florida. Instead of that, they come up now and ask for an extra judge for the southern district, and do not propose to do anything about the other matter.

Mr. KING. Mr. President, before the Senator concludes, if he has not already discussed the matter, I hope he will call attention to some of these other States—for instance, Massachu-

setts, where two judges are allowed—and demonstrate, as I think the Senator can, that there is no necessity for two additional judges in Massachusetts.

Mr. NELSON. I will refer to them when they come up; but Massachusetts has a lot of business. It has 3,000,000 people—

Mr. WALSH of Massachusetts. Four million.

Mr. NELSON. And there is a great commercial center there; and Massachusetts has only one Federal judge. Just think of that! Massachusetts to-day has only one Federal judge, and Florida, with not quite a million people, has two, and now the Senators from that State want a third, and they are finding fault because Massachusetts wants three.

Mr. FLETCHER. Mr. President, may I suggest to the Senator that we are not finding fault with Massachusetts, but this is the situation: If we had an additional judge in the southern district of Florida we would still need all the time that Judge Sheppard, of the northern district, could spare from his court to assist the two in the southern district of Florida. Nobody dislikes Judge Sheppard. Everybody loves him, and he is a splendid judge; but he has his own court to attend to, and his district stretches over an area of 400 miles one way.

Mr. NELSON. I do not know what the reason is. I only know that he spends most of his time holding court in New York City, more than he does in the northern district of Florida.

Mr. FLETCHER. He does both; but in summer he is obliged to come to New York for some reason or other, and he spends most of his time there, and he is helping out with the work all the time. He is not loafing.

Mr. NELSON. I shall not take up the time of the Senate in needless discussion. I have aimed to state the facts as I know them.

Judge Swayne, when he went down there, turned out to be a most unpopular judge. After he had been there about four years, or something like that, they cut up his district into pieces, as it is now. They followed that up by impeachment proceedings and a trial, and he was finally acquitted. I have nothing to say about that matter. I think there was some good ground for complaint against Judge Swayne; but I ask Senators to look at the map and see what resulted from cutting up his territory as they did and putting everything in the southern district of Florida. Look at the State of Georgia, and you will see that practically all the territory south of the southern line of Georgia down to the Gulf is in the southern district, while the panhandle that extends westward, which I understand is the poorest part of the State, the least densely inhabited, with the least towns, is put into one district, and the facts show that there is little, if any, business there. The total number of all kinds of cases in the district, outside of draft cases and bankruptcy cases, is 208. They had only one draft case in that district. They had 192 bankruptcy cases.

I can say nothing more. I have no feeling about this matter, Mr. President. I have simply aimed in this case, as I have in the others, to work in the interest of economy and the welfare of the United States.

The Senator from Florida took occasion to compare Florida with Minnesota. I want to say to him that Minnesota to-day has 2,500,000 people. It contains 83,000 square miles. From the southwest part of the State to the northeast part, on Lake Superior, is a distance of probably seven or eight hundred miles. It has two large cities, the great commercial and jobbing center of that northwestern territory, with a population in the two cities—and they have grown together so that it is difficult to tell one from the other—of over 600,000. It is not only a great wholesale and jobbing place for all that northwestern country, but it is a great railroad center. Outside of Chicago, I think it is the greatest railroad center in the Northwest anywhere. In addition to that it is by all odds and by great lengths ahead of every other city as a milling center. The quantity of wheat ground there and the volume of flour manufactured there is enormous. They grind from 25,000 to 50,000 barrels a day, and even more.

Then, in the northeastern part of our State, in the territory contiguous to or back of Duluth, we have the greatest iron mines in America. We produce from those iron mines I think somewhere around 70 per cent of all the iron ore mined in the United States. In one of the ranges—I believe the Cayuna Range—there is considerable manganese ore. Our mines are peculiar in this respect: We have not only the common deep mines, where they bore in the ground and hoist the water and the ore up to the surface, but we have large mines there on the Mesaba Range, where they plow and scrape off the ground on the surface, scrape it down to the iron ore, lay railroad tracks on top of the ore, blast the ore on both sides, and load it onto the cars with steam shovels like they load gravel out of a gravel pit onto a freight car. The business of Duluth is enormous.

That is the point from which all the iron ore is shipped and nearly all the coal that Minnesota uses. The shipping is immense. Minnesota is unfortunate in one way. While we have such an abundance of iron we have no coal, and the result is that our iron ore is shipped from Duluth, Two Harbors, Superior, and other points at the head of the lake, down to the ports on Lake Erie, and our supply of coal is brought up in vessels. All this traffic makes a good deal of business for our courts.

The Senator from Tennessee [Mr. SHIELDS] yesterday, in one of his questions, showed that he was astonished at the number of civil cases there were in Minnesota. If he knew the volume of business that was handled in the Twin Cities, as we call them, and at Duluth, in the iron mines and in the mills, he would not be astonished at that amount of litigation.

Mr. President, before I sit down I intend to refer to some remarks of the Senator from Tennessee [Mr. SHIELDS]. If I understood him correctly, he held this bill to be unconstitutional because it provided for the transfer of judges, not only within a circuit but from one circuit to another. I think he went so far as to say it was unconstitutional and irregular. I do not intend to quote the statutes now, but if he will refer to the statutes he will find that there are in them to-day provisions for the transfer of judges from one district to another district in the same circuit, and that the transfer is to be made upon the certificate of the clerk of the court under the existing statutes.

He will also find in the existing statutes two provisions for transfer of judges from a district court in one circuit to another circuit. It is nothing new; it is in the statute now. Let me read the last part of section 13 of the Judicial Code:

Whenever it shall be certified by any such circuit judge or, in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a judge of another district within the circuit to perform the duties of such disabled judge, the Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district in another circuit to hold said court and to discharge all the judicial duties of the judge so disabled.

I cite this because it shows that this provision is not new. Under certain conditions district judges can be transferred from one circuit to another.

Section 14 of the Judicial Code provides:

When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk—

And so forth.

I call attention to that to show that in the existing provision of law the transfer of a judge from one district to another in the same circuit is made upon the certificate of the clerk.

We do not adopt any new theory, but we adopt a more systematic plan of carrying out what is already in the statutes. The provisions which we have incorporated in the bill were prepared by Judge Dennison, one of the ablest and best circuit judges. There were provisions in the bill as it came to us from the House and there were provisions in the "18 judge" bill, what some called "roving" judges, introduced at the instance of the Department of Justice, in reference to this matter, but we adopted this language, and see how plain it is. Instead of leaving it to the certificate of the clerk of the court, we leave it to the judge. The bill provides that section 13 of the Judicial Code shall be amended so as to read:

SEC. 13. (1) A district judge for a district may be designated to act in another district of the same circuit (including territory attached thereto)—

(a) In the place of a district judge who is physically or mentally unable for the time being to perform his duties or who is or who is to be necessarily absent from his district;

(b) In aid of a district judge who on account of the accumulation and urgency of business is unable to perform speedily all the work of his district;

(c) In aid of a district judge when the public interests so require.

Listen to this:

(2) Such designation shall be made by the senior circuit judge whenever he is satisfied that condition (a), (b), or (c) exists and that the designation can be carried out without such prejudice to the regular work of the designated judge as to make it inadvisable.

How much superior that is to this provision in the Judicial Code. I read it again:

When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk—

It is left to the clerk of the court in the law as it is.

Under the seal of the court, to any circuit judge of the circuit in which the district lies, or, in the absence of all the circuit judges, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof.

We do not change the principle of transfer. We only put it in a plainer and more workable manner than it is in the existing statute. There is no innovation. If this bill is unconstitutional, as the Senator contends, we have had unconstitutional provisions in our statutes ever since the Judicial Code was adopted, and even before that, because some of these provisions are taken out of the Revised Statutes.

Section 16 of the pending bill refers to the transfer of judges from one district to another in the same circuit. It provides:

The designation provided for by sections 13, 14, and 15—

That is, by the senior circuit judge or the circuit justice—

shall be in writing, signed by the judge or justice designating, and shall specify the district aided, the judge designated, and the period of service.

(2) It shall be filed in the clerk's office and entered in the minutes of the district court of the aided district—

And so forth.

I want to call attention to the simple and plain way in which we have provided for the transfer of a judge from one circuit to another, as compared with the existing statute. The pending bill provides:

SEC. 15. (a) A district judge of a district (called herein the home district) may be designated to act in any district of another circuit or its attached territory (called herein the aided district) in place of or in aid of a judge thereof, in case—

(a) The senior circuit judge of the aided district shall certify to the Chief Justice of the United States that the public interests require the designation of an additional judge or judges in such district and that it is impracticable to supply the need from among the judges of his circuit; and

(b) The senior circuit judge of the circuit of the home district shall certify to the Chief Justice of the United States—

And so forth.

In other words, the circuit judge of the home circuit of the judge who is to be transferred and loaned to another circuit has to certify that he can be spared, and then the judge of the other circuit has to certify that he is needed, and when the two judges so certify to the Chief Justice of the United States, he makes the transfer. Is not that more logical and more reasonable than the provision contained in this law I have quoted, which provides:

Whenever it shall be certified by any such circuit judge or, in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a judge—

And so forth.

In this bill we not only provide that the circuit judge of the circuit that is loaning the judge must certify that he can be spared, but that the circuit judge of the circuit in which it is desired to secure his services must certify that he is needed. In any case, it is left in the hands of the Chief Justice.

So in principle there is nothing novel in this. If the Senator maintained that a district judge having been appointed to a given district is an immovable fixture, and we have no constitutional right to move him from his own district, we would have no right to move him to a district in the same circuit. If you can move a district judge from his district to another district in the same circuit, what constitutional impediment is there to having that same district judge moved to another district in another circuit? In other words, if I may use a rather vulgar phrase, if you can move him from his roost at all, there is no reason why you can not move him from a district in one circuit to a district in another, if you can move him from one district to another in the same circuit.

I do not want my friend from Florida [Mr. FLETCHER] to think we are discriminating against him. There was another case brought before our committee somewhat similar to the Florida case. An amendment was offered, and we rejected it on the same principle on which I am opposed to the Florida amendment. I refer to the eastern district of Washington. An amendment no doubt will be offered covering that. What are the facts? The eastern district of Washington has not any more business than the northern district of Florida, if as much. Let me call attention to the amount of business in that district. The total number of cases, outside of bankruptcy and draft cases, was 104. That is less than the number in the district in Florida. Judge Rudkin, of that district, spends most of his time holding court in the northern and in the southern districts of California, and has spent very little time in his own district.

I make these statements because I want the Senator from Florida to understand that I did not discriminate against him. I took the same view of the Washington case that I did of the Florida case. The western district of Washington has two judges to-day. One of the judges in the western district spent part of his time in the southern district of California, and the other judge of that district spent a large portion of his time holding court in the city of New York.

I shall not weary the Senate further. We preach economy on the stump and here in the Senate, but when it comes to applying

it as a practical matter I am sorry to say that we fail. I have always felt and I feel to-day that while I owe a duty to my constituents, I owe a higher duty to the Government of the United States.

It is my duty here at all times to stand for the welfare and protect the interests of the Federal Government. The Federal Government has many of what I might call quasi enemies. They think everything is fair to get from the Government. "Go to the Government and get anything you will and it is all right. Grab with all your might in any direction. Uncle Sam has shoulders enough and pockets enough to bear it."

Mr. FLETCHER. Mr. President—

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

Mr. NELSON. Certainly.

Mr. FLETCHER. On that particular point I am quite convinced myself, and I believe I submitted an argument yesterday which would prove, that it would be more economical for the Government to place an additional judge in the southern district of Florida than it would be to keep sending help from the outside, even from the northern district.

But with reference to the case of Washington I call the Senator's attention to the fact that the table shows the total number of cases pending in the eastern district of Washington was 104 as against 1,336 pending in the southern district of Florida, and in the western district of Washington the total number of cases pending was 713 as against 1,336 in the southern district of Florida, and in the western district of Washington they already have two judges.

Mr. NELSON. I am aware of the fact, and it may seem ungracious to oppose Senators when they want additional judges. We are all creatures of circumstance, and we all have our friends and we all have our candidates for judges in one form or another. It may seem rather ungracious, but I refer to this case of the State of Washington more for the purpose at present of pointing out to the Senator from Florida that I was not actuated by any discriminatory feeling against their State. I took the same stand in reference to that matter that I did in the case of Florida, and I shall take it in every case if similar cases are brought here. I feel that my first duty is to protect the Federal Government, and next to that is the duty to do what is for the best interests of justice, economy, and good government.

Mr. TRAMMELL. Mr. President, I am sure that no one would question the sincerity at all times of the Senator from Minnesota and no one would for a moment think of him being actuated by any discriminatory motives.

It is the policy of the bill, as brought before the Senate by the committee, to afford relief to districts in which relief is needed. The committee has not recommended a policy of consolidation of districts nor of the discontinuance of a particular district in a State, but has adopted a policy of considering the districts respectively. On yesterday my colleague very forcefully brought to the attention of the Senate in argument and by statistics the fact that the southern district of Florida is one of the most congested in its business and is needing relief as greatly as any district in the United States. Based upon the case of merit, upon the conditions which demand relief, we are asking the Senate to allow an additional judge for the southern district of Florida. The merits of the question have previously been considered by the Senate. On two occasions the Senate has previously passed a measure providing for an additional judge for this district in Florida. The merits have also been passed upon by the House, the House Committee on the Judiciary having recommended an additional judge, and in the bill of which this is an amendment the House wrote a provision for an additional judge in the southern district of Florida.

Take the question of the two districts in the State. It is true that there is a much larger volume of business in the southern than in the northern district. It is true that there is more territory in the southern than in the northern district. But this condition exists in almost every State of the Union in the United States district courts. An analysis of the situation will disclose that in many States where an increase in the judiciary is being authorized there are districts which are not congested, and in a number of instances districts which will have but little, if any, more business than the northern district of Florida. Take the court which has no more business than the court can dispatch, necessarily if we look at the docket of pending cases we can not determine the amount and the volume of business in that district, because it is not allowed to accumulate and to congest the dockets. On the other hand, in the congested districts, necessarily the business accumulates and piles up on account of the judge not being able to dispatch the business promptly.

The northern district of Florida covers in a very large measure the older part of the State. That is one of the best sections

of our State, and there are many prosperous towns in that part of Florida which were not mentioned by the distinguished Senator from Minnesota [Mr. NELSON] in going over the list of cities and towns in the northern district.

I have not taken the time to compile the statistics, but I am confident that within that district there is a population of not less than 350,000. I know that the district embraces within its limits all of one congressional district and a considerable part of another congressional district in the State of Florida. It is true that the judge may have the time to work in another district, but, on the contrary, it is untrue that the judge of the northern district and the judge of the southern district of Florida would be able to attend to all of the business in the two districts.

In the Minnesota cases referred to it is true that in the two districts they have probably 200 more cases than they have in the two districts in Florida, but it is proposed on that account that an additional judge be given to Minnesota. In that case we would have an additional judge for Minnesota and the three judges in that State would find a docket of only about 100 more cases for consideration than the three judges would find in the two districts of Florida if we were allowed an additional judge for the southern part of that State.

The congestion in the southern district of my State is deplorable. It is absolutely impossible for one judge to dispatch the business coming before his court under the present conditions. There is not a judge in the United States who could do it. We have a very able and capable judge in that district, a man who is interested in his work, who is endeavoring to dispatch business, but it is humanly impossible for him to dispatch the work which is incumbent upon him in that large district.

Geographically speaking, it would be very inconvenient for the State of Florida to be consolidated into one district and have the headquarters of the court in one particular city. It is true that we have splendid railroad facilities and good train service, of which we are proud, but on account of the peculiar geographical condition and situation of the State we can not reach the northwestern part of the State from southern points without making an "elbow" to get into that part of the State. If one would go from any of the more northern or western section cities down into the interior or southern part of the State, it means a trip from Pensacola to Jacksonville and back down the other angle of the elbow to wherever he wishes to go.

It would be very impractical to have the districts consolidated. The most practical and logical thing to do is to have two districts in the State. If we consolidate the business of the two districts there will be more business than can possibly be dispatched, and dispatched as it should be, by two judges.

We have presented the case of the southern district of Florida, and, as I have before stated, the committee has adopted a policy of considering each district upon its own merits in other States. In this district, when the statistics were made which were presented to the committee, there were pending 1,336 cases, and we have only one judge. The bill provides for one new judge in the eastern district of New York and two for the southern district of New York, where they already have three judges, making a total of six, with nothing like the number of cases pending proportionately in those courts, according to the number of judges, that we have pending in the southern district of Florida. In the eastern district of Pennsylvania one additional judge is provided, although that district now has two judges, with a total of 2,788 cases pending, which is nothing like a proportionate number of cases, according to the number of judges, that are pending in the southern district of Florida.

In the western district of Pennsylvania, with a total of 2,449 cases pending, with two judges at present, it is proposed to authorize one additional judge. In that instance, if we divide the number of cases by two judges it will be found that there are only 1,224 cases pending before each judge. In the southern district of Florida there were 1,336 cases pending at the time the statistics found in the committee's report were prepared, and on account of the rapid increase of business to-day there are over 1,600 cases; yet an additional judge is authorized in the western district of Pennsylvania, with an average of only 1,224 cases to each judge, but an additional judge, in the opinion of the Senator from Minnesota [Mr. NELSON], should be denied Florida, with 1,336 cases pending in the southern district of that State.

In the northern district of Texas we find there are two judges at present, with a total of 1,220 cases pending. The committee proposes to allow one additional judge to the northern district of Texas, which will give that district three judges, with 1,220 cases pending—a smaller number of cases pending for three judges than we have in the southern district of Florida for one judge.

In the eastern district of Michigan, with a total of only 754 cases pending, having already one judge of course, there is to be authorized under the pending bill an additional judge.

For the two districts of Ohio it is proposed to give one new judge. At present there are four judges in Ohio and there are 1,411 cases pending there. There is an instance where, with four judges at present and with only 1,411 cases pending, in comparison with 1,336 cases pending in the southern district of Florida, it is proposed to give an increase of one judge to be added to the four already sitting there at the present time.

The northern district of Illinois has two judges at present, with 2,184 cases pending, and it is proposed to authorize one new judge there. Even with only two judges, according to the statistics, they have no more upon them in the way of litigation to dispose of for each judge than does the judge of the southern district of Florida; yet it is proposed to allow an additional judge in the northern district of Illinois.

Take the eastern district of Missouri. At present there is one judge; the total number of cases pending in that district is 622; yet it is proposed under the pending bill to authorize an additional judge for the eastern district of Missouri.

Montana, with one judge and a total number of cases of 525, is to be given an additional judge by the pending bill.

For California, with two judges in the district and only 1,179 cases pending, it is proposed to provide an additional judge.

Arizona, with only 310 cases pending, is to have an additional judge.

Oklahoma, with 1,399 cases in the eastern district, is to have an additional judge. The Oklahoma case is one that might very reasonably be compared with the Florida case, because the number of cases pending in that court is approximately the same as in the southern district of Florida.

I submit, Mr. President, that doubtless in a number of these instances an additional judge should be authorized, and that the public business requires that Congress provide for additional assistance for the purpose of dispatching the court business of the country; but I can not quite conceive of the logic of some of our friends who oppose Florida having an additional judge for the southern district of the State when, upon the other hand, they are supporting each of these additional judgeships as provided in the pending measure.

All we ask for is that Florida be dealt with just the same as the other States and districts of the Union have been dealt with by the committee. We feel that Florida is justly entitled to an additional judgeship for the southern district of the State. We are actuated by absolutely sincere motives and only desire to have the public business of the State which is transacted by the Federal courts expeditiously carried on, as it should be.

In our State we have a number of good Republicans, one of whom, no doubt, will be appointed to the judgeship should it be created. We have no hope of having a Democrat appointed to the judgeship there; but we do feel that the business of the court in the southern district of the State demands this relief and that Florida deserves this consideration at the hands of Congress. I very much hope, therefore, Mr. President, that the amendment offered by my colleague the senior Senator from Florida [Mr. FLETCHER] will be agreed to.

Mr. CUMMINS. Mr. President, I have no hesitation in saying that the southern district of Florida, considered in and of itself, is entitled to an additional district judge; but I desire to suggest to the Senate some of the reasons which influenced the Judiciary Committee in the exclusion of that district, all of which reasons, at least, have not been stated by the Senator from Minnesota [Mr. NELSON].

The general purpose of the committee was to provide the United States, as a whole, with a sufficient judicial force. In many instances the survey of the subject passed far beyond the immediate districts concerned. As the Senator from Minnesota has stated, the northern district of Florida has so little business of a judicial character that the judge of that district is able to employ half or more than half of all his time beyond the district, and latterly it has been employed beyond his circuit. It is very clear to me that in considering the needs of the southern district of Florida we ought to take into account and give great weight to the fact that the judge of the northern district of Florida could give half or more than half of his time to the work of the southern district of Florida, and I do not know of any reason why he should not be assigned to the southern district of Florida instead of being assigned to the southern district of New York.

Moreover, I desire to call the attention of the Senate to another fact. If Senators will look at the map that hangs on the wall, it will be seen that the States of Alabama and Georgia

lie immediately north of and adjoining the State of Florida. The State of Alabama is already provided with three district judges, and I say frankly that I think it has more district judges than its necessities demand. The State of Georgia has two district judges, but this bill provides another judge for Georgia. If that provision remains in the bill, it will be seen that the group of States composed of Georgia, Alabama, and Florida will have eight district judges. I think eight district judges are all that are required and, indeed, more than are required for the transaction of the judicial business of those three States. I have no doubt—at least, it was so with me, and I think it was so with some of the other members of the committee—that we took into account the judicial force of that group of States; and there is no reason in the world why the eight district judges should not combine their energies for the purpose of trying cases in those States.

Mr. SHIELDS. Mr. President—

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

Mr. CUMMINS. I do.

Mr. SHIELDS. Referring to the argument the Senator is making as to the three States he has mentioned, and especially as to Florida, where he speaks of the northern district not having sufficient business to occupy the judge all the time—I have not examined it, and I do not know how it is in detail, but I will look at it—and therefore that he should aid in the southern district, where unquestionably great congestion exists, I ask the Senator, why was not that principle applied to the State of Ohio? It is conceded that the two judges in the southern district have their dockets clean and tried up, and that they are spending much of their time in holding court in other districts. Why give a new judge to the northern district of Ohio, instead of letting the two from the southern district relieve that congestion?

Mr. CUMMINS. I do not think that is true of the southern district of Ohio in the degree or anything approaching the degree in which it is true of the northern district of Florida; and the docket of the southern district of Ohio, as I remember, is very much larger than the docket in the northern district of Florida. Let us see.

Mr. SHIELDS. Mr. President, we know as a fact that those two judges are holding court in other districts.

Mr. CUMMINS. I do not know it personally.

Mr. SHIELDS. The Senator will remember that Judge Sater, of Columbus, of that district, stated before the committee that he held court in Pennsylvania and in Tennessee and in some other districts.

Mr. CUMMINS. Yes; I do know that; and I think it is a very common thing; but I do not know that Judge Sater was absent from his own district for months at a time, although he may have been. I have no information on that subject; but I desire the Senate to know that in the southern district of Ohio on the 30th of June last there were 448 criminal cases pending and undisposed of, and that there were 309 civil cases pending and undisposed of.

I mention these things, Mr. President, simply to show that the committee made an effort to provide sufficient judicial force in every part of the country; and with me, at least, the fact that the northern district of Florida had little business, and that there are to be six judges in Alabama and Georgia, influenced my action to some extent.

Mr. FLETCHER. Mr. President, permit me to call the Senator's attention to this situation, which evidently escaped the committee in considering this bill if they were looking at it from the standpoint the Senator now mentions.

New York, for instance, has nine judges already. The committee proposes to give that State three more. There are certain districts in New York where they certainly do not need any additional judges, and where they have no more business than in the northern district of Florida. Take Vermont and Connecticut, right around New York, and that whole region: In Vermont, for instance, the total number of cases is 185, and in Connecticut the total number of cases is 386. There they have two judges, nine judges in New York, right in that immediate vicinity, and the same way in New Hampshire.

Mr. CUMMINS. The committee took those facts into consideration. New York has a population of more than 9,000,000 people, and the circuit is composed of New York, Connecticut, and Vermont.

Mr. FLETCHER. They have 9 judges in New York alone, 1 in Vermont, 1 in Connecticut, 1 in New Hampshire, and so forth; but I say that if the committee were reviewing the matter from that standpoint they could have found in these circuits, right adjacent to each other, less need for additional

judges than exists in the southern district of Florida; and the Senator is altogether mistaken about the idea that the judge in the northern district of Florida has practically nothing to do, or that only a small portion of his time is taken up with his work. The figures show that there are pending in that court, undisposed of, 209 cases, and in addition to that 192 bankruptcy cases, 1 draft case, and 22 prohibition cases, making a total of 424 cases pending now in the northern district of Florida.

Mr. CUMMINS. That is including the draft and the prohibition and the bankruptcy cases.

Mr. FLETCHER. Yes; but there are 209 cases outside of that.

Mr. CUMMINS. I did not mean to be understood as saying that there was no business in the northern district of Florida; but I said that the business of the northern district of Florida did not consume more than half the time of the judge of that district.

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

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

Mr. HARRISON. I notice that this report states the number of cases that are pending that have not been tried in the various districts, and it seems that that moved the committee to make its various recommendations. Did they not take into consideration the number of cases that were tried in these various courts? Does not the Senator think that that is a better way to judge as to the need of a new judge, rather than to state how many cases are left over and not tried?

Mr. CUMMINS. The committee undertook, as well as it could, to examine the report of the Attorney General showing the number of cases that had been disposed of in the various courts during the preceding year.

Mr. HARRISON. It would seem to me that the fact that there were not many cases left over shows that one judge was doing his duty, and that those who had a lot of cases left over were not doing their duty. What I rose to ask the Senator, however, was this: He was speaking of that southern tier of States there—Tennessee, Georgia, Alabama, and Florida.

Mr. CUMMINS. I did not speak of Mississippi.

Mr. HARRISON. That is why I am going to ask the Senator a question. I am wondering if there was any method in that madness or in that omission. Why was Mississippi omitted in the discussion of the Senator?

Mr. CUMMINS. There was no movement upon the part of anyone representing Mississippi for additional judicial force, and I infer from the record made by the report of the Attorney General that those representing Mississippi, not only here but in the other House, felt that they could not conscientiously ask for another judge, in view of the comparatively little business done in the court in Mississippi.

Mr. HARRISON. That does not answer the question that I propounded to the Senator. I asked him why it was that he omitted to mention Mississippi in connection with his discussion a few moments ago, when he said that there were so many judges for Alabama, Georgia, and Florida.

Mr. CUMMINS. I did not mention Mississippi because Alabama and Georgia lie immediately north of Florida and have an easy entrance into Florida through the means of communication that are established, and the judges of Alabama and of Georgia, assuming that all their time would not be required at home—and as to that I assert nothing—can easily reach Florida.

Mr. HARRISON. It was not, then, because if the one judge who is assigned to Mississippi under the law had been added to the sum total of those in Georgia and Alabama and Florida it would reduce the average that the Senator omitted the State of Mississippi?

Mr. CUMMINS. I should be sorry to arrange a system that would require the single judge that Mississippi has to be assigned anywhere else. I think the judge in Mississippi has all that a judge can comfortably do.

Mr. HARRISON. The Senator said that Mississippi was omitted because apparently the Senators and the delegation in the House made no move to bring that about.

Mr. CUMMINS. No; I said that it was not considered because apparently there had been no representations from Mississippi that the work there had accumulated so that an additional judge was necessary.

Mr. HARRISON. The Senator from Mississippi could do no more than to offer an amendment and to introduce a bill; and the Senator from Iowa, of course, is aware that there is pending a bill to create a new judgeship for Mississippi, and that an amendment was offered to this bill to that effect; and I think the Senator from Tennessee offered that amendment in the committee.

Mr. CUMMINS. I do not remember that the Senator from Tennessee offered such an amendment, though he may have done so.

Mr. HARRISON. It would have taken the usual course and been defeated had it been offered.

Mr. CUMMINS. I do not know that. If the Senator means that there was any discrimination on account of the locality from which the amendment came, he is very much mistaken, because we have added in this bill, I think, everything considered, quite as liberally to the South as we have to the North.

Mr. HARRISON. Yes; you have put in 3 judges for the South and 16 for the North. That is the liberality that the Senator's committee has shown.

Mr. SHIELDS. And that is enough.

Mr. HARRISON. That is enough under the present circumstances, I think. May I ask the Senator a question?

Mr. CUMMINS. Certainly.

Mr. HARRISON. Of course, the Senator is aware, because he has been on the committee for a long time and he has voted three times, I think, for a bill which has passed the Senate for the creation of another judgeship in Mississippi—

Mr. CUMMINS. Never.

Mr. HARRISON. The Senator may have done it when he did not know what he was voting for, but I will say to the Senator that on three different occasions bills have passed the Senate for the creation of a second judgeship for Mississippi.

Mr. CUMMINS. What the Senator means is that I did not raise my voice in protest against the bill when it was on its passage.

Mr. HARRISON. The thing I am surprised at is that the Senator did not raise his voice in behalf of it.

Mr. CUMMINS. I have never voted for a bill of that character, and I have never voted for one for the middle district of Tennessee. I have been opposed mainly to these additions heretofore.

Mr. HARRISON. Does not the Senator think this is an almost inexcusable course on the part of the committee when it is realized that Mississippi has one judge for two courts and at an expense of only \$7,500 we could create one more judgeship in Mississippi? Three bills creating judgeships have passed in the Senate before, and this attitude of the committee seems unjust when you take into consideration the fact that in some of the adjoining States there are as many as three judges with little or no more business. Is there any excuse for omitting the creation of an additional judgeship for Mississippi under those circumstances?

Mr. CUMMINS. There was one reason for the omission of a provision for an additional judge from Mississippi, and that is outweighed by another reason. The reason for the creation of a new judgeship lies in the fact that Mississippi is one of two instances in the United States in which there is not a judge for each district. The other instance is the middle district of Tennessee. That can be said in favor of appointing a new judge in Mississippi. On the other hand, a comparison of the business done in Mississippi—and it is greatly to the credit of Mississippi that there is no more business than there is—I think shows that the State is not entitled to another judge.

Mr. HARRISON. But I had understood the Senator to say that he had not investigated the situation so far as Mississippi is concerned.

Mr. CUMMINS. The figures are before us.

Mr. HARRISON. The Senator refers to the figures showing the number of cases which are pending; but the Senator did not investigate, as I understood him to say, the number of cases now being tried in the courts there.

Mr. CUMMINS. The Senator misunderstood me. The report of the Attorney General shows the number of cases which were tried the year preceding the 30th of June, 1921, and all the members of the committee, I assume, have investigated those statistics.

Mr. HARRISON. Is it the opinion of the Senator that the Senate would not be justified in adopting an amendment to this bill creating another judgeship for Mississippi?

Mr. CUMMINS. Regrettable as that may seem to be, that is my opinion.

Mr. HARRISON. I am sorry to hear the Senator say that.

Mr. SHIELDS. I would like to know if the Senator thinks that of the middle district of Tennessee. He says he never voted for an additional judge for that district.

Mr. CUMMINS. Will the Senator please repeat the question?

Mr. SHIELDS. I would like to know if the Senator has the same opinion as to the middle district of Tennessee that he has of the Mississippi district? The northern district of Mississippi and the middle district of Tennessee are the only two districts in the United States which have no judges.

Mr. CUMMINS. The Senator from Tennessee stated the fact correctly. Does he now ask me my opinion as to the advisability of another judge?

Mr. SHIELDS. I do.

Mr. CUMMINS. I adhere to the action of the committee in that respect. I intend to be loyal so far as the committee is concerned. I have not been attempting, the Senator knows, to work out my individual views respecting the distribution of these judges.

Mr. SHIELDS. I have not made any such insinuation, even, much less statement, to the Senator, but the Senator said he had never voted for an additional judge for the middle district of Tennessee. Of course, a measure so providing could have passed without his vote. A bill has passed the Senate three times in the last 10 years for that purpose, but failed in the House. The Senator has two districts in his State and one judge in each, and the two districts in Tennessee, presided over by Judge Edward T. Sanford, of the eastern district, have more business than those two districts in the State of Iowa, where they have two judges. I will present the figures later. I invite the Senator's attention now to the fact that Judge Sanford is now doing more work than both of the Iowa judges are doing, each and every day.

Mr. CUMMINS. The Senator from Iowa begs leave also to remind the Senator from Tennessee that Iowa has not asked for an additional judge. I do not think we need an additional judge.

Mr. SHIELDS. But to put it back on the same basis Tennessee is on, Iowa ought to have one of those judgeships abolished.

Mr. CUMMINS. I question very much whether the Senator can, by any satisfactory evidence, prove that any judge in his State is doing twice as much work as a judge in my State.

Mr. SHIELDS. The Tennessee judge is doing more work than both of the Iowa judges. I will present the figures later.

Mr. CUMMINS. The Senator will not be able to satisfy me, at least, by any proof he may have in his possession on that point, because I am familiar with my own State and know what has been done. I know that we have had one judge for the last year or more who has been practically disabled, and therefore has done no work, or substantially no work, other than the trial of criminal cases. The judge who has been at work has done as much, I venture to say, as any district judge in the United States.

Mr. President, I have nothing further to say, and I ask for a vote on the amendment offered by the Senator from Florida.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida [Mr. FLETCHER] to the amendment of the committee.

Mr. CUMMINS. Does the Senator from Florida desire a full Senate when we vote on this question?

Mr. FLETCHER. It is not material to me. I think we could carry the amendment now, as the Senate stands, and I am ready for a vote.

Mr. CUMMINS. Fearing that such would be the result, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Harrison	Norris	Shortridge
Broussard	Heflin	Overman	Underwood
Bursum	Jones, Wash.	Page	Walsh, Mass.
Cameron	Kendrick	Phipps	Warren
Capper	Keyes	Poindexter	Watson, Ga.
Cummins	McKinley	Pomerene	Weller
Dial	McNary	Rawson	Williams
Fletcher	Moses	Reed	
France	Nelson	Sheppard	
Harris	New	Shields	

The PRESIDING OFFICER. Thirty-seven Senators having answered to their names, a quorum is not present. The Secretary will call the names of absent Senators.

The reading clerk called the names of the absent Senators, and Mr. LADD, Mr. ODDIE, Mr. PEPPER, Mr. SPENCER, and Mr. WADSWORTH answered to their names when called.

Mr. JONES of Washington. I desire to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from Indiana [Mr. WATSON], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FREELINGHUYSEN] are absent in attendance on the Committee on Finance.

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

Lenroot	Simmons	Curtis	Swanson
Townsend	Stanley	Gooding	Trammell

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Fifty Senators have answered to their names. A quorum is present.

Mr. CUMMINS. Mr. President, I ask unanimous consent that on the calendar day of Thursday, April 6, at not later than 4 o'clock in the afternoon, the Senate shall, without further debate, vote upon all amendments that are pending or that may be offered, and upon the bill through the regular parliamentary stages to its final disposition.

The PRESIDING OFFICER. Is there objection?

Mr. HARRISON. I regret to object; but one of the most important amendments that could possibly be offered to the bill has not been discussed at all, and I may want to discuss it unless it is accepted.

Mr. CUMMINS. There will be ample time between now and then.

Mr. HARRISON. Between now and 4 o'clock to-morrow?

Mr. CUMMINS. When we shall conclude this afternoon I will ask for a recess until to-morrow at 11 o'clock, and the recess will not be taken before half past 5.

Mr. HARRISON. There is a very important resolution which goes over from to-day until to-morrow, and I shall want it acted on to-morrow. So I object.

Mr. SHIELDS. Would it not be better to make it 4 o'clock Friday?

Mr. CUMMINS. I am willing to make it 4 o'clock Friday. Will the Assistant Secretary state the proposed unanimous-consent agreement, so that we may all understand it?

The Assistant Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Friday, April 7, 1922, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States; to provide for annual conference of certain judges of United States courts; to authorize the designation, assignment, and appointment of judges outside of their districts, and for other purposes, through the regular parliamentary stages to its final disposition.

Mr. HEFLIN. I thought it was the purpose of the Senator to vote this afternoon on the amendments that are pending now.

Mr. CUMMINS. I intend to ask the Senate to remain in session until half past 5 for the very purpose of voting on the pending amendments.

Mr. HEFLIN. The Senator does not intend to hold up the vote on all amendments until Friday afternoon?

Mr. CUMMINS. No; I do not. I desire to dispose of just as many of them as possible to-day.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement? The Chair hears none, and it is entered into. The question is on the amendment offered by the Senator from Florida [Mr. FLETCHER] to the committee amendment.

Mr. FLETCHER. On that I ask for the yeas and nays.

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

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I transfer that pair to the junior Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. STANLEY (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. I transfer that pair to the senior Senator from Louisiana [Mr. RANDELL] and vote "yea."

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

Mr. UNDERWOOD (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], which I transfer to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

The roll call was concluded.

Mr. OVERMAN (after having voted in the affirmative). I observe that my pair, the senior Senator from Wyoming [Mr. WARREN], is absent. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and let my vote stand.

Mr. DILLINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. SUTHERLAND. I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. NEW (after having voted in the affirmative). As on the previous vote, I transfer my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from Ohio [Mr. WILLIS] and allow my vote to stand.

Mr. KENDRICK. Has the Senator from Illinois [Mr. McCORMICK] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. KENDRICK. I have a general pair with that Senator. In his absence I am compelled to withhold my vote.

Mr. HARRISON (after having voted in the affirmative). Has the junior Senator from West Virginia [Mr. ELKINS] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. HARRISON. I have a general pair with the junior Senator from West Virginia [Mr. ELKINS], and in his absence I withdraw my vote. If permitted to vote, I would vote "yea."

Mr. FRELINGHUYSEN. I observe that my general pair [Mr. WALSH of Montana] is absent from the Chamber. I transfer that general pair to the junior Senator from Maine [Mr. HALE] and vote "nay."

The result was announced—yeas 29, nays 29, as follows:

YEAS—29.

Ashurst	Harris	Rawson	Trammell
Broussard	Hefflin	Reed	Underwood
Bursum	McKinley	Sheppard	Walsh, Mass.
Cameron	Myers	Shields	Watson, Ga.
Caraway	New	Shortridge	Williams
Dial	Oddie	Simmons	
Fletcher	Overman	Stanley	
France	Pomerene	Swanson	

NAYS—29.

Borah	Jones, Wash	McNary	Smoot
Calder	Keyes	Moses	Sterling
Capper	King	Nelson	Sutherland
Cummins	Ladd	Norris	Townsend
Curtis	La Follette	Page	Watson, Ind.
Dillingham	Lenroot	Pepper	
Frelinghuysen	McCumber	Phipps	
Gooding	McLean	Polindexter	

NOT VOTING—38.

Ball	Gerry	Lodge	Smith
Brandegge	Glass	McCormick	Spencer
Colt	Hale	McKellar	Stanfield
Crow	Harrell	Newberry	Wadsworth
Culberson	Harrison	Nicholson	Walsh, Mont.
du Pont	Hitchcock	Norbeck	Warren
Edge	Johnson	Owen	Weller
Elkins	Jones, N. Mex.	Pittman	Willis
Ernst	Kellogg	Ransdell	
Fernald	Kendrick	Robinson	

So Mr. FLETCHER's amendment to the committee amendment was rejected.

Mr. FLETCHER. I wish to reserve the amendment which has just been voted on for a separate vote in the Senate.

Mr. FRELINGHUYSEN and Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. FRELINGHUYSEN. I offer the amendment which I send to the desk.

Mr. REED. I am going to ask the Senator from New Jersey if he will not do me the favor to let me offer an amendment to the bill at this time, because I think I have to leave the city?

Mr. FRELINGHUYSEN. I withhold my amendment for the present, in view of the request of the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. REED. I offer the amendment which I send to the desk.

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

The READING CLERK. It is proposed to amend the committee amendment by inserting after the word "one" in line 18, page 10, the following:

For the western district of Missouri, one.

Mr. REED. Mr. President, I shall take the time of the Senate only very briefly to state the situation existing in Missouri. The business of the Federal courts of that State has been growing enormously for several years. We have two judges; one of them Judge Van Valkenburgh, happens to be a Republican, and holds court in the western district, and the other, Judge Faris, who happens to be a Democrat, holds court in the eastern district. Federal court terms are held at several points in the State. The House bill allowed two additional judges for Missouri, one for the eastern and one for the western district. The Senate committee eliminated the provision for an additional judge for the western district. I thought it had been arranged that there would be a different result from that, but I am not here now to urge that matter of procedure.

The city of St. Louis has been growing very rapidly, Kansas City has also been growing very rapidly; in fact, all of that

section of the country has been growing in population and business. Both of our judges are vigorous men; both are worked to the point of absolute exhaustion; and yet the business of their courts is falling behind.

I want to say for both Judge Faris and Judge Van Valkenburgh that they dispatch business rapidly; they are industrious; but it is greatly feared by members of the bar that they will break down under the strain which they are now enduring.

The increased criminal business, owing to the recent legislation of Congress, is now taking almost all of the time of those judges; civil business can not be attended to. I make that statement now from my personal knowledge, because I still practice law, and in that way I know the condition of the court dockets. The loss to the people of the State and to litigants through this congestion of business amounts to many times more than the salaries of the judges.

I think I will merely put into the RECORD, as much more conclusive than anything I can say, statements of the two district judges and the statement of his honor, Judge Sanborn, who is the presiding justice of the circuit court of appeals. Judge Sanborn states:

A dispatch from Washington in one of the newspapers states that you have renewed your endeavor to get an additional district judge for the western district of Missouri. One is greatly needed there, as you and I know, and I hope you will succeed. To that end I have written a letter to Senator NELSON and presented, as well as I could in a short letter, the great need of an additional judge there.

Sincerely yours,

WALTER H. SANBORN,
Senior Circuit Judge.

I will read an excerpt from a letter from Judge Faris, who is the judge of the eastern district:

I have your wire of to-day and have just wired you as follows: "Humanly impossible one judge to do work in eastern district Missouri. Health breaking under strain, and unable to keep up. Compared to five years ago, cases filed increased 100 per cent, not including bankruptcy cases. Latter increased over 30 per cent same period. Must have help. Letter follows."

In his letter the judge states:

As shown by the figures inclosed, I have disposed of 808 cases in the fiscal year preceding July 1, 1921, besides handling a vast amount of administrative work and all of the bankruptcy work. Since July 1, 1921, I have been disposing proportionately of more work than was done in the fiscal year of 1921. I can not keep this up, and I am frank to say to you that I am not going to keep it up. I simply can not stand the strain, and if Congress will not treat this district fairly, I shall be compelled to do what I can and let the rest go undone. If Congress continues to pursue the present course of taking over all criminal cases from the States, it will only be a short time until the 73 State judges will be enjoying perennial vacations and the two district judges will be doing all the work. The situation is very serious, and something must be done.

Very truly yours,

C. B. FARIS.

I agree with all the judge says, except that the State courts will still have business to do, but there is a vast amount being thrown into the Federal courts.

I have a letter here from Judge Van Valkenburgh, who is the judge of the western district. It is a very complete review of the business in the court. I shall read the letter and call it particularly to the attention of the Senate:

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF MISSOURI,
Kansas City, February 24, 1922.

HON. JAMES A. REED,

United States Senator, Washington, D. C.

MY DEAR SENATOR: Your telegram of to-day asking for my views in regard to an additional judge for the western district of Missouri and condition of the dockets is duly received. I wired you this morning in general terms promising to follow with a letter containing additional data.

While this matter was before the Judiciary Committee of the Senate early this month Senator SPENCER telegraphed for information. I was ill at the time, but the district attorney compiled the data to the best of his ability, and the information conveyed is embodied in the inclosed file of telegrams which I have had copied and inclose for your information. This carried the matter up to February 9. Of course, it is not as accurate as the annual compilation for the Attorney General, but it is substantially so. You will realize that we have four outlying divisions: St. Joseph, Springfield, Joplin, and Jefferson City. The dockets are lodged with the deputy clerks at those points, and it would be impossible for us to get letter perfect figures from them without a consumption of time which is prohibitive for your needs. However, we can give that approximately.

Roughly speaking, Kansas City has from 70 to 75 per cent of the business of the entire district, civil and criminal, and if I give you the comparative figures for Kansas City you can get a fair approximation for the entire district. This, however, is to be noted: In the outlying divisions I have endeavored to keep the work up in all departments as nearly as practicable, feeling that it was better that the substantial part of our falling behind should be concentrated here at home in one division, where I could deal with it to better advantage than to have it scattered over the entire district; therefore while there has been a certain percentage of deferred business in these outlying districts, it has not been, and is not, so serious. Having informed yourself of the condition of the district for this fiscal year up to February 9 from the report of the district attorney to Senator SPENCER, I will submit some data in all departments affecting the Kansas City division. Of course, the business of the district for the last fiscal year, as well as that of other districts, is disclosed in the Attorney General's Report for 1921.

July 1, 1921, there were pending in the Kansas City division 69 criminal cases; since that date 480 prosecutions of all kinds have been placed upon the docket, making a total of 549. During this period I have disposed of 55 of the old cases and 388 of the new cases, aggregating 443, and leaving 106 still pending. In addition, the commissioners advise me that they have bound over for action by the next grand jury at the April term, or for the district attorney by information, 250 cases. There are still two months to elapse before that court opens on the fourth Monday in April, and at the present rate the number of cases bound over will total about 500, so that we shall start the April term with from five to six hundred criminal cases upon the docket. We shall probably dispose of a few, but not many, between now and then, because we can have no more juries in Kansas City before the next term. Meantime, we hold the St. Joseph term, beginning the first Monday in March; the Jefferson City term, which is fixed for the third Monday in March; and the Springfield term, which opens the first Monday in April. Following Kansas City we shall have the Joplin term, still in this fiscal year, which begins the second Monday in June. All these terms have now become very active, especially on the criminal side, and St. Joseph and Joplin particularly on the civil side. You may get some idea of the volume of business in these outlying districts when I tell you that 20 criminal cases had to be left undisposed of at the last term in St. Joseph, and that 43 new ones have been added to the docket, making a total of 63. This number will be increased to some extent before court opens. Because of the fact that I have five active divisions of this court, in each of which two terms are held annually, but a limited time can be allowed to each division. This, of course, greatly interferes with the dispatch of business where there is but one judge, who must distribute himself over the entire territory. But two weeks each can be allotted to the outlying divisions, and about eight weeks to the spring term at Kansas City. The November term can be somewhat extended by holding jury terms after the first of the year, excluding the Joplin term in January, but this is done at the expense of the equity docket, which can be held only at such times as no jury sessions are on. This climate is not adapted to court work in July and August, as you know, and not even our State courts attempt to hold trial terms during those months.

At the last spring term in Kansas City, which was the first term at which the extraordinary congestion of criminal business developed, 286 prosecutions were instituted, as against 480 for this November term. From this the great increase in the volume of business may be perceived; and this in spite of the fact that last year out of 722 prosecutions in the entire district I disposed of 655, in which there were 593 convictions, collected fines aggregating \$99,000, and sent hundreds to jail and to the penitentiary in the hope of breaking the back of this crime wave. This year, in spite of that attempted object lesson, I have already disposed of more than one-half that number in Kansas City alone. We have thus far collected only a little more than \$40,000 in fines, indicating an increased severity in prison sentences, always imposing the limit where the defendants have stood trial, and still the dance goes merrily on. It is realized, of course, because these parties and their attorneys are not fools, that this court, with its present force, must necessarily be hopelessly clogged if the present system continues; that if greater severity is exercised and the number of trials correspondingly and naturally increases, the court can not begin to handle the criminal docket alone, which, even at present, it can not quite compass. This court must therefore degenerate into a second-class criminal tribunal, and the civil business of the district must go to the dogs. This is so self-evident that I feel almost ashamed to presume to take up your time by stating it.

If Congress passes drastic laws, which meet with stubborn resistance, it can not expect those laws to be enforced unless it provides adequate machinery for that purpose. It seems hardly fair to throw upon the courts responsibility for a condition which they are helpless to remedy. Incidentally for several years, even before the present influx, this court, by comparison with other districts, has been entitled to an additional judge. If we have such, the very certainty that business can be reached and dispatched will have a wholesome effect upon the temper of the community and of those who are disposed to set the law at defiance. My great concern has been that the prestige of the Government should not suffer in the estimation of the public—a situation fraught with great future menace.

There is another consideration not disclosed by the naked figures of reports from the districts to the Attorney General. The district courts are now burdened with a great volume of business that is not disclosed by the figures of cases brought and disposed of. We have a large bankruptcy business, and many reviews come to the court from the orders and rulings of the referees. Some of these involve records and issues equal to the report of a master or a final hearing in general equity cases. They do not appear upon the docket as cases brought and disposed of. We have to sit in three judge cases, many of them where State statutes are involved, and we are drafted from time to time upon the circuit court of appeals, already overtaxed by the volume of appeal cases. If the district judges are kept sitting continuously in trial dockets and can not give necessary consideration to the briefs of counsel upon abstruse questions in involved and complex cases, of which we get many, the unsatisfactory disposition of those cases leads necessarily to a greater number of appeals and a greater burden upon appellate courts.

Applications for restraining orders, injunctions, and receiverships are greatly increasing in volume; they must be heard and they should be carefully considered. There are now pending something like 27 receiverships in this district, including those few in charge of circuit judges. The court should be able to give adequate supervising attention to such, and the work of the court is greatly increased by enforced attention to such proceedings. No week passes without one or more of such applications being presented. Furthermore, with but one judge in a district of this size and volume of business, it is impossible to follow up cases with promptness and decision. Where juries intervene with such continuity, equity cases wait upon juries, or great expense to the Government must be entailed. All the matters to which I have referred are pregnant with substance. I have been able to do little more than suggest the topics, relying upon the appreciation of sound and experienced lawyers like yourself and others upon the Judiciary Committee to accord to them their practical significance.

Recurring to the civil docket, I find that in Kansas City alone during the fiscal year ending July 1, 1921, 163 cases were brought and 121 disposed of. I held a civil jury trial docket in Kansas City in the fall but was unable to do so in the spring. This year already there have been filed 135 civil cases in Kansas City, and but 65 have been disposed of, no civil jury trials having been held in Kansas City.

Let me pause there. That is just the condition of the docket. The civil cases have to wait. Business of the very greatest

importance is held up. The loss to litigants is tremendous, and the general disruption of the legal business is becoming not only burdensome, but—I do not like to use the word "frightful"—it is in a very bad condition.

This letter continues:

Of course, in this number of 65 there have been a few equity cases and hearings to the court, but the greater part of these cases have been settled and disposed of because of the uncertainty of a jury session. These figures indicate, however, that the civil docket is increasing, while my ability to dispose of it has been obstructed by the mass of criminal work. In 1921, 73 civil cases to which the United States was a party were brought and 49 disposed of. This year, so far, 31 have been brought and 39 disposed of in Kansas City. These cases, of course, are not of the importance and do not entail such work as those to which the United States is not a party above referred to.

It will be instructive to compare the work of this district for the year ending July 1, 1920, with that of the year ending July 1, 1921. In the former year in the entire district 306 criminal cases were commenced and 263 disposed of; 211 civil cases to which the United States was not a party were brought and 241 disposed of. Last year 722 criminal cases were brought and 655 disposed of, and 226 civil cases were commenced and 181 disposed of. There was a net accumulation of 45 of such cases upon the civil docket.

It is further instructive to compare the work of this district for the last fiscal year with some other districts to which, I understand, it is proposed to give additional judges. Compare, with the figures above stated for the fiscal year ending in 1921 in this district, the eastern district of Michigan, in which 580 criminal cases were brought and 382 disposed of and 187 civil cases were brought and 132 disposed of. With the district of Arizona, in which 462 criminal cases were brought and 471 disposed of and 138 civil cases brought and 98 disposed of. I do not complain that these districts are to get help. I believe that the judicial establishments pretty well all over the United States should be greatly increased. I merely wonder why this district is ignored. It is idle to suggest sending in a nonresident judge from time to time to relieve the situation. In the first place such a judge would be needed all the time, and in the second place any visiting judge accomplishes but a small percentage of what can be accomplished by a resident judge, with local responsibility and knowledge of local affairs. This fact is notorious among all who have any knowledge and experience with nisi prius courts. The question of expense of providing an adequate number of judges is comparatively negligible; but this is immaterial. The Government must have adequate machinery with which to function, and its cost is as imperative as that of any other item in the Budget.

With sincere appreciation of your efforts, I am,

Cordially yours,

ARBA S. VAN VALKENBURGH,
District Judge.

Mr. President, in addition to that I desire to call attention particularly to the letter of Judge Sanborn, the presiding judge of the court of appeals, who stands in a disinterested position, and who is one of the very great judges of this country; and I think I can include right next to him these two district judges as among the very fine judges. I am not claiming that they are better than all the others. The country would be fortunate if it had judges of that character in all of our courts.

I present the petition of the executive committee of the Missouri Bar Association, signed by all of the members of the executive committee, in which they dwell upon the necessity of an additional judge in both the eastern and western districts. It is as follows:

Petition to Congress of executive committee of Missouri Bar Association to provide additional judges in Missouri.

To the Congress of the United States:

The executive committee of the Missouri Bar Association respectfully represents that the business in the Federal courts in both the eastern and western districts of Missouri has multiplied in the last three or four years to such an extent that the dockets have become badly congested, and that, although the judges of these courts are highly efficient and working hard and faithfully all of the time, they have been unable to dispose of the business coming before them, and that the civil docket in the western district is now nearly one year behind; that the business in both districts is growing constantly and that there is more than sufficient business in each district to provide constant work for an additional judge in each district.

Speaking for the bar of Missouri generally, we urge upon the Congress the creation of judgeships in both districts of Missouri. If the creation of new judgeships, as suggested, is not provided, it will result in the practical denial of justice to litigants in these districts.

We are sincere in stating that, in our opinion, there are no districts in the United States that are more in need of additional judges than the districts of Missouri.

C. W. GERMAN,
President.
KENNETH C. SEARS,
Secretary.
VINTON PIKE,
Vice President.
D. D. DUTTON,
Treasurer.
J. E. MCBAIN,
Vice President.
JNO. C. CARR,
Vice President.
R. B. OLIVER, JR.,
Vice President.

I do not want to take the time of the Senate to read them, but I have here telegrams, and a large number that I do not hold in my hand but have upon my desk, which come from the very best of our lawyers, men who have large business, and without exception they all tell the same story.

So, Mr. President, I venture to ask that the Senate agree to this amendment. I am as much in favor of economy as other Senators. There is no economy in a congested court. There is no economy in trying to run a machine that is so overburdened that it can not do the work. The immense cost to litigants is a thing to be considered. The loss in money to the taxpayers who have to go to these courts to have their business attended to is to be considered. The convenience of lawyers who have to practice in the courts is to be considered. The salary of an additional district judge amounts absolutely to nothing in comparison with the distress and loss occasioned by failing to have a sufficient number of judges.

So far as I am concerned, I do not want to see unnecessary judgeships created anywhere; but we must take into consideration the fact that we have doubled and then doubled again and I think then doubled again the work of our United States courts. We have put upon them the burden of trying a vast flood of fraud cases that ordinarily, or before we enacted the mail-fraud statute, never would have reached the Federal courts at all. We have imposed upon them another vast amount of business growing out of the enlargement of our interstate commerce statutes, both civil and criminal. We have imposed upon them a vast criminal business growing out of the Mann Act, and now an almost illimitable flood of work growing out of the prohibitory law; and I think the chairman of the committee having this bill in charge will feel that, whatever may be the fate of this bill as a whole, it ought to include this additional judge.

Mr. CUMMINS. Mr. President, I feel with regard to the amendment offered by the Senator from Missouri [Mr. REED] precisely as I felt with regard to the amendment offered by the Senator from Florida [Mr. FLETCHER]. I was of the opinion, as a member of the committee, that there ought to be one additional district judge in Missouri; but, comparing the necessities in Missouri with the necessities elsewhere, and with our provisions made for other communities, I could not see my way clear to the addition of two judges in Missouri. I should be glad if the same arrangement could be made in Missouri that is expected to be made in Georgia, and have the district judge that we have added made a judge of both the eastern and the western districts; but there is no movement of that kind, and hence, I suppose, that will not be done.

The personal knowledge of the Senator from Missouri respecting the work that is actually being done and the work that is left undone has very great weight with me. So far as my own vote is concerned, I shall stand with the action of the committee; but there is nothing more to be said than has been said. The Senator from Missouri has read in substance the report of the Attorney General, and has supplemented it with a statement from the judge himself. Apparently nothing remains to be said, and I am quite willing to have it disposed of at this time.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Missouri [Mr. REED] to the amendment of the committee.

On a division the amendment to the amendment was agreed to.

Mr. FRELINGHUYSEN. Mr. President, in the provisions of this bill the district of New Jersey is not provided for. In view of the location and certain conditions existing in my State, I desire to present some facts for the consideration of the Senate and at the close of my remarks to offer an amendment to this bill which I trust will receive the favorable consideration of the Senate.

In the first place, I wish to point out how the location of New Jersey results in much litigation which is not found to nearly so great an extent in most of the other Federal districts. We have an exceptionally long seacoast. This, coupled with the fact that we are located between the two great ports of New York and Philadelphia, results in the courts of our State trying exceptionally large numbers of admiralty and maritime cases.

Of these admiralty cases there were 178 pending at the close of business on June 30, 1921, this number being exceeded by only one district, that of New York, and equaled by two others. Another need is found in the fact that a great number of our large corporations are incorporated under the laws of New Jersey. Because of this we have a large number of cases; but here it is not only the number of cases which should be considered but the importance of these cases. Inasmuch as in many cases patents are involved, the litigation is important because of the large amount of money involved and also the large amount of time consumed in trying the cases. A case in point is the case between the Buckeye Powder Co. against E. I. du Pont de Nemours Powder Co., which consumed five months' time in the trying.

This case illustrates another point: That is, that although the plaintiffs are in a great many cases from outside the State, the litigation is brought to New Jersey because the defendant is incorporated under the laws of the State. The same applies to many of the citizens of the State who have either New York or Philadelphia for their place of business. Because of their citizenship in New Jersey they are tried under the New Jersey courts.

Therefore, in addition to the usual criminal, civil, and bankruptcy cases found on the docket of the average Federal court, we have in New Jersey, because of its location and laws governing corporations, large numbers of admiralty and corporation cases.

I want to say at this point that unfortunately I was unable to appear before the Judiciary Committee and present the claims of my State. It is a matter of great importance to the bar of New Jersey and to the State and to its jurisprudence. By reason of that fact I spoke to the chairman of the committee and asked that I have an opportunity of presenting my claims to the Senate, and I hope at least those Senators who are here will listen for a few minutes—and I will only take that time—to the claims of New Jersey, and to a statement of the present condition of the Federal courts of the State.

Another point which shows the need of another judge, which is also emphasized by our location, is the number of cases arising out of the prohibition enforcement law. In the hearings held before the committee it was brought out that one of the chief causes of congestion is the number of cases pending arising under the prohibition law. At the end of June, 1921, there were 395 criminal and 34 civil prohibition cases pending.

At the present time we have three Federal judges sitting at Trenton, the capital of the State, thus doing away with considerable overhead expense which is necessary when the judges move from place to place. These judges are giving full time to their duties; I should say that they are hard-working judges, of the highest character and standard of ability, but the dockets are overcrowded, there being 13,567 cases pending on June 30 of last year.

Comparing the number of judges to population for the entire country we find that the ratio is one judge to each 800,000 of population, which ratio would entitle New Jersey, with its 3,155,000 people, to four judges. In 1898 we had one judge in the district. Now we have three, but the volume of business has increased at a much faster rate, being tenfold larger now than at that time. In 1915, at the close of the fiscal year, 111 civil cases were pending, while on the same date in 1921, 331 cases were pending, a larger number than in any other district excepting the southern district of New York. In criminal cases in 1915, at the close of the fiscal year, there were pending 145 cases, while on the same date of 1921 there were pending 11,582, this large increase being partially accounted for by the number of selective-draft cases. In the admiralty cases we had 178 cases pending, and in bankruptcy 914 on June 30 last. Other cases to which the United States was not a party totaled 562, making the grand total of cases pending 13,567. This number in itself would justify another judge for this district, but when it is considered that the amount of litigation is increasing rather than decreasing, due to growth in population, expanding business enterprises, and the coming in of new corporations, an additional judge is an absolute necessity if the Federal courts are to discharge their functions expeditiously and the needs of the situation met.

Because of overcrowded dockets the Federal judges themselves have indorsed the need for the appointment of another judge. The New Jersey Bar Association has indorsed and requested that Congress act in the interest of the proper dispatch of the business coming before these courts.

I might say here that this bar association is composed of the ablest and best lawyers who have ever practiced in any court. We have a splendid bench and bar in New Jersey. These gentlemen have come here and urged that I present to the Senate and the Judiciary Committee the great need at the present time for an additional judge. The respective bar associations of the various counties of the States have likewise indorsed this request.

Unfortunately, I did not have an opportunity of appearing before the committee, but I know what the conditions of the courts are at the present time, how congested they are with business, and how necessary it is that we be given an additional judge to clear up the congestion. I am not asking it simply because it means more patronage and that we will have another judge. It is because the lawyers have come and told me that it is absolutely necessary. I shall therefore offer an amendment, which I did not have an opportunity to offer to the committee, and I ask that the Senate favorably consider giving

New Jersey an additional judge. I offer the amendment which I send to the desk, and move its adoption.

The PRESIDING OFFICER. The Secretary will report the amendment to the amendment.

The ASSISTANT SECRETARY. On page 10, line 13, after the word "two," insert the words "for the district of New Jersey, one" and a semicolon.

Mr. NORRIS. I would like to ask the Senator a question or two. He has impressed me very greatly by what he has said as to the necessity of another judge in New Jersey. I am impressed also by what other Senators have said, and I have some knowledge regarding conditions. I think the Senator must realize, and I believe we will all have to realize, that justice in the United States courts is becoming expensive. I wonder what the result would be to the taxpayers if we give an additional judge to every place which makes a good showing, as the Senator has made one, and there are quite a large number of districts which could make a showing almost as good as that which the Senator has made. I wonder what the result will be if we go on increasing the number of judges, as it is indicated will be necessary on account of the kind of litigation which is arising. The Senator referred to one case in New Jersey which took five months to try. That was between two great corporations, I assume. Does the Senator mean that the court was actually in session five months, actually engaged in the trial of that case? And what kind of a case was that? What was the nature of it?

Mr. FRELINGHUYSEN. I think it was a civil suit involving a contract. I do not remember the details of the case; the information was given to me. I know that the Federal courts in New Jersey are very much sought, and that by reason of the fact that New Jersey, under our general corporation laws, has been practically the home of corporations for a time, until some of that business went to other States, many of these large cases have been tried in the Federal courts there, and some very important ones.

Mr. NORRIS. Could the Senator give me any idea as to how much money it cost the taxpayers of the country to try that one case which took five months?

Mr. FRELINGHUYSEN. No; I can not. Of course, as the Senator knows, I am not a lawyer. I had to secure my information from the bar association and the judges with whom I have conferred. They say that the courts in New Jersey are so overcrowded with important cases that there is an absolute necessity for more assistance for the three judges who are now sitting, and they are judges who sit practically all the time. I know that Judge Rellstah is constantly holding court. Of course, New Jersey is not a very large State, and the center of our courts is practically Trenton or Newark, within an hour of each other. So the lawyers go either to Trenton or to Newark, and there the courts are held. It saves a great deal of expense to the Federal Government by reason of the fact that the overhead is reduced. I can not give any figures as to the present cost to the taxpayers of the Nation of the Federal courts in New Jersey. All I know is that the courts of New Jersey at present are congested and overcrowded, and we are asking for this judge because we need one, and I think, after taking it up with the Attorney General and with the judges in the State, it has been clearly established that three judges can not possibly handle the business there.

Mr. CUMMINS. Mr. President, there are comparatively few Senators here, and I know the difficulty of securing a quorum this late in the day. I believe there ought to be more Senators here before the amendment proposed by the Senator from New Jersey is voted upon. I move, therefore, that the Senate take a recess until 12 o'clock to-morrow.

Mr. HARRISON. Will the Senator withhold that motion a moment?

Mr. CUMMINS. I withhold the motion.

Mr. HARRISON. I hope the Senator will not move a recess, but will move an adjournment. There was a resolution pending to-day, which is fresh in the minds of all Senators, and there is no use letting grass grow around it before it is discussed again. So I hope that we can enter into a unanimous-consent agreement that to-morrow it may come up, and that then the Senator will move an adjournment.

Mr. CURTIS. Mr. President, the resolution is on the calendar, and it will have to be taken up by motion. Why not get rid of this court bill and get it out of the way?

Mr. HARRISON. A unanimous-consent agreement has been entered into to vote at a certain time on the judges bill, so there is no question but that the bill will be passed on Friday at 4 o'clock. If the Senator from Iowa will withhold his motion, I would like to submit a unanimous-consent request before that motion is made.

Mr. CUMMINS. I am willing to withhold the motion long enough for a unanimous-consent agreement to be entered into.

Mr. HARRISON. I present a unanimous-consent request that to-morrow morning, on the convening of the Senate, the first order of business shall be the consideration of the resolution I have offered and which was pending to-day, and that not more than an hour and a half of discussion shall be had upon the proposition before the vote is taken.

Mr. MOSES. If the Senator will make that one-half hour, I think he will have no trouble in getting his agreement.

Mr. HARRISON. One-half hour, providing I can get the floor.

Mr. MOSES. Let there be no proviso about it.

Mr. CUMMINS. I suggest to the Senator from Mississippi that he should not ask for the consideration of his resolution until it is seen at least that those who desire to discuss the judicial bill have had an opportunity to do so. It is now agreed that we shall vote upon it at not later than 4 o'clock on Friday.

I presume there are half a dozen or a dozen amendments, and I hope that those amendments may be debated and disposed of before we reach the time for the final vote. The Senator from Kansas [Mr. CURTIS] just reminds me that there are 16 amendments. I think it is not fair to Senators who are proposing amendments to the judicial bill to take any time out of the period from now until 4 o'clock on Friday to devote to some other subject. That is the reason why I moved for a recess rather than an adjournment.

Mr. HARRISON. I do not want to interfere with the plans of the Senator, but when the first unanimous-consent request was made to-day it was to vote to-morrow at 4 o'clock, and I objected to that, so we could get more time. It was then put over until 4 o'clock on Friday. There will be ample time for consideration of the judges bill. The resolution that was up to-day will be disposed of one way or the other. I have no disposition to prolong the debate on it. I will consent to a half hour's discussion or an hour and a half to-morrow, but let us have action upon it.

Mr. MOSES. I understand that the resolution is pending with a motion to refer it to the Committee on Civil Service and Retrenchment.

Mr. CURTIS. No; the resolution, I understand, is on the calendar.

The PRESIDING OFFICER. The Senator is correct about that.

Mr. MOSES. Did it not go to the calendar at 2 o'clock?

Mr. LENROOT. Was not the motion to take from the table and refer, and that was divided, and so the motion to take from the table was never acted upon by the Senate?

Mr. HARRISON. It is now before the Senate, as I understand.

Mr. MOSES. The motion to take from the table was carried.

Mr. LENROOT. Then I am mistaken.

The PRESIDING OFFICER. True; and the Chair announced that the morning hour having expired when the resolution coming over from the previous day had been under discussion, it went to the calendar.

Mr. HARRISON. My unanimous-consent request, if granted, might expedite all this matter and save confusion, so I ask unanimous consent that upon the convening of the Senate to-morrow the resolution be taken up for discussion, and that not more than one hour and a half of debate—

Mr. MOSES. I thought the Senator was going to make it one-half hour?

Mr. HARRISON. One-half hour, if I can be given the half hour.

Mr. MOSES. I shall not object, if we can then take a vote on the disposition of the resolution.

The PRESIDING OFFICER. Does the Senator from Iowa withhold his motion for the purpose indicated by the Senator from Mississippi?

Mr. CUMMINS. I am perfectly willing to withhold my motion, but I must object to the request for unanimous consent.

Mr. HARRISON. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Curtis	Harrison	McNary
Ball	Dial	Heflin	Moses
Broussard	du Pont	Jones, Wash.	Nelson
Bursum	Ernst	Kendrick	New
Cameron	Fletcher	Keyes	Norris
Capper	France	King	Oddie
Caraway	Frelinghuysen	Lenroot	Overman
Cummins	Harris	McKinley	Pepper

Phipps
Poindexter
Rawson

Sheppard
Shields
Shortridge

Spencer
Sterling
Townsend

Warren
Watson, Ga.
Weller

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

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

Sutherland Wadsworth

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

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is not present.

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

The motion was agreed to.

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

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

Watson, Ind. Gooding Fernald

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

Mr. CUMMINS. I move that the further execution of the order of the Senate by the Sergeant at Arms be dispensed with.

The motion was agreed to.

Mr. HARRISON. Mr. President, I move that the Senate adjourn.

The PRESIDING OFFICER. There is a motion to take a recess.

Mr. HARRISON. A motion to adjourn has preference over a motion to take a recess, but I suggest the absence of a quorum.

Mr. CURTIS. Mr. President, no business has been transacted since the last call for a quorum.

Mr. HARRISON. Oh, yes. I submit that at least three orders of business have been transacted. The Senator from Iowa moved to dispense with the order under the call to send out and request the attendance of absent Senators—

Mr. CURTIS. The Senator is correct.

Mr. HARRISON. And a motion to adjourn has been voted down.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Fernald	McNary	Shields
Ball	Fletcher	Moses	Shortridge
Broussard	France	Nelson	Smoot
Bursum	Frelinghuysen	New	Spencer
Calder	Gooding	Norbeck	Stanley
Cameron	Harris	Norris	Sterling
Capper	Harrison	Oddie	Sutherland
Caraway	Heflin	Overman	Townsend
Cummins	Kendrick	Pepper	Underwood
Curtis	Keyes	Pomerene	Wadsworth
Dial	La Follette	Rawson	Warren
du Pont	Lenroot	Reed	Watson, Ga.
Ernst	McKinley	Sheppard	Watson, Ind.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present.

Mr. HARRISON. Mr. President, I again ask unanimous consent that on the convening of the Senate to-morrow the Senate Resolution 258, which was under consideration to-day, may be taken up immediately, and that after one hour of discussion a vote thereupon be taken.

Mr. MOSES. I object.

Mr. HARRISON. I move that the Senate adjourn.

Mr. CUMMINS. I raise the point of order that the motion to adjourn is not in order, because a motion to take a recess was pending at the time the Senator from Mississippi formerly made his motion to adjourn. He can not make another motion to adjourn, because it would be purely dilatory.

Mr. HARRISON. Mr. President, I submit that since the motion to adjourn was made and voted down there has been a quorum call, there has been other business transacted, and that a motion to adjourn is always in order.

Mr. MOSES. What other business has been transacted—the Senator's request?

Mr. HARRISON. The Senator from New Hampshire has just objected to a request for unanimous consent which I made.

Mr. MOSES. Poor business that, Mr. President, I will say.

Mr. HARRISON. That may be true, in the opinion of the Senator.

Mr. CUMMINS. If the motion is in order, it puts the Senate into the power not of a few men but of one man. I do not believe that a motion to adjourn can be made under these circumstances.

Mr. SMOOT. Mr. President, what is before the Senate?

The PRESIDING OFFICER. The motion of the Senator from Mississippi [Mr. HARRISON] that the Senate adjourn, to which the point of order has been raised that it is dilatory. The Chair has not any doubt about that, and he does not think the Senator from Mississippi has any doubt; but the present occupant of the Chair dislikes to introduce a new rule that he has never yet seen enforced, although he would be very glad to do it.

Mr. SMOOT. Was there any question before the Senate at the time the Senator from Mississippi made his motion to adjourn?

The PRESIDING OFFICER. The Senator from Iowa [Mr. CUMMINS] moved to take a recess until 12 o'clock to-morrow, and the Senator from Mississippi moved to take an adjournment. Then the point of order was raised and a quorum was called for and developed; several votes were taken; and now, after his request for unanimous consent has been refused, the Senator from Mississippi makes another motion to adjourn. The Chair is inclined to put the motion. The question is on the motion of the Senator from Mississippi that the Senate adjourn.

The motion was rejected.

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

Mr. CURTIS. I make the point of order that that motion is dilatory, and that no business has been transacted since the last call for a quorum was made.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. HARRISON. I appeal from the decision of the Chair.

Mr. MOSES. I move to lay the appeal on the table.

Mr. HARRISON. I submit that intervening business has been transacted.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire to lay on the table the appeal of the Senator from Mississippi from the decision of the Chair. That motion is not debatable.

Mr. HARRISON. I ask for a division.

The PRESIDING OFFICER. Those in favor of the motion of the Senator from New Hampshire will rise and stand until counted. [A pause.] Those opposed will rise. [A pause.] The appeal from the decision of the Chair is laid on the table.

Mr. HARRISON. Now, I suggest the absence of a quorum upon the count which was made on the division.

Mr. LENROOT. I make the point of order that no business has intervened since a quorum was developed.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum. Upon the count as announced by the Presiding Officer there is not a quorum present.

Mr. LENROOT. The Chair did not announce the result of the count, so far as I am aware.

The PRESIDING OFFICER. The Chair had already announced that there was a quorum present.

Mr. HARRISON. I refer to the last count on the division. I ask for another division to see if there is a quorum present.

The Senate again divided.

The PRESIDING OFFICER. On the second division 32 Senators have voted in favor of the motion of the Senator from New Hampshire and 14 have voted against it.

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

Mr. STERLING and Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. STERLING. May not the Presiding Officer count Senators who are in their seats but are not voting on this question?

The PRESIDING OFFICER. The Chair does not feel disposed to do that.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	France	Nelson	Smoot
Ball	Frelinghuysen	New	Spencer
Broussard	Gooding	Norbeck	Stanley
Bursum	Harris	Oddie	Sterling
Calder	Harrison	Overman	Sutherland
Cameron	Heflin	Pepper	Townsend
Capper	Jones, Wash.	Phipps	Underwood
Caraway	Kendrick	Poindexter	Wadsworth
Cummins	Keyes	Pomerene	Warren
Curtis	La Follette	Rawson	Watson, Ga.
du Pont	Lenroot	Reed	Watson, Ind.
Ernst	McKinley	Sheppard	
Fernald	McNary	Shields	
Fletcher	Moses	Shortridge	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. CUMMINS and Mr. HARRISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CUMMINS. Mr. President, the question now is upon my motion to take a recess, is it not?

The PRESIDING OFFICER. That is correct.

Mr. HARRISON. Mr. President—

Mr. LENROOT. I demand the regular order.

Mr. HARRISON. I move, as a substitute, that the Senate adjourn until 11 o'clock to-morrow.

Mr. LENROOT. I make the point of order that a motion to adjourn to a given time is not privileged over a motion to take a recess.

Mr. HARRISON. I submit that it is.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. HARRISON. I move that the Senate adjourn until to-morrow.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi that the Senate adjourn until to-morrow.

Mr. HARRISON. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is the demand seconded? [A pause.] Not a sufficient number have seconded the demand. The motion is lost.

Mr. HARRISON. I ask that the other side be counted.

Mr. LENROOT. Mr. President—

Mr. MOSES. A point of order.

The PRESIDING OFFICER. A demand for the yeas and nays was made, and the Chair stated that it was not supported.

Mr. HARRISON. Mr. President, a parliamentary inquiry. As it takes one-fifth of the membership present to obtain the yeas and nays, I ask the Chair how many Senators raised their hands?

The PRESIDING OFFICER. Eight.

Mr. HARRISON. And how many were against it?

Mr. MOSES. That has nothing to do with it. It takes one-fifth of those present to call for the yeas and nays.

The PRESIDING OFFICER. The Chair was counting according to the roll call that was just had.

Mr. HARRISON. I ask for a division upon the motion to adjourn.

Mr. CURTIS. I demand the regular order.

Mr. HARRISON. I ask for a division on the motion to adjourn.

The PRESIDING OFFICER. The question before the Senate is the motion of the Senator from Iowa that the Senate take a recess until to-morrow at 12 o'clock.

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

The PRESIDING OFFICER. Those in favor of that motion will say "aye." [A pause.] Those opposed will say "no."

Mr. HARRISON. I ask for a division.

The PRESIDING OFFICER. Those in favor of the motion will rise.

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

The PRESIDING OFFICER. Those opposed will rise.

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

Mr. STERLING. Mr. President, what is the vote on the motion?

The PRESIDING OFFICER. The vote as counted by the Chair is 41 to 14; so the motion is agreed to, and the Senate stands in recess until to-morrow at 12 o'clock.

Thereupon (at 5 o'clock and 34 minutes p. m.) the Senate took a recess until to-morrow, Thursday, April 6, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 5, 1922.

The House met at 12 o'clock noon and was called to order by the Speaker.

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

Our heavenly Father, may the day be to us a message from the changeless heart of God to the changing heart of man. Let us enjoy life at its best and give the life of joy to others. Talk in whispers to our listening hearts. Send messages of happiness to all our homes and make for all feet a new earth and a new heaven for all weary eyes. Forgive our failures and help us to an increasing mastery over self. With unfaltering faith and courage endow us, and thus may we take our part in the furtherance of good will among all men and in upholding free and righteous government. Through Jesus Christ our Lord. Amen.

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

EXTENSION OF REMARKS.

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on the particular phase of the bill H. R. 10329 relating to the abolition of land offices.

The SPEAKER. Is there objection to the gentleman's request? [After a pause.] The Chair hears none.

NO QUORUM—CALL OF THE HOUSE.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present.

Mr. JOHNSON of Washington. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Washington moves a call of the House. The question is on agreeing to that motion. The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Edmonds	Lampert	Riddick
Anthony	Fields	Langley	Riordan
Blakeney	Fish	Lineberger	Robertson
Boies	Fisher	Lithicum	Rodenberg
Bond	French	McDuffie	Ryan
Brennan	Fuller	McLaughlin, Pa.	Sabath
Brinson	Funk	Mansfield	Sanders, Ind.
Britten	Gallivan	Martin	Sanders, N. Y.
Browne, Wis.	Goldsbrough	Michaelson	Schall
Burke	Goodykoontz	Morin	Shaw
Burton	Gorman	Mott	Snell
Carter	Gould	Mudd	Snyder
Chandler, N. Y.	Greene, Mass.	Nelson, Me.	Speaks
Chindblom	Griffin	Nelson, J. M.	Sproul
Christopherson	Hammer	Newton, Minn.	Steenerson
Clark, Fla.	Hardy, Tex.	Norton	Stiness
Clarke, N. Y.	Hawes	O'Connor	Strong, Pa.
Cockran	Hersey	Oliver	Tague
Codd	Hicks	Opp	Taylor, Ark.
Connolly, Pa.	Ireland	Paige	Taylor, Colo.
Cooper, Ohio	Jacoway	Patterson, Mo.	Tinkham
Copley	Johnson, Miss.	Patterson, N. J.	Upshaw
Coughlin	Johnson, S. Dak.	Perkins	Vare
Crago	Kahn	Perlman	Voigt
Curry	Kelley, Mich.	Petersen	Ward, N. Y.
Davis, Tenn.	Kelly, Pa.	Porter	Webster
Dempsey	Kennedy	Rainey, Ala.	White, Me.
Denison	Kindred	Rainey, Ill.	Wilson
Dickinson	Kitchin	Reavis	Winslow
Drewry	Kreider	Reber	
Dyer	Kunz	Reed, N. Y.	

The SPEAKER. Three hundred and eight Members have answered to their names. A quorum is present.

Mr. JOHNSON of Washington. Mr. Speaker, I move to suspend further proceedings under the call.

The SPEAKER. The gentleman from Washington moves to suspend further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. WOOD of Indiana, by direction of the Committee on Appropriations, presented for printing, under the rule, a conference report on the bill (H. R. 9981) making appropriations for the Executive and sundry independent bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

DEPORTATION OF CERTAIN UNDESIRABLE ALIENS.

Mr. JOHNSON of Washington. Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I call up the bill H. R. 11118, to provide for the deportation of certain undesirable aliens.

The SPEAKER. The bill is on the Union Calendar and automatically the House resolves itself into Committee of the Whole House on the state of the Union for its consideration. The gentleman from Oregon [Mr. McARTHUR] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11118, with Mr. McARTHUR in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11118, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11118) to provide for the deportation of certain undesirable aliens.

Be it enacted, etc., That section 1 of the act entitled "An act to deport certain undesirable aliens and to deny readmission to those deported," approved May 10, 1920, is amended by adding at the end thereof a new subdivision to read as follows:

"(4) All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts, the judgment on such conviction having become final, but no such alien

shall be deported until the termination of his imprisonment, if any, upon such conviction:

"(a) The national prohibition act of October 28, 1919;

"(b) The act entitled 'An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes,' approved December 17, 1914, as amended;

"(c) Any other statute of the United States, or of a State or Territory, prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes, or of opium, coca leaves, or any salt, derivative, or preparation of opium or coca leaves."

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, the bill presented for your consideration by the House Committee on Immigration and Naturalization—unanimously presented—is short and to the point. It provides for the deportation, if the Secretary of Labor so orders by his warrant, after hearing, of those aliens in the United States who may be convicted of violations of the Federal liquor and narcotic acts, and for the violation and conviction after serving sentence of those convicted under State laws of violations of narcotic and liquor acts.

We continually hear it said throughout the United States in regard to alien offenders, "Why not deport them?" The report presented to this bill has the deportation clause of the Burnett Immigration Act, which is the basic immigration law. The deportation clause is section 19 of that law.

It provides that—

except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after the entry of the alien to the United States, or who is hereafter sentenced more than once to such a term of imprisonment because of conviction in this country of any crime involving moral turpitude, committed at any time after entry—

And so forth. Those are the moral turpitude clauses. This bill presented to this committee is in the nature of an amendment to an act approved May 10, 1920, which act, if the Members of the House will remember, was one which was passed to make certain the deportation of certain alien enemies and certain interned alien enemies. That act of May 10, 1920, provided eight classifications of those who might be deported in addition to the general provisions of the moral turpitude deportation clause which I have mentioned.

That act begins—and I call your attention to this—

That aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secretary of Labor, be taken into his custody and deported in the manner provided in sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States.

All this bill now before you does is to add three further classifications to the specially enumerated deportation clauses, to give the Secretary the opportunity, if he so desires and finds, to proceed on a warrant against aliens convicted of violations of the acts mentioned here and the State acts on the same subject.

The committee after hearings has come to the conclusion that the United States has gone far enough with violations of the narcotic act; for instance, by aliens in this country, who are filling up the jails in some places, and in other places paying fines and not being sentenced to imprisonment; but in the West, where there has been great trouble with alien narcotic violators the judges have finally come to giving them terms of imprisonment—one year, two years, five years, seven years—for violations of the narcotic act. By the enactment of legislation of this kind we want to make certain that at the conclusion of their sentences of imprisonment the Secretary of Labor may and probably will proceed against them and cause their deportation. It is not believed that the passage of this act will make it necessary to run deportations down to misdemeanor violations of the liquor act of the State; but if an alien is arrested for violation of State liquor acts and convicted over and over again, and thereby proves himself to be an undesirable alien, and the Secretary proceeds against him as an undesirable alien, and after hearing as provided by law orders him deported, you may be very certain that he will be an undesirable alien. That is the extent of this law.

I reserve the remainder of my time.

Mr. BLANTON. Will the gentleman answer just one question?

Mr. JOHNSON of Washington. Yes.

Mr. BLANTON. For the benefit of a number of people who are making the inquiry just at this time, will the chairman of the committee tell us about how many aliens have left the United States since the 3 per cent law went into effect? I have had a number of inquiries come to my office in the last week.

Mr. JOHNSON of Washington. The exact figures are available but not at my fingers' ends this minute. For the year prior to the beginning of the 3 per cent act the net increase of aliens into the United States was 500,000.

Mr. BLANTON. I wish to know the number of those leaving the United States.

Mr. JOHNSON of Washington. For eight months of the year following the act the increase was about 40,000 net. Our inquiry, however, proves the fact that many go out of the country to seek relatives to bring them in. Further inquiry develops the fact that when times are hard in the United States there are many people who have come here to work who go out of the United States.

I reserve the remainder of my time.

The CHAIRMAN. The gentleman reserves 52 minutes.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 249. Joint resolution authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church.

DEPORTATION OF CERTAIN UNDESIRABLE ALIENS.

The committee resumed its session.

Mr. RAKER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. RAKER. I desire recognition.

The CHAIRMAN. Is the gentleman from California opposed to the bill?

Mr. RAKER. I am not.

Mr. STAFFORD. Mr. Chairman, I desire recognition in opposition to the bill.

The CHAIRMAN. Is the gentleman from Wisconsin opposed to the bill?

Mr. STAFFORD. I am.

The CHAIRMAN. Does any member of the committee desire recognition in opposition to the bill? If not, the Chair will recognize the gentleman from Wisconsin, who is opposed to the bill.

Mr. STAFFORD. Mr. Chairman and gentlemen, this bill if enacted in the form in which it is reported would delegate to the States the right and power of determining what aliens should be allowed to remain within their borders, because section (c) provides that if any alien is convicted of the violation of any State statute prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes, or of opium, and so forth, then the Secretary of Labor, under the mandatory provision of section 19 of the so-called Burnett Act, would be compelled to deport him.

The gentleman reporting this bill glosses over the main objections and tries to represent to this House that a person can be deported only after the violation of either the national prohibition enforcement act or a State prohibition act on successive occasions. I deny it. I claim that if any person is convicted of a violation of either the national prohibition act or any State prohibition act, convicted of one offense, then it is the duty of the Secretary of Labor to deport him immediately under the provisions of section 19 of the Burnett Act.

Mr. JOHNSON of Washington. How can the Secretary do that?

Mr. STAFFORD. Because you authorize him to do so in your bill; because you provide in section 1 that the act of May 10, 1920, is amended by adding a new section. Here is the act of May 10, 1920. It is now a dead letter, because it applies entirely to violations of war statutes. That is shown in the report, which will be found on pages 1 and 2, where you enumerate specifically the provision whereby the alien may be deported for violation of various war acts of Congress. Under section 19 of the so-called Burnett Act the alien could be deported after conviction of a crime involving moral turpitude committed within five years of his admission to the country; he may be deported if he is found guilty after conviction for a second offense regardless of the time limit.

Now you propose to out-Volstead Volstead by providing that for a violation of either a national prohibition act or a State prohibition act for the first offense, whether committed within five years or after five years of his coming here, not involving moral turpitude, he shall be deported under the provisions of the general law—and after, as the gentleman from Maine says, serving out his term of imprisonment.

Mr. CRAMTON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CRAMTON. Does the gentleman understand that the act of 1920 is mandatory on the Secretary of Labor?

Mr. STAFFORD. I do.

Mr. CRAMTON. That in every case the Secretary of Labor has no discretion except to issue the warrant?

Mr. STAFFORD. That is the practice under existing law. I now call the attention of the House in reply to the gentleman from Washington and in reply to the gentleman from Michigan to the authority of the Secretary of Labor to mandatorially deport any alien convicted of a first offense of a violation of any prohibition law.

Mr. CRAMTON. Will the gentleman yield?

Mr. STAFFORD. Let me finish.

Mr. CRAMTON. I want to be sure that the gentleman has my question.

Mr. STAFFORD. Let me proceed, and I will get the gentleman's question afterwards. This is what we are attempting to amend as found on the first page of the report. Permit me to read it:

That aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secretary of Labor, be taken into his custody and deported in the manner provided in sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States.

Then it enumerates various offenses, mostly offenses involving a violation of war acts which are a dead letter to-day, and now it is proposed to add as a new section to that act paragraph 4 of this bill. Under section 19 of the so-called Burnett Act, the act of February 5, 1917, which you will find printed at the bottom of page 2 and most of page 3, the power of the Secretary of Labor has to deport aliens who have been convicted of crime involving moral turpitude within five years after the entry of the alien into the United States, or who has been sentenced more than once to a term of imprisonment because of a crime involving moral turpitude.

Mr. MANN. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. MANN. Does not the act of 1920 expressly provide that in addition to the conviction the Secretary of Labor shall find after hearing that the person is an undesirable person in the United States?

Mr. STAFFORD. I think so.

Mr. MANN. Then it is not mandatory because they are convicted of a violation of a statute.

Mr. STAFFORD. It leaves it to the Secretary of Labor to find if he has been convicted.

Mr. VAILE. It authorizes him to do so.

Mr. STAFFORD. Very well; I am unwilling to vest in the Secretary of Labor that great authority to deport an alien who has been convicted for the first time of a violation of a State statute or a national statute involving the prohibition laws of the country. I can conceive of instances where in homes—and every Member representing a foreign constituency can conceive of a case, where younger people have become citizens and there happens to be an old member of the family, a parent who has not been able to take out citizenship papers, being convicted or fined for the manufacture of beer or light wine—and how many thousands of instances in the country where these foreigners are making their wine or beer—and yet the Secretary of Labor would be authorized to deport the father, to break the ties that bind the family, and send him back to a foreign country from which he may have been separated for many, many years.

Mr. VAILE. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. VAILE. The gentleman has drawn a horrible picture of this ogre, the Secretary of Labor, the President's chief adviser, and I want to ask the gentleman if he really believes that any Secretary of Labor, the President's most trusted adviser, is going to use the power conferred on him to deport a man for a trifling act?

Mr. STAFFORD. I am unwilling to vest any such authority in any Cabinet officer. I do not want to take any chances with any future administration calling to the enforcement of this act a man who is as fanatical as some men in this Chamber in the enforcement of the prohibition law.

Mr. VAILE. So the gentleman would not be willing to take a chance?

Mr. STAFFORD. I would not. I believe it is better to protect the rights of these aliens who are not guilty of any violation of law involving moral turpitude, but who are just merely guilty of a minor violation of a State statute or a national statute.

ute. You do not give him even a chance after he has been convicted the first time. You say to the Secretary of Labor that he may deport the man. In northern Wisconsin, in the district represented by my colleague [Mr. A. P. NELSON]—and he is one of the driest of the dry, and I go into those northern woods every summer because of hay-fever trouble—nearly every one of the farmers are manufacturing their home wine and home brew. Are you going to allow some State prohibition officer to go and arrest a man who does that, and are you going to put the authority in the Secretary of Labor to deport that man, when, under existing law, you permit aliens committing murder, rape, and the most heinous offenses after five years' residence to remain here?

I say that you are going too far in your exercise of autocratic power. You judge a law by the extreme cases and you want to test it by the extreme cases, and I certainly protest against such an unreasonable enactment of law.

Mr. HUDDLESTON. In reference to the question asked by the gentleman from Colorado [Mr. VAILE], to the effect that this act as proposed to be amended does not give the Secretary of Labor discretion merely, but makes it his duty to deport anyone who may have been convicted; it says that he shall be deported. So there is no discretion in the Secretary of Labor. Upon its being brought to his attention that some alien has been convicted, it becomes his mandatory duty to deport him.

Mr. STAFFORD. I am glad that the gentleman called my attention to it.

Paragraph 4 states:

All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts, the judgment on such conviction having become final, but no such alien shall be deported until the termination of his imprisonment, if any, upon such conviction.

Now, gentlemen, there was reported just a few days ago a very well considered bill relating to the—

Mr. VAILE. Will the gentleman permit me to ask him a question?

Mr. STAFFORD. Not at present. There was reported just a few days ago a very well considered bill relating to the manufacture and control of narcotics from the Committee on Ways and Means, by the gentleman from Washington [Mr. HADLEY], wherein there is a provision providing for the deportation of those who have been convicted of violation of the narcotic act. But this bill goes to extremes, goes beyond anything that the Congress of the United States has ever passed, and violates, in my opinion, the fundamental principles of giving protection to the homes of the people when they commit no crime involving moral turpitude but are guilty of only an infraction of a punitive statute.

Mr. Chairman, I reserve the balance of my time.

Mr. VAILE. Mr. Chairman, in behalf of the chairman of the committee, I yield 10 minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, this committee has given a great deal of consideration to this subject. The chairman of the committee is always active and energetic in trying to get proper legislation, and he allows no other Member of the House or other committee to excel him in the work, to the end that the Members of the House may know what is going on, as well as the country generally, and he not only believes in enforcing the law, but believes in allowing those who are handsome and beautiful to appear before the committee and give their judgment, so that the Members of the House and the country may know. Therefore I desire to have the Clerk read in my time a clipping that appeared yesterday in a newspaper, after which I will proceed with this particular question.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FAIR LILLIAN VERSUS JOHN L.

John L. Lewis, president of the United Mine Workers of America, held the center of the stage in the capacious House Labor Committee room this morning, while Chairman JOHN I. NOLAN smiled at the crowds which filled rooms, corridors, and intervening spaces.

Along came Chairman ALBERT JOHNSON, of the Immigration Committee.

"I can beat that crowd all to smithereens," he whispered with a grin as he sent a notice to the press galleries for posting.

The notice read: "Lillian Russell, President Harding's European commissioner, will be present in person at the House Immigration Committee hearings Thursday morning at 10.30."

And now they say that Congressman WALLACE WHITE, of the Committee on Woman Suffrage, is preparing to negotiate with Rudolph Valentino to tell what he knows about California women voters.

[Applause.]

Mr. RAKER. Gentlemen, speaking of this bill, I think the criticisms made by the gentleman from Wisconsin—

Mr. MADDEN. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. MADDEN. What particular language of this bill does the newspaper clipping have reference to?

Mr. RAKER. That relates to another bill pending, showing that the chairman of the committee is always active.

One of the things is not necessarily punishment but deterrent, and when a man is convicted under the narcotic laws of the Federal Government, or under the State laws, or convicted under the act of October 28, 1919, or under the State laws regarding the sale of narcotics, or violating the prohibition law, and he is an alien, and after he has served his term of imprisonment, if there is a term of imprisonment, he can be arrested by the immigration authorities and given full hearings—the evidence will show his conviction—and in addition to that, under the act as it is now in existence, the Secretary of Labor must find that such alien is an undesirable resident of the United States.

Mr. MILLS. Will the gentleman yield?

Mr. RAKER. For a question.

Mr. MILLS. Has the committee any evidence to submit to the House of the need for such a law?

Mr. RAKER. Yes. We think so. I will explain it.

Mr. MILLS. Will the gentleman tell us whether there is any evidence that the Volstead law is being violated?

Mr. RAKER. Yes.

Now, that being the case, an alien who realizes, and it has been realized—we have amended the narcotic law, and that was the purpose of the Harrison amendment, to take charge of those and dispose of them who had been convicted already two or three times, and we cut so much out of it that there is no chance of getting anything out of it. But under the narcotic act you could keep a man in jail some time without putting him on the community to commit another crime. The same way with the liquor enforcement.

Mr. HUDDLESTON. Does the gentleman think that an alien that violates the prohibition law is any more an undesirable citizen than a native citizen who violates it?

Mr. RAKER. My dear sir, it is shown, because there is a statutory provision, except in a certain instance, that the court can deprive him of his citizenship. If a man deliberately and premeditatedly as an alien of this country came here, when we have a constitutional amendment conducted by practically all the States, practically all except one, when all the States have that kind of a law, and when this Congress by an overwhelming vote of both Houses passed it over the President's veto—when the American people have a law of that kind and people come to our country to receive its benefits and pleasures and opportunities, and they deliberately violate that law, because the punishment is so small that they will go back to it again, they do not belong here. The day will come when these persistent violators, these bootleggers in our country, if they continue, will compel the States to pass laws by which those citizens will not be permitted to come in them.

Mr. LAYTON. As a matter of fact, this bill is not confined to the bootlegger, where, if I understand, there is quite a diversity of opinion throughout the country as to the moral turpitude involved, but, as a matter of fact, this bill does seek at the same time to cover something that every normal man and woman in the United States is altogether interested in, and that is the suppression of the infractions of the Harrison Act.

Mr. RAKER. All right. Now, these are twins from hell itself, and liquor and narcotic drugs go together, and have from the beginning of time.

Mr. FAIRCHILD. Would not the gentleman's argument apply equally to the aliens who violate any other statute of the United States?

Mr. RAKER. No; and for this reason—

Mr. FAIRCHILD. How about the postal laws of the United States, where obscene literature is sent through the mails? Would it apply to that?

Mr. RAKER. Yes; that is a crime involving moral turpitude.

Mr. FAIRCHILD. How about counterfeiting?

Mr. RAKER. That is a crime involving moral turpitude.

Mr. FAIRCHILD. Does it apply to that?

Mr. RAKER. It applies to all such cases. To-day if you convict a man of a crime involving moral turpitude, you can deport him, but the decisions up to the present time have been to the effect that a man convicted of violation of the prohibition law is not guilty of a crime involving moral turpitude.

Mr. FAIRCHILD. Then, if you are seeking to punish crimes not involving moral turpitude, why not make this act apply to all such cases?

Mr. RAKER. We can not do everything at once. We have these two evils which have stalked through the world from the beginning of time, and the people of this country are trying to

do away here with the sale and distribution of narcotic drugs. The people of this country have been trying also to do away with the liquor evil. Therefore we have selected these two because they work hand in hand, and you can not separate one from the other, and it is a good thing to pack them right up and deal with them together. As the testimony shows, from 50 to 90 per cent of the men who violate the narcotic laws and the prohibition laws are aliens.

Mr. FAIRCHILD. Does not the gentleman understand that when you single out one or two statutes in this manner you, by implication, invite violations of all other statutes?

Mr. RAKER. No. We ought, by deporting these people, to give them an example that no more aliens living in this country who desire to receive the benefits of living in this country shall be allowed to violate the law, and then they will begin to say, "I will not violate it, because if I do I will not only get an imprisonment judgment but I will be sent back to the old country." Let me tell you not many of them will take the chances of that.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. Can these people be deported from the State of California?

Mr. RAKER. My dear friend, do you not know that these aliens in California who have been debauching our country in the way of the narcotic trade, these Chinese, are violating the law to such an extent that for years we have been trying to get a better and more wholesome condition of affairs, and—

Mr. WALSH. How many of these are there in California?

Mr. RAKER. I do not know. We have tried to get a census, and we have not been able to get it.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. RAKER. In a moment. I read from the hearings:

Mr. RAKER. Just let me ask you this question: Would it be material as to the percentage or as to the exact number if, as a matter of fact, there is a persistent and determined effort on the part of aliens to violate these laws?

Mr. JONES. I would not say that it is material, whether it is 50 per cent or whether it is 80 per cent.

Mr. RAKER. The good result obtained by the example of not only the punishment or the fine but the finality of the judgment, followed by deportation, would deter these people and make them believe we mean business when we pass a law.

Mr. JONES. You have expressed my view on it, Mr. Congressman, better than I could myself.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MILLS. Mr. Chairman, will the gentleman yield for a short question?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. I would like to answer the gentleman's question. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. STAFFORD. I object.

The CHAIRMAN. Objection is heard.

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

The CHAIRMAN. The gentleman from Alabama is recognized for 10 minutes.

Mr. HUDDLESTON. Mr. Chairman, this bill provides for the deportation of any unnaturalized foreign-born person, any alien, who may be convicted of a violation of the national prohibition act of October 28, 1919, the Volstead Act, or—

(c) Any other statute of the United States, or of a State or Territory, prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes.

And so forth. Aliens are to be deported, not only for violating a Federal statute but for violating a State law.

To subject aliens to deportation under this bill it is not necessary that they shall be convicted by a court of record or after a jury trial. Even a police court conviction or a conviction by a justice of the peace will provide the required basis for their deportation.

Aliens so convicted are not merely deported without other punishment. The deportation is in addition to such punishment as may be given them by the courts convicting them. After they serve out their sentences or pay their fines they are then to be deported; that is, are to be sent back to the foreign land in which they may have been born.

The bill provides for a double punishment for a crime—punishment by the court which tries the alien and punishment by the Bureau of Immigration which deports him; punishment by fine and imprisonment in this country and then by banish-

ment to some foreign land from which perhaps the alien fled to save his life. The bill discriminates between American citizens who violate our laws and aliens who violate them. The citizen expiates his offense by fine and imprisonment. The alien for the same offense is not only fined and imprisoned but is then banished for life.

THE HIGH-WATER MARK OF INTOLERANCE.

This bill, it seems to me, marks the high tide of fanaticism and intolerance. Section 19 of the immigration act of 1917 went far beyond anything that had previously been conceived in this country in so far as deportation is concerned. The proposal now is to extend the deportation provisions of the act of 1917 to persons who may be guilty of violating the prohibition laws, not merely the Federal prohibition laws, but the prohibition laws of any State.

I speak on this subject as one who has been a prohibitionist from boyhood, but not, as I hope, a fanatical prohibitionist, who has nothing in his mind except prohibition. I do not expect prohibition alone to save the world. But I am not willing to deport a man from the United States for violating a police statute such as the prohibition law, when I would not deport him if he had violated some law of more importance and involving more serious consequences.

WHEN FANATICISM AND UNREASON RUN RIOT.

Bear in mind that the act of 1917 fixes the period at five years after a man comes to the United States within which a man must have committed the offense for which he may be deported. Here there is no time limit. The alien may have lived here until he has raised up American-born grandchildren to manhood, and then, forsooth, because fanaticism and unreason run riot in Congress, he is to be banished to a land which he may not have seen for 50 years. And all this not for treason or plotting against the State, not for murder or theft, but merely because he is found with a flask of liquor in his pocket or is at an assemblage where forbidden liquors are consumed.

PUSHES INTO FIELD OF HYPOCRISY.

This bill not only reaches the limit of unreason but pushes into the field of hypocrisy. I say that with all deliberation. It would be indelicate for me to refer to Members of Congress or to officials of the Government, but let us refer to other men in prominent stations in society. Let us refer to the classes of wealth, prestige, and accredited culture who constitute the dominant elements in the United States. Let me ask you, gentlemen, how many of them have been guilty of violating the prohibition laws of the Federal Government or of some of the States. Many of them have their private cellars; they are the customers of the bootleggers and the rum runners; they are the "hooch hounds." They laugh at the prohibition laws. Do they deserve exile?

Let us look at this matter like sensible and honest men, and, above all, like courageous men. Will you say that an alien who sits down at a table where wine is served and perhaps drinks some of it himself—will you say that it is such a serious offense that he should be banished to some land where perhaps disorder, starvation, and ruin prevail, when you yourselves, it may be, some of you, have been guilty of a similar delinquency? If you have not been guilty I congratulate you. I want to say that some of the leaders in this land have done such things. At a recent social occasion, held in the city of Washington, and attended by some of the most prominent men in America, liquors were openly served, so I am reliably informed.

Let me say, in further amplification of the question I asked the gentleman from California [Mr. RAKER], that the alien who commits an offense does not become thereby more undesirable than the American who commits the same offense. It is the utmost of intolerance and unreason that would mete out to him a different measure of punishment.

My position upon the subject of immigration is well known. I have voted for every measure proposed in this House which would restrict immigration. I will vote to shut the doors of this country in the faces of undesirable aliens; but the time to deal with them as foreigners is before they enter, not after they are here. When an alien leaves his native land and puts his foot upon the soil of the United States, the flag reaches out over him, and the Constitution, not merely in its letter but in its spirit as the founders of the Republic conceived it, should grant him every protection.

EXILE AS A PUNISHMENT FOR CRIME.

I am not willing, because a wave of intolerance and Chauvinism has swept over us, to punish by double penalties a man who commits a crime. I am not willing to punish any crime by

banishment. You would deport the alien merely because the Constitution permits his deportation. It does not permit the deportation of a citizen who is a criminal, no matter how bad he may be. The same extreme and intolerant spirit that would deport the alien would banish the American if only it were constitutional to do so. The same spirit that lies behind this bill would drive into foreign exile those who are in opposition to those who are in the ascendancy. It is un-American; it is unworthy. We ought not to go to any such extreme. There is no occasion for it.

The spirit of intolerance which animates the bill under consideration is the same spirit which brooks no difference of opinion. It would stifle freedom of speech and of press. It would deny the right of citizens to meet together. It would correct by thumbscrew and rack all errors of religious opinion. The disposition to deport an alien for the violation of the prohibition law and yet which would condone and laugh at the offense when committed by an American citizen is the spirit of persecution rampant. It would crucify all independent minds which did not bow to it. Had it the power, it would banish native-born Americans who did not speak and think and walk in the fashion the majority might hold was proper.

Mr. JOHNSON of Washington. Where would the gentleman deport an American citizen?

Mr. HUDDLESTON. To the same place that you would deport an alien who has lived here for 50 years and lost his citizenship in his native country. Where will you deport the alien to? He has become a man without a country. Will you send him to Russia? Will you deport him to Africa? Where are you going to send him? He knows nobody in the foreign country. It is not his country. You can not compel that country to receive him back. Perhaps if received back he would be promptly crucified. Would you send a Czarist back to be executed in soviet Russia? Is that within the spirit of the gentleman's intention? Would he send a proscribed Irishman back to Ireland to be hanged? Would he send an Armenian back to Turkish murderers?

Oh, the matter of not having anywhere to send the man is an unimportant detail that should give the fanatics little pause. Why not take his life for the difference in opinion? The same spirit of intolerance, the same spirit of fanaticism which would lead you to banish a man to some land where, perhaps, his life would be forfeited, where starvation would grip him, where disease and disaster would overtake him, that same spirit would send him to the gallows for the same offense or send him to ruin and death in any other shape.

Mr. WURZBACH. Is it not a fact that this law would also include within its terms a person who had declared his intention to become an American citizen and who had taken out his first papers?

Mr. HUDDLESTON. Oh, certainly; and that irrespective of the length of time that he has lived in the United States. [Applause.]

Mr. JOHNSON of Washington. I yield five minutes to the gentleman from Kansas [Mr. TINCER].

Mr. TINCER. Mr. Chairman and gentlemen, in my section of the country there are not many aliens. We are not bothered much with the alien immigration question. However, I see in the hearings on this bill a declaration from parties in power and engaged in the enforcement of the law that over 50 per cent of the violators of the narcotic and liquor laws are aliens. Anyone who has ever had any experience in the enforcement of the law knows that that can be accounted for by the fact that to a great portion of the immigrants who come to this country our jails are a promotion and have no horrors for them. I know men who will deliberately walk out and commit another crime after being freed from jail, because the jail has no horror for them or for men of their class. They are aliens. They have no notion of ever becoming citizens of the United States. I have not much patience with the theory that we should not return them to the country from whence they came for fear something terrible would be done to them there. I remember one case in which a former Assistant Secretary of Labor refused to deport a Mexican anarchist. While it was admitted that he was an anarchist and was trying to do all kinds of injury to this country, a former Assistant Secretary of Labor would not deport him to Mexico for fear they would destroy his life there. Well, there might be worse things happen to civilization than the destruction of that life.

The statement has been made that the law we are amending is a dead letter. I challenge that statement. The law is not a dead letter. There are portions of the law living to-day. The gentleman called attention to certain crimes and said why not

include those crimes. Those crimes are included, because they have been held to involve moral turpitude, and the same power you are giving the Secretary of Labor over these crimes in this amendment to the bill to-day is now pertaining to the very crimes the gentleman mentions.

If there are any crimes peculiar to certain foreigners it is those crimes, and I say to you that the enforcement of the narcotic act has been thwarted and disturbed more by the alien population in this country than any other and the redemption of which there is no possibility. They ought to be deported, they ought to be sent back. Any man who thinks that a jail is a palace ought to be deported from the country if he is not a citizen to the place from which he came. Every law has a reasonable and sensible enforcement, and there will not be any isolated cases like the picking up of the old gentleman my friend mentioned in the north woods where he goes hunting. The men that will be deported under this amendment are the men that are filling the jails of this country to-day to such an extent that the dockets of the courts are congested and cases can not be tried because of that congestion. [Applause.] Mr. Chairman, I yield back the balance of my time.

Mr. JOHNSON of Washington. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Chairman, I am in full sympathy with this measure and the purpose of it. I have no sympathy for an alien who has been here 50 years and has not become a citizen. [Applause.] You will not find much Americanism in such men. We have too many of that kind now. This bill adds two offenses to a long list already in the law the convictions for which authorize the deportation of aliens. Among them is Bolshevism. There is need of putting out of the country those who are not in sympathy with American institutions—men who go around and preach the subversion of the Constitution of the country and in a hidden way trying to destroy the ideals of American life. I naturally expect when that spirit is abroad in the land to find measures like this meeting with hostility. The man who comes here and violates the law is not the kind of a man that America needs now. It is a shame that we have too many of our own people violating the laws. It is a shame that the 20 to 50 per cent of the violations of the narcotic and liquor laws are committed by Americans. I do not understand the spirit of the citizenship that fights this proposition in the face of the fact that the acts denounced violate the provisions of the Constitution. I do not want that kind of spirit to grow in America; there is too much of it now. Lawlessness is all too prevalent. We have come to have too little regard for the authority of law. We need to have some deep-seated genuine respect for what is in the Constitution of the United States and what is written in the statute books. If the ties of society can be weakened at all in America, they can be weakened by this spirit of lawlessness filtering into our life.

The fact that we have a large amount of it among our own people only makes it more dangerous when such men as gentlemen describe come from foreign countries into our life to blur and mar it. I hope that American public sentiment will protect itself. The idea of great hordes who have just arrived in the United States going about loaded down with booze and dope and hooch, which they are peddling. Members of the great body of citizenship, and even some Members of the great House of Congress, think that it is no offense or a trifling one. I wonder if the American people think so. We need not only to purge our life and our Nation from aliens who do that, but we need to purge this thing from the body of American citizenship. We need to get it out of the minds of our own people. I am not afraid of what my brother American will do who in his own heart loves the law. If he is an upstanding man of that stock from which free people come, he may divide into factions and fight like the mischief with his brother American, but you will never make a slave of him, you will find him with too much common sense to get him or his country into a pandemonium like France had 125 to 130 years ago, or like Russia has now. He believes in law; he believes in order; he has common sense enough to know that the enjoyment of life can not work out without law. He knows that his opportunity depends upon law and depends upon order. Americanism stands for law, and that is why I am for this bill. I hope it will pass. [Applause.] Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back four minutes. Mr. JOHNSON of Washington. Mr. Chairman, I yield four minutes to the gentleman from Ohio [Mr. CABLE].

Mr. CABLE. Mr. Chairman, the question has arisen during the debate this afternoon as to the method of deporting aliens. This bill seeks to amend the present laws relating to arresting

and deporting aliens, and the regulations now in existence will therefore apply in this case. Officers are required to make thorough investigation of all cases when they are either informed or have reason to believe that a specified alien in the United States is subject to arrest and deportation; an application is filed generally with an inspector of immigration. It must state facts showing prima facie that the alien comes within one or more of the classes subject to deportation after entry, and should be accompanied by some substantial supporting evidence. The application should also be accompanied by the affidavit of the person giving information or by a transcript of a sworn statement taken from that person by an inspector. A warrant is then issued for the arrest of such alien, and he is granted a hearing to enable him to show cause, if any there be, why he should not be deported.

Mr. ROSSDALE. Is that provided in the bill?

Mr. CABLE. That is provided in the regulations on page 75, subdivision 5, of immigration rules 22 dealing with "arrest and deportation on warrant."

Pending determination of the case, in the discretion of the immigration officer in charge, the alien may be taken into custody or allowed to remain in such place deemed by such officer secure and proper. At the beginning of the hearing under the warrant of arrest the alien is allowed to inspect the warrant of arrest, and all the evidence on which it is issued. In addition, the regulation requires and makes it mandatory that he shall be apprised that he may be represented by counsel. His counsel shall be permitted to be present during the conducting of the hearing and to offer evidence to meet any evidence presented or adduced by the Government. A complete record of the testimony, both on behalf of the Government and the alien, shall be prepared and forwarded to the bureau, together with any written argument or brief submitted by counsel, and the recommendation of the examining officer and the officer in charge for determination as to whether or not a deportation warrant shall issue.

Mr. VAILE. And this bill gives him a right to that full hearing?

Mr. CABLE. This bill amends the law and will be administered under the same regulations as govern other deportation cases, providing in each case for a full hearing and to be represented by counsel.

Mr. ROSSDALE. Does the alien under this act have the right to a hearing?

Mr. CABLE. Yes; as I have stated above, a full hearing is afforded him similar to hearing in State courts. After the record, briefs, and recommendation of the examining officer and of the officer in charge reach the bureau, they are referred to the solicitor of the Department of Labor, who again goes over the evidence and the law of the case and makes his recommendation to the chief of his bureau, viz, Commissioner Husband, who, together with the Secretary of Labor, again for the fourth time review the finding and make their determination as to whether or not such alien is a desirable resident.

Mr. BIRD. I believe it is clear that it is not mandatory on the Secretary of Labor to deport, but under the language of the act of 1920 is it not mandatory that he make a case out of every violation?

Mr. CABLE. It is mandatory thus far: If a complaint is filed with the Secretary of Labor, or if he knows of a case that should be investigated, then his men make a thorough investigation and proceed as I have outlined above. Each case will be considered by the Secretary of Labor on its merits.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Chairman, I wish to say a word precisely on the question which has just been raised, as to whether the deportation provided in this bill is mandatory on the Secretary of Labor. I can do that best by putting the documents together far better than by comment. This bill merely proposes to amend the act of May 10, 1920, by adding certain sections to it. The proposed amendment strikes nothing out of the act of May 10, 1920. The enacting clause and first paragraph of that act read as follows:

Be it enacted, etc., That aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secretary of Labor, be taken into his custody and deported in the manner provided in sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States, to wit:

They shall be deported from the United States if the Secretary of Labor, after hearing, finds that they are undesirable

residents of the United States, and if he does so find they shall be deported under the conditions provided in sections 19 and 20 of the act of February 5, 1917.

I wish to call attention to a proviso of section 19 of the act mentioned. "A judge can prevent the Secretary of Labor from taking the case up at all. Here is the language:

Provided further, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court or judge thereof sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence or within 30 days thereafter, due notice having first been given to the representatives of the State, make a recommendation to the Secretary of Labor that such aliens shall not be deported in pursuance of this act.

Mr. MANN. Does the gentleman think that that will apply to this act?

Mr. TEMPLE. This act is an amendment to the act of May 10, 1920, and that act says that the deportation shall be made in the manner provided in sections 19 and 20 of the act of February 5.

Mr. MANN. The act provides for deportation, but that does not carry the exception.

Mr. TEMPLE. The provisions of section 19 are what I read.

Mr. MANN. That is the manner of deportation, but there is no provision about finding that a man shall be deported.

Mr. TEMPLE. The act of May 10, 1920, makes the exception—that is, an amendment to that act—and does not strike out the exception.

Mr. MANN. This is a reference to the Burnett Act.

Mr. TEMPLE. Oh, no.

Mr. MANN. Yes; it is.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. TEMPLE. I would like just about 30 seconds more. The act under consideration reads:

Be it enacted, etc., That section 1 of the act entitled "An act to deport certain undesirable aliens and to deny readmission to those deported," approved May 10, 1920, be amended by adding at the end thereof a new subdivision to read as follows:

This is expressly an amendment to that act, and that act provides that aliens deported under its provisions shall be deported in accordance with section 19 of the act of 1917. That section, section 19 of the act of 1917, gives the judge authority to stop the whole business before it reaches the Secretary of Labor.

Mr. EVANS. As I understand, the regulations are by this act made part of the law. Is that correct?

Mr. TEMPLE. I do not think so. I would not interpret what the other speakers state, but that is not my understanding.

Mr. Chairman, I yield back the remainder of my time.

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL. Mr. Chairman and members of the committee, apparently the native-born bootleggers of America fear the competition of the alien bootleggers of America, and to-day we have the first piece of legislation offered to this Chamber emanating from the bootleggers' union. I am not surprised that this type of legislation is offered to this House. Were to-day not, however, April 5, I should think that it were the 1st of April.

We stand here to-day looked down upon in this House by the picture of the most distinguished alien who ever sojourned in this country and fought for the cause of liberty. I refer to the Marquis de Lafayette, who fought in cooperation with General Washington.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. HILL. In a minute. I will just get through with this, and then I will yield.

In the days of Marquis de Lafayette "deportation" was known as "banishment." The old remedy of the old French monarchy, which was tied up with the Bastille, and which we thought had fallen with the fall of the Bastille, is now invoked to protect the native-born members of the bootleggers' union from foreign competition. [Laughter.]

I am inclined to think that this bill will pass, because I hold in my hand general order No. 17, I might say, of the generalissimo of the forces who back this bill, and for the first time to-day I am interested to notice that the bootleggers' union of America is fighting under the banner of the Anti-Saloon League of America. [Laughter.]

I am indebted this morning to some strange chance, because I have never been considered a follower of the Anti-Saloon League of America, and yet as a Member of this House this morning I received orders intended for some of the rest of you.

and in order that you will not miss your orders on this bill I will read the order of the generalissimo of the bootleggers' union of America and the Anti-Saloon League of America, which is as follows.

Mr. JOHNSON of Washington. Mr. Chairman, before the gentleman reads—

Mr. HILL. I do not care to yield yet.

Mr. JOHNSON of Washington. I want to ask the gentleman if he wants the prohibition laws enforced or not?

Mr. HILL. My views as to the enforcement of the prohibition laws will be taken up later.

Now, lest some Members have failed to read this order, I will read it. I understand some of the Members have received this order. I read:

The Anti-Saloon League of America. Legal department. Wayne B. Wheeler, general counsel and legislative superintendent, 30 Bliss Building, Washington, D. C.

I understood yesterday that he was also treasurer of the campaign committee, but he does not put that designation on this order. I read:

APRIL 4, 1922.

MY DEAR SIR: The appropriation bill, H. R. 11065, for the Justice Department as reported by the committee includes a designated sum of \$200,000 for special United States assistant attorneys to enforce the national prohibition act. This is the same as last year. The Justice Department estimated that \$150,000 additional was needed for clerks, stenographers, assistants, printing, etc., for these assistant attorneys. The committee amendment requires that this amount be taken from the total provided for these general purposes or items of expense.

Now comes the order for the day, the general order for to-day, issued by the combined forces of the bootleggers' union and the Anti-Saloon League of America:

On Wednesday H. R. 10075, to deport aliens who have violated the liquor or narcotic laws, will doubtless be reached for consideration.

Zero hour has struck, my friends. It has been "reached for consideration," and in a few minutes we will see the forces of the Anti-Saloon League and the forces of the bootleggers' union of America going over the top to pass this wonderful bill. [Laughter.]

Mr. GARRETT of Texas. There will not be any opposition to the amendment, will there? [Laughter.]

Mr. HILL. There will be a few. There will be a few of us who believe that George Washington and General Lafayette were the best guides for the American people in the way of deciding upon banishment who will vote against this bill.

Mr. CABLE. Mr. Chairman, will the gentleman yield?

Mr. HILL. Not yet. I read further:

It will help law enforcement to provide for the deportation of such aliens.

Years ago in France, before the Bastille fell, they would have said "banish" such aliens. I read further:

In many places most of the offenders against the liquor and narcotic laws are aliens. There are approximately 8,000,000 aliens in the United States.

Now, my friends, that is the general order for the day. Here is your order for to-morrow or the day after to-morrow.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. HILL. I can not yield yet. Mark this:

"It has been suggested," says General Wheeler, "that an amendment be added to take away the citizenship of Americans who use neighboring territory as a base for violating the laws of the United States."

I can see that this emanates from the "bootleggers' union, No. 1," located in Washington, and not a border association. [Laughter.] I read further:

Many so-called Americans are using the islands near our shores for liquor-smuggling headquarters. Unless there is some real objection to the amendment its adoption would help to discourage this indefensible practice.

Pass this law to-day, Members of this House, and you will be asked to pass a further law to take away the citizenship of any American who violates the national prohibition law.

Mr. GARRETT of Texas. That refers to the other law, does it not?

Mr. HILL. I can not yield. I read further:

I hope you can see your way clear to support these measures in the most effective form.

Yours cordially,

W. B. WHEELER.

P. S.—The various wet organizations are becoming active in encouraging beer and wine candidates in districts where Congressmen have supported enforcement legislation. Are there any such candidates in your district? The friends of the eighteenth amendment will do their duty if they are correctly informed.

[Applause.]

I noticed the gentleman cheered, because the gentleman was here yesterday when a promise was held out that those who

voted with the Anti-Saloon League should be financed in their campaigns.

Mr. BLANTON. Why should they not be?

Mr. HILL. Mr. Chairman, I ask for order. I have not yielded.

The bill provides that all aliens who violate the national prohibition act or State prohibition act shall be deported, whether or not they have had a jail sentence or only a fine, because paragraph 4 says:

All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts, the judgment on such conviction having become final, but no such alien shall be deported until the termination of his imprisonment, if any, upon such conviction.

That means imprisonment or fine.

Mr. LAYTON. Will the gentleman yield?

Mr. HILL. Not yet.

Mr. LAYTON. I hope the gentleman, who is a neighbor of mine, will yield.

Mr. HILL. Not yet. Now, gentlemen, I shall vote against this measure. I expect to see you pass it, because you have received your orders from the Anti-Saloon League of America. But I say to you that legislation of this kind is the sort of thing that will break down all true endeavor to make this Nation properly temperate instead of fanatically intolerant. Such legislation destroys the foundations of American liberty. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. JOHNSON of Washington. I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, I feel in a fortunate position here to-day, in that never has anyone contributed anything to my campaign fund in 12 years, except one older brother, who has acted the part generously, and two years ago neither I nor anyone else paid one cent of expense for my nomination or election.

In one respect I am in somewhat the same position as my friend from Maryland [Mr. HILL]. Neither one of us makes much distinction between alien and American bootleggers. I do not care whether they are American or alien; I want to put them out of business. The gentleman from Maryland made it plain by his speech that he does not care whether they are American or alien, he does not want to interfere with their business. The gentleman from Maryland complains because in his "general order 17" Mr. Wheeler was insisting upon this bill to put the alien bootlegger out of business, and then he objected to the postscript put in by Mr. Wheeler asking an amendment to put the home bootlegger out of business. The gentleman from Maryland and myself are alike in making no distinction between the alien bootlegger and the American bootlegger, but there we part. I want them both put out of business. [Applause.]

There has been a great attempt to-day to put up a smoke screen around this bill, calling your attention to that which might be in the bill but is not, and saying little about what the bill really does contain. The bill provides that on its passage the Secretary of Labor may hold a hearing with reference to a particular alien who has been convicted of a violation of our law against the sale of intoxicating liquors or narcotics. There is nothing to say that he must hold a hearing; but if he holds a hearing and if the Secretary of Labor, a Federal official of the very highest standing, finds that such alien is an undesirable resident of the United States, then he may issue his warrant for his deportation. From the time the warrant is issued the statute is mandatory and the alien goes his way. He is deported.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. I should like to ask the gentleman if, in his opinion, it is not better, where the Secretary finds a man to be an undesirable alien, to order his deportation, rather than let the States toss that convicted violator from one State to another in an attempt to put the expense on the other State?

Mr. CRAMTON. I agree with my friend absolutely. I say from that point the law is mandatory, that the undesirable alien must proceed on his way; but until the Secretary of Labor issues his warrant, it is in his discretion; not as the gentleman from Wisconsin [Mr. STAFFORD] would like to have you believe, that the whole statute is mandatory, and that any man convicted of a technical violation of the liquor laws would have to be deported no matter how ridiculous it might be.

Mr. ROSSDALE. Will the gentleman yield?

Mr. CRAMTON. Unless I can get more time I can not yield. Now, that is the provision of the bill. Is that desirable? If a man comes to this country from abroad, and so persistently, so flagrantly, violates our law against the sale of intoxicating liquor or narcotics as to be found to be an undesirable resident, what shall we do with that man? If he is a citizen, we have no option except to keep him here. We have no other place to send him. But if he is an alien, I say we ought to send him out of the country as undesirable. [Applause.] He does not have the spirit of our American institutions in his heart. If a man is born in this country and has not the spirit of our institutions in his heart, so much the worse for the country. We can not put him out.

But if he comes here from abroad and proves after a period of probation—the gentleman from Alabama [Mr. HUDDLESTON] is evidently not a Methodist and does not believe in a period of probation—if this alien comes here from abroad and after a period of probation proves that he is undesirable, that he has not the American spirit in his heart, then I say send him home again, and the sooner the better. What is the American spirit? What is the spirit of our American institutions? Where is it codified? It is codified in the Constitution of the United States. If there is anyone here who in his heart does not subscribe to the Constitution of the United States—

Mr. MACGREGOR. There are a whole lot of them.

Mr. CRAMTON. I hope the gentleman from New York is not one of them.

Mr. MACGREGOR. Certainly not.

Mr. CRAMTON. I hope the gentleman does not stand here where he took his oath of office and say that he does not subscribe to the Constitution of the United States.

Mr. MACGREGOR. I do subscribe to it.

Mr. CRAMTON. I am glad to hear the gentleman say that.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. I would like two minutes additional.

Mr. JOHNSON of Washington. I yield to the gentleman two minutes more.

Mr. CRAMTON. The Constitution of the United States is a codification of the American spirit, and no one has the right to say that he will subscribe to one part of it and not to another. [Applause.] The eighteenth amendment to the Constitution says that in this country intoxicating liquors shall not be sold, manufactured, or transported. If there are those born in this country, even those in office, who are not willing to see the Constitution of the United States enforced, that is the misfortune of America; but if there are those who come here from foreign lands, where they had no opportunity, who have come to this land of broad opportunity, and they are not willing in return to support the supreme law of the land, the codification of our American spirit, for God's sake send them back where they came from. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I yield four minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, our incomparably handsome, most likable, and genial colleague from Maryland is absolutely sound on every question except one—the enforcement of the eighteenth amendment of the Constitution. He has assumed the leadership of the men in this Nation who are against the enforcement to the letter of that amendment. He stands for beer and light wines. He says that until to-day Wayne Wheeler, the distinguished attorney for the Anti-Saloon League, never dared to send him a communication. But he said that lately, as soon as this bill was framed and brought into the House, Wayne Wheeler has assumed the leadership for the bootleggers' union in this country, and immediately upon assumption of that leadership representing the bootleggers' union, is it strange that our colleague from Maryland should receive orders from Wayne Wheeler? [Laughter.] No, no; why, it is the natural sequence if that is true; if as a matter of fact Wayne Wheeler is representing them he was not far astray in sending orders to our friend from Maryland. [Laughter.]

But I want to say—and I hold no brief for Wayne Wheeler, and I never received one cent in my life from the Anti-Saloon League or any other prohibition organization for campaign expenses—I want to say, in justice to Wayne Wheeler, that if there is a man on God's green earth whom the bootleggers of the country hate, it is Wayne Wheeler. He is the man who has stood in their way; he is the man who is trying to put them out of business; he is the man who is trying to protect the homes of this country.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLANTON. If the gentleman will give me some time,

Mr. STAFFORD. I will give the gentleman a half a minute.

Mr. BLANTON. Very well.

Mr. STAFFORD. Does the gentleman know that every bootlegger in the country is the best friend the Volstead law has?

Mr. BLANTON. Oh, that is because the distinguished gentleman from Wisconsin and the distinguished gentleman from Maryland and other distinguished gentlemen who had something to do with the legislation some time ago and since have forced provisions in the Volstead law which permits the bootleggers of the country to violate the law with impunity and receive a 1-cent fine, as was received upon a plea of guilty in my own State just the other day. A violator of the liquor law of the country and the Constitution was fined 1 cent by a Federal judge in Texas. That is what makes the law ridiculous. It should be enforced as every law is enforced.

Mr. ROSSDALE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ROSSDALE. Does the gentleman suppose that Wayne Wheeler got this judge to be lenient to the bootlegger?

Mr. BLANTON. Oh, the gentleman's question answers itself through its absurdity. Wayne Wheeler stands for the abolition of the saloon and the liquor business of the country. He has done more than any other man in the country to abolish the saloons; he has done more than any other man in the country to protect the young manhood, the boys and girls of the country, and to protect the homes and the firesides; and he is the man whom we ought to commend, whom we ought to hold up in esteem, and not condemn or criticize without some reason for it. [Applause.]

Mr. STAFFORD. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Wisconsin has 24 minutes remaining and the gentleman from Washington has 10 minutes remaining.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I am reminded of the lines in the comic opera, I think "The Mikado," which run something like this:

My object all sublime, I shall achieve in time,
To make the punishment fit the crime, the punishment fit the crime.

This is rather a frantic scramble on the part of those who are endeavoring to conserve accommodations in our jails for American citizens, to provide some way of eliminating the foreign bootlegger. Of course, it appeals very strongly to gentlemen from the drastic dry States, such as the Representative from Kansas, where I understand they have become expert in fixing by legislation the length of bed sheets and other chamber linen, and also the Representatives from States from which we have just heard, where its senior Senator recently was called on to write a letter with reference to an organization operating within its borders and point out that unless the State put down the organization the organization would destroy the State.

I am somewhat familiar with the legislation enacted to enforce the prohibition amendment. I believed then as I believe now that we started in with too drastic a law for the enforcement, and to give due meed of praise to the distinguished author of that law I would say that I never heard him urge at that time nor since, nor do I think it occurred to him in his wildest dreams, that we should provide for the deportation of aliens who have violated some provision of a State law with reference to the narcotic or the prohibition laws; but I appreciate the gentlemen on the Pacific coast who have been unable to find out how many of a certain class of aliens there are living in their midst and are greatly terrorized because they are compelled to live in a state of ignorance, and if they gathered them all up in one place they would find that they would not equal the population of some modern-sized city in the United States.

The difficulty out there is that they always find some American citizen who is willing to sell their land to them, and, therefore giving them a chance to become landowners. And the difficulty with these alien bootleggers is that they are always able to find some American citizen who will buy the stuff. Talk about the distinguished counsel of the Anti-Saloon League of America. Why, he is the fellow that made bootlegging popular. He is not considered an enemy by the bootlegger, either native born or alien. He is the man who made it possible for them to ply their trade, and it may be that out on the Pacific coast, rather than build additional accommodations to their jails so that they can take care of these violators of the law, both alien and citizen, they prefer to have Uncle Sam bear the expense and ship them out of the country. I have no objection to providing

that by law, but I think we are entering upon a rather dubious experiment if we permit the States by legislation to say what aliens shall remain in the United States. In some of these very erratic and irrational States we may find that they will pass some very unreasonable law, with very heavy punishment, and they can come in then with their application and require that the alien shall be deported.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. Mr. Chairman, I yield five minutes more to the gentleman from Massachusetts.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. NOLAN. I would like to state to the gentleman that I represent one congressional district on the Pacific coast, and I have not heard from anybody in California favoring the passage of this act. I would also suggest that every time the people in the State of California have been called on to pass on a State-wide enforcement act they have voted overwhelmingly against it.

Mr. JOHNSON of Washington. Has not the gentleman read the reports of the grand juries of his own State?

Mr. WALSH. Mr. Chairman, of course the gentleman, I think, is in that unhappy class that is not permitted to bask in the sunshine of the smiles of the Anti-Saloon League. How the gentleman from Maryland [Mr. HILL] got on that list I do not know. The gentleman naturally would not hear of this urgent and overwhelming demand, because the band from the Pacific coast in the gentleman's own State is led by the distinguished gentleman sitting at the table on the other side of the aisle, who recognizes, without employing the radio mechanism, the martial strains, and he can picture in his mind the banner flowing to the breeze as the Anti-Saloon League army marches along its course, attempting to keep up with the law which it has fathered and attempting to catch up with punishment for its enforcement.

I submit, Mr. Chairman, that we made the law a little too drastic at the start. We should have followed the course embarked upon in the great State of Kansas, or in Minnesota, or in Iowa, or in Nebraska, and if we had we would find that the prohibition legislation there was a matter of growth and development. They did not fall upon their unsuspecting citizens at one swoop with prohibition legislation. They found that they had to formulate the law and improve it from time to time as public sentiment supported and indorsed it.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Kansas.

Mr. TINCHER. Speaking of different State laws, I am wondering if the law of Massachusetts punishing witches by death is being successfully enforced.

Mr. WALSH. Mr. Chairman, I would state to the gentleman that Massachusetts never had any such law as that since the Constitution of the United States was adopted, and a great deal of the punishment of witches by death in Massachusetts is pure fiction and was used only years ago to frighten naughty little boys and little girls in Kansas and other Western States who would not behave and would not go to sleep at night. [Laughter.]

Mr. Chairman, I am very glad, indeed, to learn from the distinguished gentleman from Michigan [Mr. CRAWTON] that nobody has contributed to his campaign and that he, as he merits, has received the indorsement of his district. I trust he will continue to do so for years to come. However, there are campaigns in Michigan where the successful candidate can not make that claim. [Laughter.] I mention no names.

Mr. Chairman, I would like now to ask the gentleman from Washington [Mr. JOHNSON], who has charge of this measure, if he believes this bill in its present form is entirely free from complications in respect to putting into the power of a Cabinet officer authority, after hearing, to deport an alien for a violation of some State law.

Mr. JOHNSON of Washington. If the gentleman will permit me, I shall be very glad to answer that question.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield myself two minutes. Answering the question, I would state that in all the time that the United States has received immigration it has never had sufficient deportations to protect the United States. In 10 years' time the total deportations of the United States for all causes have been only a few over 30,000. We go about and gather people up after they are convicted and sentenced for certain abhorrent crimes, such as the violation of the Mann Act, we take them out of the poorhouses as public charges and send them back to the country whence they came,

and yet we have been sitting here quietly for several years permitting them notoriously to violate our narcotic act by the peddling of dangerous drugs and to seduce and ruin our people, and now that we have a prohibition act we should try to have it enforced and should punish aliens who will not live up to it, even to the point of deportation if repeated violation makes such aliens undesirable as residents.

Mr. WALSH. Does the gentleman think there is any complication likely to arise—

Mr. JOHNSON of Washington. Not the slightest. If a man commits murder under a State law and serves his sentence, if they proceed against him under a warrant of this kind, they can and should deport him.

Mr. WALSH. How were they going to deport him if he should be hanged the day before? [Laughter.]

Mr. JOHNSON of Washington. Oh, they do not always hang men for murder.

Mr. STAFFORD. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, while the gentleman from Massachusetts disputed the historical authenticity of the story of the burning of the witch at Salem, he failed to take cognizance of the fact that the witch-burning spirit actuates the proponents of this legislation. This bill provides for the deportation of noncitizens for a violation of the prohibition law or of the prohibition regulation of any State. The penalty of deportation is to be added to the present penalties. I wish I could find language adequate to express what I think of the proponents of the bill. Unfortunately the parliamentary situation does not permit it. Parliamentary practice would not permit a Member to say to other Members that they are hypocrites, fanatics, or stupid. Deportation is one of the most cruel forms of punishment. It was practiced by the Bourbons of France, and I am not surprised that the Bourbons of Texas support it. If a man violates a law, punish him. If he happens to have had enough intellect to choose to be born in the United States, if at the moment of his birth he possessed enough genius to choose this flag, then if he violates a law of his own land he should be punished the more severely.

He flouts the law of his own choosing; the law of his own making. He violates a Constitution purchased by the blood of his forefathers, and he is so much more of a criminal, if distinctions are to be drawn between citizens and noncitizens in the enforcement of the law. Some countries of Europe have been so reorganized that a man can not be deported to the country of his origin. New governments and new allegiances have been forced upon many of the peoples of Europe as the result of the last war. We are continuing the hysterical war legislation. The principle of deportation was brought in during the war to deal with an extraordinary and unprecedented emergency. Now you are going to deport a man because he has taken a drink in violation of the law. Some of you would be deported if you happened to be foreign born and noncitizens. [Applause.] The noncitizen is to be a legal outcast. Let us be honest about it. Why, gentlemen, this proposition merely indicates that the mentality of Congress has become exhausted. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I yield one minute more to the gentleman.

Mr. LONDON. We have been in session nearly a year. The legislative projects that you were assembled for have been finished, and you have nothing to do. But there are some committees that, out of their fatigued brains, bring forth all sorts of inane, incoherent, monstrous, impossible things for us to contend with. I wish Congress would adjourn. [Applause.]

Mr. STAFFORD. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. MacGREGOR].

Mr. MacGREGOR. Mr. Chairman and gentlemen, I can not remain silent while you are perpetrating this piece of iniquity. History repeats itself. They used to boil men in oil when they did not agree with particular opinions. We are going that way now. Here you propose to make something immoral that is conceded to be moral.

Mr. VAILE. Conceded by whom?

Mr. MacGREGOR. Evidently by the law previous to this. It is conceded by your report that there was no moral turpitude in violating the prohibition law. There are thousands, yes millions, of our people who do not think there is any moral turpitude in violating the prohibition law.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. MacGREGOR. I can not; I have only four minutes.

In my district there are Italians, a splendid people, who have been accustomed to their wine. Do they think that there is any

moral turpitude in manufacturing wine for consumption in their own homes? Do the German people, who constitute the great basic people of my constituency, think there is any moral turpitude in the manufacturing of beer and wine in their own homes? Do the Polish people, who constitute another basic element of my constituency, think there is any moral turpitude in the consumption of beer and wine? No; they do not and they will not. They are most vehement in their resentment against the curtailment of what they consider their moral right. Now, you propose to take many hundreds, perhaps, of my people, who do not think that they have been guilty of any moral turpitude, because of some slight violation of the prohibition law, and cut them off from their families. They perhaps have been here many years; their children have grown up in the United States; their sons probably fought in the World War to make the world "safe for democracy." The mother and the father with their children are enjoying their lives in America. Perhaps the old people have not taken out their citizenship papers; I do not deem them guilty of any serious crime for not doing that in many, many cases. I am in favor of every man who comes to our country taking out citizenship papers and becoming a citizen, but there are, as I say, many hundreds who have not, and I do not consider that they have been guilty of any great or heinous crime. You propose to take these people, break up their families, and send them out into the world to God knows where; let their fate rest upon the arbitrary decisions of one man in the United States, whom you create a czar to determine the life and the liberty of the individuals covered by this infamous bill. We are becoming more and more to be a despotic, autocratic, czaristic country, placing might and power in individuals to determine the future, the life, the liberty of our citizens, and it is time that we should stop and not go any further with this specious, this futile, this czaristic legislation that you are seeking to place upon the statute books.

The prohibition amendment has been adopted; the Volstead Act has been passed. It should be enforced; but to enact this statute is going beyond the bounds of common sense. It is another step in the direction of creating disrespect for all law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I yield the balance of my time, six minutes, I believe, to the gentleman from New York [Mr. MILLS]. [Applause.]

Mr. MILLS. Mr. Chairman and gentlemen of the committee, it is difficult to remain silent, even if one has not any original thought to contribute to the discussion, when such a bill is presented to this body and when one has reason to fear that the measure will pass. I suppose one of the greatest faults in American public life to-day is hypocrisy, and of all the measures that are open to that charge this measure is one of the worst.

The gentleman from California this morning stated that the manufacturer and seller of drugs and the violators of the Harrison Act are in the same class with the violators of the Volstead Act. I wanted to ask him then, but he could not yield, and I desire to ask him now, whether he considers that great farming class of the State of California that is to-day devoting itself to the tremendous industry of grape growing, is in the same class with the manufacturer of heroin intended to be sold to minors in the streets and slums of New York City? He is putting them in the same class. And you gentlemen, in this legislation, are putting them in the same class. Read the history of the grape industry of California since prohibition went into effect and you will know what is happening. They are growing grapes and shipping them by the carload directly to foreigners to be manufactured into home-made wines. It is one of the bases of the prosperity of that State. Now, you gentlemen are going to say to the unfortunate foreigner who buys the grape and manufactures it into home-made wine for his own consumption that he is a criminal, to be torn from his fireside here in the United States and from his family, never to come back to this, his new home, while the grower of the grape, intended for the consumption of that foreigner, is to be considered among the foremost prosperous and respected American citizens. [Applause.] In the name of truth, in the name of honor, in the name of common sense, was there ever a more outrageous proposition put before a legislative body? To grow grapes and sell them to the foreigner to manufacture wine out of is a legitimate business, but we must deport the foreigner as a criminal. [Applause.]

In this country our citizenship is made up of all races and of all nationalities. They come here because they believe they are going to get fair play, a new freedom, and as they find that our laws are just and there is no discrimination shown they stay, and after one or two generations they become indistinguishable from the native-born American. What is going to be

the effect of this class of legislation on these new arrivals? You are foisting an unjust measure on them. By this legislation you are telling them that it is all right for the Americans to grow the stuff to sell to them, but that he who buys it from those who grow it is a criminal if he uses it. If you are honest with yourselves you can not vote for such a proposition.

Mr. JOHNSON of Washington. What is the alien now if he uses this manufactured liquor?

Mr. MILLS. What is he if he makes homemade wine?

Mr. JOHNSON of Washington. Is he a violator of the law?

Mr. MILLS. I do not know whether he is a violator of the Volstead Act or not, but he may be a violator of some State law. Now you gentlemen, of course, are going to pass this measure. It may or may not become a law. But even if I believed in this extreme legislation I should vote "no" on this proposition, because you are going so far in your frantic efforts to overcome your initial mistake that you are going to break down our whole system of law enforcement. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield the remainder of my time to the gentleman from Colorado [Mr. VAILE].

The CHAIRMAN. The gentleman from Colorado is recognized for four minutes.

Mr. VAILE. Mr. Chairman, it is rather a new idea to me to find Members of the House of Representatives of the United States impliedly, at least, charged with hypocrisy on account of the offense of endeavoring to support a statute of the United States passed in obedience to a plain constitutional mandate, and passed by an overwhelming majority of the Congress. It seems to me it ill becomes gentlemen of the House to bandy about such words as "hypocrisy" in that connection.

Mr. FESS. Mr. Chairman, will the gentleman yield there?

Mr. VAILE. For half a minute.

Mr. FESS. Did we not have the same charge of hypocrisy leveled against the legislation that we are now trying to enforce?

Mr. VAILE. Yes; and I suppose it will be done in the future by anybody who does not like such legislation.

Mr. FESS. And by the same people?

Mr. VAILE. Yes; by the same people.

Let us look at this question from the immigration standpoint. We can admit to the United States whom we please; we can refuse to admit whom we please; we can deport out whom we please. The question of the admission of aliens to the United States or their residence in the United States is one which is addressed only to our own good judgment. If we wanted to be so unreasonable, we could provide that no one should come to the United States who had red hair. It is entirely up to us. We could provide that if aliens come into the United States they can not stay unless they comply with our rules, and as a matter of fact we do require such aliens to go back unless they comply with certain of our rules. One of our rules is that they shall not be mentally deficient. Another is that they must not belong to societies opposed to our Government. Here to-day we are proposing a rule which is that if they do not comply with certain statutes of the United States, passed, as I say, by an overwhelming majority of the Congress, they may then be sent back, if, after their conviction and after they have had another day in court before the Secretary of Labor, they shall be deemed by him to be undesirable residents. But lo and behold, when it comes to the matter of enforcing that kind of a rule we find that the sentiment of the House is pervaded with another idea. The enforcement of a particular law is obnoxious to some gentlemen and so they would have us understand that there is some new principle involved in sending an alien away because he will not comply with it. You may send him back because he is a mental degenerate, or you may send him back because he is a moral degenerate. You may send him back because he is likely to become a public charge; that is to say, because he is poor and incompetent. You may send him back for this or for that, but for Heaven's sake do not send him back because he violates the narcotic act or the prohibition act!

Mr. FAIRCHILD. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. FAIRCHILD. Why not for the violation of any statute?

Mr. VAILE. That might be well enough, but we can not do everything at once.

Mr. FAIRCHILD. Will you vote for that?

Mr. VAILE. I want to see this statute passed. I do not want it encumbered by other things.

Now, it is said that an American-born violator of the law is as culpable as the alien violator. I think he is even more cul-

pable. But the American violator is here; he is our citizen. We have got to deal with him in some other way. We can say to the alien violator, "You can not stay unless you comply with our rule." Is it a great hardship?

The gentleman from Wisconsin [Mr. STAFFORD] gets up here and in an eloquent address says he is not willing to take the chance of putting this arbitrary power in the hands of the Secretary of Labor, the chance that the Secretary of Labor may hold as undesirable somebody who has been convicted and had his day in court and who will have another day in court; he is not willing to take the chance of the Secretary of Labor holding such a man undesirable. While he was speaking I counted in that gallery yonder 18 boys all less than 14 years of age, a group of bright youngsters from some school, eagerly listening to this debate to learn how their country's laws are made. They have since gone out of the gallery. I am not going to take the chance for those boys. I am more concerned about them than I am for the alien violator of our laws, who would wreck their young lives for a few filthy dollars.

My district comprises less than 8 per cent of aliens. I am informed by the district attorney that during his term of office—that is, since the beginning of the year 1921—70 per cent of convictions for the violation of the narcotic and liquor laws have been of aliens. Talk about taking a chance! There is chance enough to take from our own citizens who have no respect for their obligations to this country. I am not making light of that dreadful chance. It is full of perils, indeed; but must we take the additional chance which we are asked to take simply because of your extreme tenderness to aliens? We did not make these people. We did not compel them to come here. We do not have to have them, and if they do not comply with our laws we are not going to have them. [Applause.]

The gentleman from Alabama [Mr. HUDDLESTON] gives you a most pathetic picture of some man who has lived here for 50 years being deported to a country whose very language has grown strange to him, deported because he commits some trifling violation of law. In the first place, it is perfectly nonsensical to suppose that anyone is going to be deported for a trivial or a merely technical violation. This bill is intended to reach the criminal profiteer in vice and poison, and it will be so applied. But let us examine the gentleman's argument a little.

He says that the minute a man lands in this country the flag covers him and the Constitution protects him. Well, if he is so interested in the protection of the flag and of the Constitution, how does it happen that he has remained an alien for 50 years? [Applause.]

Mr. HUDDLESTON. Will the gentleman yield?

Mr. VAILE. I will.

Mr. HUDDLESTON. Many of these people have believed for years that the filing of their first papers made them citizens of the United States, and some of them have gone on for 50 years under that belief.

Mr. VAILE. That has happened in two or three States where they could vote on their first papers.

Mr. HUDDLESTON. It has happened in a multitude of States.

Mr. VAILE. The gentleman is mistaken. The Committee on Immigration and Naturalization has recently investigated that subject and found only three such States. But, at all events, there is no reason for their thinking that now. That subject has been thoroughly threshed out in our committee, and it has been thoroughly threshed out in the newspapers. But, in any case, does not that man owe any obligation to the flag which is supposed to protect him? Is the Constitution to be a dead letter as to him? Why, gentlemen, let us look at it from a reasonable standpoint. It is a question of our rules. Can we enforce our own rules, and can we enforce them by saying simply that people who will not abide by them can not live here? They can live in the countries from which they originally came. It ought not to be such a terrible hardship for them to go back to the country which gave them birth. I have very little sympathy with the cry that we hear that people who can not get along in this country, who can not conform to its laws, must nevertheless stay here because they will get along still worse in the country from which they came?

Mr. BLANTON. Will the gentleman yield for a question?

Mr. VAILE. I yield to the gentleman from Texas.

Mr. BLANTON. Even if we wanted to deport our own criminals, we could not do so, but we can deport aliens.

Mr. VAILE. Our own criminals are a separate problem. We have got to take care of them as best we can. They may fill our jails. It is unfortunate, perhaps, that we have not some place where we can send them; but, gentlemen, it is of no use to stand here and urge that the American is more culpable than the alien. Perhaps he is; for my part I believe that he usually is; but if so,

he is our problem and the alien is some other country's problem, because the word "alien" means that he belongs to some other country and does not belong to us. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to deport certain undesirable aliens and to deny readmission to those deported," approved May 10, 1920, is amended by adding at the end thereof a new subdivision to read as follows:

"(4) All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts, the judgment on such conviction having become final, but no such alien shall be deported until the termination of his imprisonment, if any, upon such conviction:

"(a) The national prohibition act of October 28, 1919;

"(b) The act entitled 'An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes,' approved December 17, 1914, as amended;

"(c) Any other statute of the United States, or of a State or Territory, prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes, or of opium, coca leaves, or any salt, derivative, or preparation of opium or coca leaves."

Mr. BOX. Mr. Chairman, I move to strike out the last word.

Mr. STAFFORD. Mr. Chairman, I have a preferential motion. I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the enacting clause of the bill.

Mr. STAFFORD. Mr. Chairman, I am willing that the vote should be taken without debate.

The question being taken; on a division (demanded by Mr. STAFFORD) there were—ayes 30, noes 99.

Accordingly the motion was rejected.

Mr. BOX. Mr. Chairman, I move to strike out the last word.

We have heard something here to-day about Salem witch burning by those who oppose this measure. I never engaged in any fight when a question of law and order was involved in which I did not hear from men who object to law enforcement something about the question of witch burning. I recognize that the remark made by the gentleman from Kansas [Mr. TRINCHER] was a playful one, as he is supporting this measure. If I were able to do it, I should like to take the old New Englander with his fanaticism, if he had it, and his faults—and he had them—but with his upstanding, towering Americanism notwithstanding all, and set him over against the bunch—not here, but elsewhere—from which these words have come, whose record for crime and lawlessness is bad. I will take the noble old New Englander in preference. [Applause.]

Something has been said by way of comparison of the great Frenchman, Lafayette, with the liquor forces in America. That was an unfortunate and unhappy comparison. The great honor which we pay to the memory of Lafayette entitles him to more respectful treatment than that. He belongs in a nobler company. His name should never be presented in connection with such a cause. He joined with our forefathers in the establishment of a free America when they were led by Washington, whose name was presented by the gentleman from Maryland in the same connection. The lawlessness connected with the whisky business presented itself to the great Washington. The first great uprising against the law and authority of the United States after its Government was established was from the same lawless source; and while Washington was a liberal-minded man, he was above all a great, upstanding, Nordic American, knowing that law must be upheld, regardless of whether the citizen approved or disapproved it. He knew, declared, and acted upon the proposition that the orderly and regular enforcement of the law is necessary to the safety of the citizenship of the United States and to the continuance of a free Government. In his first administration he quelled the whisky insurrection. We are trying to hold down the same lawless business and reduce the evil of dope peddling. [Applause.]

Mr. STAFFORD. Mr. Chairman, I move to strike out paragraph (c), on page 2.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 2, beginning with line 10, strike out paragraph (c).

Mr. STAFFORD. Mr. Chairman, as I stated in my opening remarks, this bill is an amendment to a dead-letter law. Every paragraph to which this is amendatory refers to acts passed under the war powers of Congress.

I repeat, as you will find at the bottom of page 1 of the report, that this act makes it mandatory, upon the conviction of any person who has violated a State law, that he shall, upon

the warrant of the Secretary of Labor, be taken into custody, and then a hearing may be had. And the Secretary of Labor, after hearing, if he decides the alien is undesirable, may order that he be deported.

Further, this act you are seeking to amend by section 2 gives no power to the court over the decision of the Secretary of Labor in passing upon the question whether this alien is a desirable citizen or not. For section 2 of the act we are amending provides:

That in every case in which any such alien is ordered expelled or excluded from the United States under the provisions of this act the decision of the Secretary of Labor shall be final.

There have been many instances in the administration of this law under section 19 where the Secretary of Labor has gone beyond his constitutional authority in imprisoning without notice a large number of aliens on the ground that they were not in sympathy with our Government; but the Supreme Court, the palladium of the rights and liberties of the American citizens, have upheld the right of even the alien to be granted a hearing. I repeat that I am unwilling to vest in the Secretary of Labor the authority to deport an alien who has been sought after by some State prohibition enforcement officer fanatic and has been fined to grant to the Secretary of Labor the privilege of deporting that alien. As has been said many times in debate, the sponsors of this bill recognize the futility of national prohibition enforcement in communities where the sentiment is opposed to it, and now are trying to pass a legislative monstrosity by granting to the Secretary of Labor powers that were not even granted in war times to Cabinet officials or the President. That is your much-vaunted liberty and freedom under the American institution. On the one side you have an American citizen violating the law and paying a nominal fine, and beside him you may have an alien who has declared his intention to become a citizen subjected to a similar fine, and as soon as the fine has been levied and paid the Secretary of Labor takes him into custody with the power to deport him from these shores to some land where he has no home. [Applause.]

Mr. CLOUSE. Mr. Chairman, I rise to oppose the amendment of the gentleman from Wisconsin. Mr. Chairman and gentlemen of the committee, I have listened with considerable interest to the debate on this bill, and I think I came here with my mind open and free, not having prejudged the case, I am sure. But I am now prepared to say that I can not agree with the distinguished gentleman from Wisconsin that this bill deprives any individual, whether he be native or alien, in any unreasonable way of any right he has here under the flag of this country. I think, on the contrary, that this is a reasonable provision. I think it is one that should be adopted by this Congress and one that should be enforced after it is adopted.

Why, there is nothing in the argument that any man is deprived of his rights or of his liberty in an arbitrary manner, but, on the contrary, he must have been convicted of a violation of the statutes of the United States, and then only can the Secretary of Labor take action.

I shall support this bill, but I want to take this opportunity to call your attention to an existing law which is high-handed and in violation of the letter and spirit of that Constitution about which we have heard so much this afternoon. I believe that in the enactment of legislation for the enforcement of the eighteenth amendment it should at all times be reasonable in its character. But you have in connection with laws adopted in pursuance of the eighteenth amendment a statute now that takes the property of an American citizen, not of an alien, and confiscates that property without due process of law, and it is being indulged in in every State in this Union to-day.

Suppose that here in the District of Columbia a prohibition agent or one connected with the Revenue Department of this Government should go into a building owned by one of you gentlemen and should there find intoxicating liquors, or, perchance, find where an illicit still had at some time in the past been located. He arrests you, and the Commissioner of Internal Revenue immediately makes an assessment of a tax, together with a \$1,000 penalty, provided under the Volstead Act. You can go into court and be abundantly able to show your innocence before the court and a jury of your peers, but notwithstanding that fact this assessment is enforced by notice after notice, and then a distress warrant is issued and levy is made upon your property, notwithstanding the jury has passed upon your innocence and given you a verdict of not guilty.

Now, I say to you that I have been a consistent supporter of prohibition. In my State 15 years ago the first political campaign in which I ever engaged was to make Tennessee, my native State, a prohibition State. I am in favor of prohibition now, but I am not in favor of any law that will take my property or your property or the property of any citizen of America with-

out due process of law and giving him his day in court. [Applause.]

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to get a little information, if I can. Under the act of 1920 can the Secretary of Labor arrest a man before or after hearing?

Mr. JOHNSON of Washington. The act of 1920 applies to persons convicted.

Mr. MANN. Of course the act provides—

Shall upon the warrant of the Secretary of Labor be taken into his custody and deported in the manner provided * * * if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States.

Mr. JOHNSON of Washington. Exactly.

Mr. MANN. If it were a matter of original construction left to me, I should say that he could not issue the warrant until after the hearings. What I want to know is the fact. What does he do?

Mr. JOHNSON of Washington. He does issue a warrant, I think.

Mr. CABLE. The procedure requires two warrants. When information is lodged with the Secretary of Labor a warrant is issued and the man is taken into custody, and then if after the hearing is completed the Secretary of Labor finds that he is an undesirable citizen he is deported.

Mr. MANN. And that is the construction that the Department of Labor gives to this?

Mr. CABLE. Under the regulations.

Mr. MANN. So that under this bill any man who has been fined under the prohibition law for violation of either the national or a State law can at once be arrested?

Mr. CABLE. Yes; when information is lodged and the warrant is issued.

Mr. MANN. There is no requirement of information being lodged by the statute. On information being lodged he can issue the warrant any time he pleases?

Mr. CABLE. Yes.

Mr. MANN. On his own suggestion?

Mr. STAFFORD. The hearings disclose that that is the practice of the Department of Labor.

Mr. CABLE. That is the regulation.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 41, noes 91.

So the motion was rejected.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word. I am a prohibitionist. I participated in the prohibition contest in my own State when to do so there was sometimes almost involved the sacrifice of long-standing friendships. I have consistently supported the prohibition legislation that has been enacted here. I may say further that I am in full accord with the desire to restrain the activities of unworthy aliens. So strong is my view on that point that I deeply regret that the Committee on Immigration, instead of confining its work to legislation that is not very material, does not present for our consideration a bill looking to a permanent law upon the subject of immigration which would absolutely exclude all undesirable foreigners. For some unaccountable reason there has been a failure to bring in such a bill, although the promise was made a long time ago that an opportunity would be speedily given us to vote on such a measure. Why that promise has not been kept can only be conjectured. But it has not been kept, and thus we are now engaged in determining what we will do with offending aliens already admitted, when, in my humble judgment, we ought to be dealing with the far more important subject.

We are now on section (c) of this bill. Is it reasonable? One of its provisions in substance is that an alien may be deported if he violates the liquor laws of any one of the 48 States of the Union. Putting out of view the Federal law, we know that the State laws are almost as diverse as the conditions and characteristics of the 48 States. I was told a moment ago by a Representative that in his State the manufacture and the use of liquor for sacramental purposes is not permitted, and that it is not permitted for medicinal purposes. Accordingly, we are asked to say that an alien who violates the law of that particular State to the extent of making or importing or using liquor for sacramental or medicinal purposes shall be liable to deportation.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Not now.

Mr. BLANTON. That law—

Mr. MOORE of Virginia. Please wait one moment. Is that reasonable? I ask as a prohibitionist if that is a reasonable proposition? I ask if such legislation will not put us in the

attitude before the country of doing something unreasonable, and which may properly be charged as extreme and fanatical? One danger to the prohibition cause to-day is that by such legislation those who are deeply and heartily anxious that the cause shall prove a success may contribute to its final defeat. I do not discover—and this is rather significant—that the leader of the prohibition forces upon this floor, the gentleman from Minnesota [Mr. VOLSTEAD], the man entitled to more credit than anyone here for what has been done along prohibition lines, assumes any responsibility for this bill. To-day I have not heard his voice raised in favor of it. Mr. Wheeler has been criticized on the floor. I for one respect Mr. Wheeler and the great organization to which he belongs, and, so far as I know, there is an absence of evidence that Mr. Wheeler or that organization favors this provision. Regarding this provision as I do, I must oppose it. I must vote my convictions on this matter, as I shall hope always to vote my convictions on every measure. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I desire to say a word in opposition to the motion of the gentleman from Virginia. Several gentlemen are urging haste with respect to more restrictive immigration legislation. A great many people seem to think that you can take a pair of scissors and a paste pot and write an immigration act overnight—a strong, workable act. And yet when one comes on this floor with a deportation bill of this kind, designed to put some teeth into the immigration act, you find the very gentlemen who want more restrictive legislation are afraid of the teeth. Do you know what we are doing with our present deportation provisions? Deportation is a severe act, the last step, and one of the very hardest steps to accomplish. You do not pick a man up and send him out of the country just with a kick. It is a long process, as a rule. If the alien to be deported has been here some years the expense of sending him overseas is borne by the Government, and he is sent to his own country only with the consent of that country. That country usually consents because it wants to send other immigrants here. Let me refer you to these figures in respect to deportation for the last eight months' period, and we have had more deportations in the past year than for some time. For insanity, epilepsy, mental defective, and so forth, we deported 330. Those are the people that are found usually in insane asylums. The State asylums report to the Immigration Service and ask our Federal authorities to send them out of the country. Those deported because they were physically defective were 47 in eight months; because of loathsome or dangerous contagious diseases, 55; because they were likely to become, or had become, public charges, 1,190. Those are the poor broken wretches who failed in life's battle after coming here from some other country. They have collapsed and they are in the poorhouses, and we grab them up and shove them out. They have violated no law; they have simply broken down in the fight for existence. Who would leave the alien narcotic law violators in while he sends out the pauper? Of criminals we have deported 270 in eight months, and that number is above the average. As I said in the beginning, at any time the Secretary of Labor or any of his agents takes a man who is convicted under a State law and deports him as an undesirable citizen because he has violated a State law in regard to liquor or drugs, you may rest assured he is an undesirable alien, not fit to stay in the United States, and properly one to be deported.

Mr. CHALMERS and Mr. WALSH rose.

The CHAIRMAN. The gentleman from Ohio [Mr. CHALMERS] is recognized.

Mr. CHALMERS. Mr. Chairman, I move to strike out the last two words.

This seems to have developed into a contest between the "wets" and "drys." Now, in one sense of the word I suppose that I may be classified as a "wet"; that is, I am in favor of water transportation. And, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing in 8-point type an address I delivered last Saturday before the City Club of Baltimore on the subject of transportation.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. STAFFORD. Earlier in the proceedings I objected to extending the remarks of the gentleman from California, and therefore at present I shall be obliged to object to the request of the gentleman from Ohio.

Mr. WALSH. Mr. Chairman, I offer an amendment. On page 2, lines 10 and 11, strike out the words "or of a State or Territory."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 2, lines 10 and 11, after the word "States" in line 10, strike out the words: "or of a State or Territory."

Mr. WALSH. Mr. Chairman, I only desire to state that this amendment is along the line suggested by the distinguished gentleman from Virginia [Mr. MOORE] and along the lines which I suggested earlier in the day, to the effect that I believe we are entering upon a field that is likely to give rise to complications if we permit a Cabinet officer, situated in Washington, to pass upon the question of deporting people because they may have violated some State law.

Now, we have an all-comprehensive national statute, and it is as drastic as most of the State laws now in force, with possibly one or two exceptions. It seems to me that if this deportation provision in reference to the prohibition act be included in the law, we might well confine it to violations of the Federal statutes.

Mr. RAKER. Mr. Chairman, I rise in opposition to the amendment. I want to call the committee's attention to the fact that under the present law a man who is convicted of a crime for which he is punished for more than a year, and which involves moral turpitude, is deportable. There are 48 States of the Union now dealing with all those classes of cases, and any man convicted in any State of the Union to-day of a crime involving moral turpitude, where the judgment of the court is for more than a year, he is deported, namely, for crimes relating to theft, arson, burglary, and all other crimes of that character involving moral turpitude. And under the law to-day, after the man has been convicted and served a term of sentence as provided, it is the duty of the Secretary of Labor to make a complaint, or for some one to make a complaint, and then the party is arrested. Then it is the ordinary course of procedure to require a hearing before, first, the inspector, the immigration commissioner, and then it goes to the commissioner on immigration through his counsel; then goes to the Department of Labor through his counsel, and then finally comes to the Secretary of Labor after it has passed through all these proceedings, after due notice has been given, and when the Secretary finds the man is of an undesirable character and has been convicted under any of the laws of the 48 States he can then be deported.

These statutes to-day in regard to violating the narcotic laws are, most of them, State laws. Most of them do not involve moral turpitude, because opium for many years has been dealt in not only by England but by this country, and to-day we permit opium to be sold, and therefore it must be specifically provided that a man be deported after having been convicted by a State law. And there is no statute on the statute books now that reaches thousands of cases of those who are violating the narcotic laws and to prevent the ruining of the young men and women of this country, and where the testimony shows that 98 per cent of the violators are aliens. Then why do you want to be squeamish in regard to the deporting of these men who are destroying the very existence of the communities in which they live?

Mr. BLANTON. Mr. Chairman, I move to amend the amendment offered by the gentleman from Massachusetts by striking out the words "or Territory."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Amend the amendment offered by Mr. WALSH, by striking out the words "or Territory."

Mr. BLANTON. Mr. Chairman, this is the only parliamentary way by which I can get to speak on the question raised by the gentleman from Virginia [Mr. MOORE], who is a distinguished lawyer. He gave as his reason for objecting to subdivision 3 of the bill that various of the States had passed inconsistent laws. He said, forsooth, that some State had passed a law prohibiting this, and another State prohibiting that, and because such States had passed inconsistent laws he was in favor of striking out the third provision and limiting the bill to a Federal law. The distinguished gentleman from Virginia is too good a lawyer not to know that if any State should pass a law in any way inconsistent with the provisions of the eighteenth amendment it would be unconstitutional, because it would not be in conformity with the eighteenth amendment of the Constitution. The eighteenth amendment permits the States to pass regulatory measures with respect to prohibition only when those regulatory measures are consistent with the provisions of the eighteenth amendment to the Constitution.

Mr. MANN. Does the gentleman think the States had authority to pass such a law before the eighteenth amendment was a part of the Constitution?

Mr. BLANTON. But the eighteenth amendment specifically provides that the States are given the same concurrent right to pass laws to uphold the eighteenth amendment of the Constitution, which is to prohibit the sale and manufacture or gift of intoxicating liquors.

Mr. MANN. But the eighteenth amendment did not take away from the States any power which they had before the eighteenth amendment became a part of the Constitution.

Mr. BLANTON. I am in favor of this bill exactly as it is written, without the additional crossing of a "t" or the dotting of an "i."

Mr. MANN. Then why did you move to strike out a part of it?

Mr. BLANTON. Merely as a pro forma motion in order to answer the gentleman from Virginia [Mr. MOORE]. Under the parliamentary situation I had no other means, and I had to use a subterfuge in order to gain the floor.

Mr. Chairman. I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. GRAHAM of Pennsylvania rose.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I rise to move to strike out the last three words.

Mr. Chairman, I suppose it will be of very little consequence what one may say on this measure, because the Members of the House seem to have practically made up their minds as to how they are going to vote, and they will not be influenced by reason in the matter of their voting. But I would like to call the attention of my colleagues to the fact that there never was a more undesirable piece of legislation than this bill which is now presented for their consideration. [Applause.]

Looking at it from a lawyer's viewpoint alone and without regard to the so-called division of "wets" and "drys," this is a bill which is intended to refer to the question of immigration and the regulation of immigration through restrictions more than anything else. The bill should be considered without regard to the question of enforcing prohibition. If you were dealing with this matter and were framing a scientific piece of legislation and would deport any alien who violated any national law, that might be received with some consideration. But when you are striving to select two classes of offenses, mere misdemeanors, and say that for them the punishment shall be deportation, you are making a distinction that is not justified in logic or in common sense. [Applause.]

The criticism of this bill made by the distinguished gentleman from Virginia [Mr. MOORE] is well founded. Any regulatory enactment of a State may become the subject of deportation. Is that just, equitable, or proper punishment? Think of it! A man may come here and do that which results in a fine, not imprisonment—he may commit an act which is malum prohibitum, not one which is malum in se; and for that, on a stranger in our midst, you are going to impose a penalty which is one of the severest penalties, in my judgment, that could be imposed. Does the punishment fit the crime? You are going to deport him for having violated perhaps a merely regulatory provision in some State law.

What right has this national body to impose penalties which are to be enforced for the violation of State laws? Let us confine ourselves to imposing penalties for the violation of Federal laws, laws made by this Congress. Let us enforce them if we see fit, even by deportation of aliens. But why say that everyone who violates some regulatory provision of some State law shall be liable to deportation if unfortunately he is an alien living in our midst?

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LAYTON. Do I understand that the Secretary of Labor could deport a citizen of Delaware against the will of the courts and the people of Delaware?

Mr. GRAHAM of Pennsylvania. If he is an alien resident, not a citizen resident in Delaware.

Mr. LAYTON. If he is not convicted by the people of Delaware?

Mr. GRAHAM of Pennsylvania. The man would have to be convicted of some violation of law, but it might be some very minor violation of law.

Mr. LAYTON. In other words, if he was deported, it would not be a Federal act in violation of the will of the State?

Mr. GRAHAM of Pennsylvania. No.

But the chief objection that I have against the enactment of such legislation as this is the looseness of its terms. Read it:

All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts—

And, then, in paragraph (c), wherein it says:

Any other statute of the United States or of a State or Territory prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes—

And so forth.

Think of the monstrous nature and character of a punishment like that for some trivial violation of the law which a man has perhaps inadvertently committed, but of which nevertheless he is guilty! For remember, my friends, that in those things—

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WHEELER. Mr. Chairman, I ask for the regular order.

Mr. JOHNSON of Washington. Mr. Chairman, can we arrange for more time?

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may proceed for one minute more.

Mr. GRAHAM of Pennsylvania. I ask for one minute.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GRAHAM of Pennsylvania. I was going to remark that in these cases which become crimes merely because they are prohibited there is not necessarily any moral turpitude, except you may say that a man who violates any law is guilty of moral turpitude; but as between those things which men in conscience consider right and those things which they say are wrong there is a clear distinction in the law. And when you include in this section as crimes things which are merely made crimes by statute, which are not morally wrong, which are called bad only because prohibited, and for which men are liable to conviction because they are prohibited, in which even the intent of wrongdoing may be wanting, yet because they are prohibited the person may be convicted, I respectfully submit that when you so provide, singling out such cases and imposing the grave penalty of deportation, you are enacting a monstrous piece of legislation. [Applause.]

Mr. WHEELER rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. WHEELER. To demand the regular order.

The CHAIRMAN. There is not any regular order.

Mr. ROACH. Mr. Chairman and gentlemen of the committee, I rise in opposition to the motion of the gentleman from Massachusetts [Mr. WALSH]. I believe that the amendment should be defeated.

According to my understanding, in the adoption of the eighteenth amendment concurrent jurisdiction was conferred on the several States of the Union to enact such rules and regulations as they might enact or prescribe to assist the National Government in enforcing the eighteenth amendment. I can conceive that perhaps there might be violations of those State laws and regulations, and there would be cases in which persons should be punished for violations of State laws where perhaps there would be no direct violation of any Federal statute whatsoever.

But be that as it may, gentlemen, there have been some of the most surprising arguments made here on the floor of this House that I have ever listened to. I am not yet willing to concede that any violator of the laws of this country is bigger than the Constitution and laws of this Government.

It has been stated here that this bill should not be passed because it might be considered too drastic or fanatical. I want to answer that by saying that in our attempt to support the Constitution of the United States and enforce it, we are not going to write a law that is too drastic for that purpose.

That is exactly the trouble now, that the laws by which the eighteenth amendment is to be enforced are not sufficiently drastic. I am willing to write into this law the provisions of this bill, which to my mind are simply these, that the fundamental principle of this bill is that if an alien violates the eighteenth amendment to the Constitution, he shall be deported from the United States upon conviction for such crime, and I believe that should be the law. That is what this bill undertakes to do, and its enactment will assist us in upholding the law and preventing its being violated as is now being done. Of what particular benefit is an alien citizen who comes to our country and claims the protection of our flag, who having come here undertakes to tear down the Constitution of our country? [Applause.] Let us send him back where he belongs.

That is what this bill will do, and I am in favor of passing it without making a single change, and I particularly oppose the amendment of the gentleman from Massachusetts [Mr. WALSH]. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that at the end of five minutes debate on this amendment and all amendments to the bill be closed.

The CHAIRMAN. The gentleman asks unanimous consent that all debate on the amendment and all amendments to the bill be closed at the end of five minutes.

Mr. LONDON. I object.

Mr. JOHNSON of Washington. Then I move, Mr. Chairman, that at the end of five minutes all debate on this amendment and all amendments to the bill be closed.

Mr. GARRETT of Tennessee. The gentleman from Mississippi [Mr. LOWREY] desires five minutes.

Mr. JOHNSON of Washington. Then make it 10 minutes.

The CHAIRMAN. The gentleman from Washington moves that at the end of 10 minutes all debate on this amendment and all amendments to the bill be closed.

The motion was agreed to.

Mr. MANN. Mr. Chairman, the other day I was reading a story placed in the time when in England a great many crimes were punishable by death. The result was that it was rather difficult in many cases to convict a person of a crime; and the experience of mankind, at least in those countries where the people have to do with government, is that excessive punishment adds to rather than detracts from the frequency of crime. Suppose you should put into a law a provision that a man should be hanged if he violated the Volstead Act. How often do you think you could convict anyone? I believe in upholding the law, but as a practical question if you provided that if a man took a drink of wine he should be punished by imprisonment in the penitentiary for 10 years you could not convict one in a thousand who were brought before the court for trial, and no man here—with the exception of a few—if he were on a jury with a plain case before him would vote to send a man to the penitentiary for life because he had taken a drink of wine or because he had given somebody else a drink of wine.

I apprehend this bill will pass this House, and I predict now that the result will be a more lax enforcement of the law than there is now, because if you bring before a jury an alien with whom the people of his locality are acquainted who has been convicted of taking a drink of wine or of giving a drink of wine to his neighbor and say that in addition to punishment by a fine of \$10 he shall be taken away from his wife and children and sent to a foreign land you will not be able to convict him. [Applause.]

Mr. VAILE. Is there any United States statute now which prohibits a man from taking a drink of wine?

Mr. MANN. There is a statute of the United States and there are statutes of many States. I believe there is no statute which prevents a man from taking a drink of wine in his own home if he owned the wine before the eighteenth amendment was adopted, but there is a statute against it otherwise, not only Federal but State. It is a question of the enforcement of the law. Do you think you will be more apt to enforce a law—which I am sorry to say is now frequently violated—if you attempt to provide a more drastic punishment in a few cases, and probably encourage people in the end to violate the law, because the juries will not convict them? [Applause.]

Mr. LOWREY. Mr. Chairman, I recognize the force of the argument of the gentleman from Virginia [Mr. MOORE] and those who take his position, and I shall vote for the amendment before us. I believe the Federal law is broad enough—

Mr. BOX. Will the gentleman yield?

Mr. LOWREY. Yes.

Mr. BOX. Does the gentleman know that the bulk of the laws against the sale of narcotics are the laws enacted by the State, and that he will greatly weaken one of the fundamental provisions of this law when he eliminates that feature of it from this bill?

Mr. LOWREY. I shall not take the time to argue that with the gentleman, because I rose really to present another matter. I have only five minutes.

Two or three gentlemen have spoken of this bill as being monstrous, or a legislative monstrosity. I want to refer to another law that I think is more a monstrosity. I once had a good friend who was hanged. I suppose a good many of you gentlemen have had the same misfortune. Some of you may have had very good fortune to escape yourselves when your friends were hanged. [Laughter.] My friend was hanged for murder. The newspaper account said that when he committed the murder he had spent five hours in the saloon of the town. He was a man who came from one of the best families and had

been a fine citizen, but a man whom liquor drove absolutely mad. He came out of that saloon and shot down a man in cold blood. For that he was hanged. The newspaper account said he had spent five hours in the saloon. Who put the saloon there and for what was it put there? The good State in which I lived was getting a thousand dollars a year of the profits of that saloon and was in copartnership with the business, and putting its fostering hand over the business and protecting it and backing it with law. The State and National Governments were both in league with it and helped to put the thing there. They put it there for one purpose and one alone, that men might go there and get drunk. When this man went there and got liquor he became crazed by it. He was a man whose appetite had got where he could not control it, and it drove him into the saloon, and when he came out drunk he committed this murder. Then the same State that had passed that law, that had put that saloon there, that had backed it up, that had taken a part of its profits, turned around and hanged the man for committing the crime that he committed in the insanity gotten out of that saloon. I submit that you will never find a law more monstrous than that. When we talk about monstrosities, let us remember we are fighting a law that was the most infamous monstrosity this country ever had to deal with. I am willing to modify this reasonably, but I am in favor of the law. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired; and the question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

Mr. MCCLINTIC. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Page 2, lines 10 and 11, strike out the words "or of a State or Territory."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. WALSH) there were 73 ayes and 95 noes.

So the amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. McARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11118) to provide for the deportation of certain undesirable aliens, and had directed him to report the same back without amendment with the recommendation that the bill do pass.

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

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 and was read the third time.

Mr. WALSH. Mr. Speaker, I desire to move to recommit the bill.

The SPEAKER. Is the gentleman from Massachusetts opposed to the bill?

Mr. WALSH. I am. I move to recommit the bill to the Committee on Immigration and Naturalization with instructions to report the same back forthwith with an amendment striking out, in lines 10 and 11, page 2, the words "or of a State or Territory."

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALSH moves to recommit the bill to the Committee on Immigration and Naturalization with instructions to that committee to report the same back forthwith with an amendment striking out, on page 2, lines 10 and 11, the words "or of a State or Territory."

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question.

Mr. BLANTON. Mr. Speaker, I make the point of order that this particular amendment sought in the motion to recommit was submitted by the gentleman from Massachusetts in the Committee of the Whole, and by an overwhelming vote the Committee of the Whole passed on this particular question and denied it, and it is now out of order under the rules of the House.

Mr. MANN. It is surprising that anybody who knows anything about the rules of the House would make such a point of order.

The SPEAKER. The point of order is overruled. The question is on the motion for the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit. The question was taken; and on a division (demanded by Mr. WALSH) there were 64 yeas and 112 noes.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. STAFFORD. I ask for a division.

Mr. JOHNSON of Washington. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 222, nays 73, answered "present" 2, not voting 133, as follows:

YEAS—222.

Ackerman	Davis, Tenn.	Larsen, Ga.	Scott, Mich.
Almon	Denison	Larson, Minn.	Scott, Tenn.
Anderson	Dickinson	Lawrence	Sears
Andrews, Nebr.	Doughton	Layton	Shaw
Appleby	Dowell	Lazaro	Shelton
Arentz	Drane	Leatherwood	Shreve
Aswell	Driver	Lee, Ga.	Sinclair
Atkeson	Echols	Little	Sinnott
Bankhead	Elliott	Lowrey	Sisson
Barbour	Ellis	Luce	Slomp
Barkley	Fairfield	Lyon	Smith, Idaho
Beedy	Faust	McArthur	Smith, Mich.
Begg	Fess	McClintic	Smithwick
Bell	Fordney	McFadden	Steagall
Benham	Foster	McKenzie	Stedman
Bird	Frear	McLaughlin, Mich.	Steenerson
Black	Free	McPherson	Stevenson
Bland, Ind.	French	McSwain	Stoll
Bland, Va.	Fulmer	Mapes	Strong, Kans.
Blanton	Gahn	Michener	Summers, Wash.
Boies	Garrett, Tenn.	Miller	Summers, Tex.
Bowers	Garrett, Tex.	Millsbaugh	Swank
Bowling	Gensman	Mondell	Sweet
Box	Gilbert	Montoya	Swing
Braud	Graham, Ill.	Moore, Ohio	Taylor, Tenn.
Briggs	Green, Iowa	Morgan	Temple
Brooks, Ill.	Hardy	Murphy	Thomas
Brooks, Pa.	Hardy, Colo.	Nelson, A. P.	Thompson
Brown, Tenn.	Hawley	Nelson, J. M.	Tillman
Browne, Wis.	Hayden	Oldfield	Timberlake
Buchanan	Hays	Oliver	Tincher
Bulwinkle	Himes	Osborne	Towner
Burroughs	Hoch	Overstreet	Tyson
Burtness	Hooker	Padgett	Underhill
Burton	Hudspeth	Park, Ga.	Valle
Butler	Hukriede	Parker, N. Y.	Vestal
Byrnes, S. C.	Humphreys	Parks, Ark.	Vinson
Byrns, Tenn.	Hutchinson	Pou	Volstead
Cable	James	Pringley	Walters
Campbell, Kans.	Johnson, Ky.	Purnell	Ward, N. C.
Cannon	Johnson, S. Dak.	Quin	Wason
Chalmers	Johnson, Wash.	Raker	Weaver
Clague	Jones, Pa.	Ramseyer	Wheeler
Clouse	Jones, Tex.	Rankin	White, Kans.
Cole, Iowa	Kelly, Pa.	Rayburn	Williams
Cole, Ohio	Ketcham	Reece	Williamson
Collier	Kless	Reed, W. Va.	Wingo
Colton	Kincheloe	Rhodes	Wise
Connally, Tex.	King	Ricketts	Woodruff
Connell	Kinkaid	Riddick	Woods, Va.
Cooper, Ohio	Kline, Pa.	Roach	Woodyard
Cooper, Wis.	Kopp	Robison	Wright
Cramton	Kraus	Rose	Wyant
Crowther	Langley	Rucker	Young
Dale	Lanham	Sanders, Tex.	
Dallinger	Lankford	Sandlin	

NAYS—73.

Andrew, Mass.	Hardy, Tex.	MacGregor	Riordan
Bacharach	Harrison	Magee	Rogers
Campbell, Pa.	Herrick	Maloney	Rossdale
Catrill	Hickey	Mann	Stafford
Carew	Hill	Mead	Stephens
Chandler, N. Y.	Hogan	Merritt	Taylor, N. J.
Classon	Huddleston	Mills	Tilson
Cullen	Hull	Montagne	Tinkham
Dominick	Husted	Moore, Va.	Treadway
Dunbar	Kirkpatrick	Moore, Ind.	Tucker
Dupré	Kissel	Newton, Mo.	Voigt
Fairchild	Klezka	Nolan	Volk
Fenn	Kilne, N. Y.	O'Brien	Walsh
Freeman	Knight	O'Connor	Watson
Frthingham	Knutson	Ogden	Winslow
Gerner	Lee, N. Y.	Paige	Wurzback
Glynn	Lehlbach	Parker, N. J.	
Graham, Pa.	Logan	Perlman	
Greene, Mass.	London	Ransley	

ANSWERED "PRESENT"—2.

Crisp Longworth

NOT VOTING—133.

Ansorge	Britten	Clarke, N. Y.	Curry
Anthony	Burdick	Cockran	Darrow
Beck	Burke	Codd	Davis, Minn.
Bixler	Carter	Collins	Deal
Blakeney	Chandler, Okla.	Connolly, Pa.	Dempsey
Bond	Chindblom	Copley	Drewry
Brennan	Christopherson	Coughlin	Dunn
Brinson	Clark, Fla.	Crago	Dyer

Edmonds	Jeffers, Nebr.	Moore, Ill.	Sanders, N. Y.
Evans	Jeffers, Ala.	Morin	Schall
Favrot	Johnson, Miss.	Mott	Siegel
Fields	Kahn	Mudd	Snell
Fish	Kearns	Neelson, Me.	Snyder
Fisher	Keller	Newton, Minn.	Speaks
Fitzgerald	Kelley, Mich.	Norton	Sproul
Focht	Kendall	Olpp	Stiness
Fuller	Kennedy	Patterson, Mo.	Strong, Pa.
Funk	Kindred	Patterson, N. J.	Sullivan
Gallivan	Kitchin	Perkins	Tague
Garner	Kreider	Petersen	Taylor, Ark.
Goldsborough	Kunz	Porter	Taylor, Colo.
Goodykoontz	Lampert	Radcliffe	Ten Eyck
Gorman	Lea, Calif.	Rainey, Ala.	Upshaw
Gould	Lineberger	Rainey, Ill.	Vare
Greene, Vt.	Linthicum	Reavis	Ward, N. Y.
Griest	Luhling	Reber	Webster
Griffin	McCormick	Reed, N. Y.	White, Me.
Hammer	McDuffie	Robertson	Wilson
Haugen	McLaughlin, Nebr.	Rodenberg	Wood, Ind.
Hawes	McLaughlin, Pa.	Rosenbloom	Yates
Hersey	Madden	Rouse	Zihlman
Hicks	Mansfield	Ryan	
Ireland	Martin	Sabath	
Jacoway	Michaelson	Sanders, Ind.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Keller (for) with Mr. Lampert (against).

Mr. Crisp (for) with Mr. Cockran (against).

Mr. Hersey (for) with Mr. Gallivan (against).

Mr. Strong of Pennsylvania (for) with Mr. Tague (against).

Mr. Fuller (for) with Mr. Sullivan (against).

Mr. Jacoway (for) with Mr. Morin (against).

Mr. Johnson of Mississippi (for) with Mr. Dyer (against).

Mr. Hicks (for) with Mr. Kunz (against).

Mr. Brinson (for) with Mr. Olpp (against).

Mr. Codd (for) with Mr. Rainey of Illinois (against).

Mr. Ireland (for) with Mr. Sabath (against).

Mr. Patterson of Missouri (for) with Mr. Hawes (against).

Mr. Gorman (for) with Mr. Griffin (against).

Mr. Kendall (for) with Mr. Kindred (against).

Mr. Reed of New York (for) with Mr. Radcliffe (against).

Miss Robertson (for) with Mr. Connolly of Pennsylvania (against).

Mr. Patterson of New Jersey (for) with Mr. McLaughlin of Pennsylvania (against).

Mr. Lineberger (for) with Mr. Rodenberg (against).

Mr. Funk (for) with Mr. Vare (against).

Mr. Darrow (for) with Mr. Linthicum (against).

General pairs:

Mr. Longworth with Mr. Upshaw.

Mr. Christopherson with Mr. Ten Eyck.

Mr. Sanders of New York with Mr. Wilson.

Mr. Rosenbloom with Mr. Clark of Florida.

Mr. Ansorge with Mr. Martin.

Mr. Wood of Indiana with Mr. Fisher.

Mr. Davis of Minnesota with Mr. Garner.

Mr. Griest with Mr. Taylor of Arkansas.

Mr. Chandler of Oklahoma with Mr. Favrot.

Mr. Snell with Mr. Hammer.

Mr. Sanders of Indiana with Mr. Kitchin.

Mr. Dunn with Mr. McDuffie.

Mr. Edmunds with Mr. Taylor of Colorado.

Mr. Luhling with Mr. Deal.

Mr. Snyder with Mr. Carter.

Mr. Michaelson with Mr. Goldsborough.

Mr. Brennan with Mr. Lea of California.

Mr. Kahn with Mr. Jeffers of Alabama.

Mr. Kennedy with Mr. Drewry.

Mr. Reber with Mr. Collins.

Mr. Clarke of New York with Mr. Fields.

Mr. Blakeney with Mr. Mansfield.

Mr. Chindbloom with Mr. Rainey of Alabama.

Mr. Burke with Mr. Beck.

Mr. CRISP. Mr. Speaker, I voted "yea." I have a pair with the gentleman from New York, Mr. COCKRAN, but I overlooked it. I wish to withdraw my vote of "yea" and answer "Present." The name of Mr. CRISP was called, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

QUESTION OF PRIVILEGE.

Mr. BLANTON. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I have already presented to the Speaker a copy of the New York World for last Sunday, which I submit raises the question of privilege, and upon that I ask recognition.

The SPEAKER. The Chair does not think that it raises the question of privilege. The Chair will recognize the gentleman to ask unanimous consent to address the House, if he desires to.

Mr. BLANTON. But I submit that under the rule any statement appearing in a newspaper which is a misrepresentation of facts, which would tend to bring into ridicule or disrepute the whole membership of the House, presents a question of privilege.

The SPEAKER. Will the gentleman cite some authority to that effect?

Mr. BLANTON. I call the Chair's attention to sections 2704 and 2705, volume 3, Hinds' Precedents.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. There is so much confusion on the floor of the House that it is impossible to hear. What is the matter now before the House?

The SPEAKER. The gentleman from Texas rises to address the House on a question of privilege.

Mr. BANKHEAD. On what statement?

The SPEAKER. On a statement that was attributed to him in the New York World, and the question now proposed to the Chair is whether that particular article raises a question of privilege.

Mr. BANKHEAD. Has that matter been submitted to the Speaker, or is it being presented now?

The SPEAKER. The gentleman is submitting it at this time.

Mr. BANKHEAD. It is being offered as a basis for rising to a question of privilege?

The SPEAKER. Yes. The Chair has already stated that he does not think it presents a question of privilege.

Mr. BLANTON. Mr. Speaker, I refer the Chair to sections 2704 and 2705 of volume 3, Hinds' Precedents.

The SPEAKER. The Chair does not think that those are at all analogous to this matter. In each of those instances the Member was criticized in his representative capacity.

Mr. BLANTON. I will call the attention of the Chair to the specific matter, if the Chair will permit. The New York World attributes to me a statement to the effect that all Members of the House receive, for instance, a whisky flask and a poker set and various other articles as a matter of right from the stationery room, and there is also attributed to me the statement that every Member receives each Congress \$2,100 of mileage. If that statement is left unchallenged before the country it may place the membership in an entirely false attitude. All the charges that I made in Austin, Tex., are contained in the CONGRESSIONAL RECORD for January 12, 1922, in the speech that I made from this floor.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GARRETT of Tennessee. Does the newspaper article to which the gentleman refers state that the gentleman made those remarks on the floor of the House or outside of the House?

Mr. BLANTON. Outside of the House. The article states that I say that every Member receives each Congress \$2,100 of mileage, which is absurd, of course, as to Members from Virginia and Maryland. I did not make such statement either here or elsewhere, and I desire to correct it.

Mr. GARRETT of Tennessee. I am asking the question in order that I may have something in my own mind about whether it does present a question of privilege. If the gentleman is charged with having made it on the floor of the House, and is misrepresented in any statement that he made on the floor of the House, it might be different from what he might have been alleged to say in the State of Texas.

The SPEAKER. The Chair will cite the gentleman to a decision which he thinks covers the case, section 2708, volume 3, Hinds' Precedents:

No question of privilege arises from the fact that a newspaper has attributed to a Member certain remarks which he denies having used.

Mr. BLANTON. I agree to that.

The SPEAKER. Where does the gentleman find any distinction between this and the matter to which he refers?

Mr. BLANTON. This distinction: If the attributed remarks are true that every Member here receives each Congress \$2,100 in mileage—

The SPEAKER. But the gentleman denies that they are true.

Mr. BLANTON. For instance, an average of \$2,100 in mileage is received by the Texas Member for each Congress of three sessions, but is not received by every Member. Whisky flasks are received by some Members and poker sets are received by some Members, but not by all of them.

The SPEAKER. How are they received by any Member?

Mr. BLANTON. By a Member going over to the stationery room and having them charged against his stationery account.

The SPEAKER. He buys them.

Mr. BLANTON. He buys them against the stationery account. The remarks attributed to me would lead the country to believe that, as a matter of fact, every Member receives these.

The SPEAKER. The Chair will refer the gentleman to another decision, section 2691, volume 3, Hinds' Precedents, where a select committee was appointed to investigate certain charges against a Member. The Chair quotes from the finding of that committee:

But a libelous publication concerning a Member in his private character and capacity only has never been regarded as a breach of privilege, either of the body of which he is a Member or of the Member himself, and he must seek redress for such private injury in the same manner other citizens do, by vindication through the public press or by resort to the legal tribunals.

The Chair thinks it is entirely proper that the gentleman from Texas should deny having made the statement. The gentleman had opportunity the day before yesterday under general debate.

Mr. BLANTON. I then tried to get time.

The SPEAKER. But the Chair does not think it involves a question of privilege. The Chair will recognize the gentleman if he wishes to ask unanimous consent to proceed.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I object.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

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. 9604. An act for the acquisition of a post-office site at Madison, Wis.;

H. R. 8815. An act to amend the act of March 1, 1921 (41 Stat., p. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries";

H. R. 2558. An act for the relief of Richard P. McCullough;

H. R. 10297. An act to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War;

H. R. 8832. An act to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent;

H. R. 7870. An act for the relief of I. C. Johnson, jr.; and

H. J. Res. 257. Joint resolution to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill and joint resolution:

H. R. 9979. An act to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs"; and

H. J. Res. 282. Joint resolution to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

The Clerk proceeded with the call of committees.

STATUE OF ABRAHAM LINCOLN.

The Clerk called the Committee on the Library.

Mr. FESS. Mr. Speaker, by direction of the Committee on the Library, I call up House Joint Resolution 127 to reerect the statue of Abraham Lincoln upon its original site.

The SPEAKER. The gentleman from Ohio calls up House Joint Resolution 127. This is on the Union Calendar. The House will resolve itself into the Committee of the Whole

House on the state of the Union for the consideration of House Joint Resolution 127, and the gentleman from Wisconsin, Mr. STAFFORD, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 127, with Mr. STAFFORD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 127, which the Clerk will report.

The Clerk read as follows:

House joint resolution (H. J. Res. 127) to reerect the statue of Abraham Lincoln upon its original site.

Resolved, etc., That the Superintendent of Public Buildings and Grounds of the War Department be, and he is hereby, authorized and directed to reerect the statue of Abraham Lincoln upon its original site in front of the courthouse, city of Washington, D. C., upon an appropriate foundation or pedestal in harmony with the statue.

Mr. FESS. Mr. Chairman, I yield 25 minutes to the gentleman from Illinois [Mr. KING].

Mr. KING. Mr. Chairman, inasmuch as there are several matters of historical data interesting to students of Lincoln, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KING. Mr. Chairman, the first monument erected to the memory of Abraham Lincoln was unveiled in the city of Washington on the 15th day of April, 1868, exactly three years after he had given to his country, to use his own former words, the "full measure of devotion."

As its temporary mantle was withdrawn by the then President of the United States, Andrew Johnson, the mighty voice of the multitude gathered there rose in approval when the white marble figure of the martyr, crowning a heroic pedestal, stood lifelike before them. The same Lincoln whom those about knew and loved seemed to stand again familiarly before them, in the words of the orator of the day and Lincoln's personal friend, "a plain, unassuming but noble and Godlike specimen of human nature." "Here it stands," he cried, "in the plaza of the city, and here it will stand, we hope, to be seen by generations long hence to come."

Since then many years have passed along; many seasons have come and gone. More than 50 springs have lighted up the parks about it, and the winds of more than 50 autumns have whirled the withered leaves about its base; a thousand morning suns have tipped the pure whiteness of its crest; for half a century the bargages of the elements have swept its area; storm after storm have lashed in fury around its base, yet, typical of the life of its human counterpart, it has firmly stood throughout the years, the inspiration of the generations which have in reverence and adoration approached it.

Unveiled and dedicated on the 15th day of April, 1868, this graceful monument marked the plaza of the city until the 20th day of December, 1920, when it fell by virtue of iconoclastic propaganda directed against it, and the saintly figure was lowered, together with its pedestal and the stones supporting its plane of exaltation, where his friends, neighbors, and compatriots had placed it, and all together rolled away as backyard rubbish, suggesting to us once more that—

Imperious Caesar dead and turned to clay
Might stop a hole to keep the wind away.
Oh, that that earth, which kept the world in awe,
Should patch a wall 't' expel the winter's flaw.

After a lifetime the figure, when it made its descent from the pedestal and passed into the sacrilegious hands of those who profaned it, was in as perfect condition as on the day of its ascension. Strong as the immortality of the person whom it represented, the pure stone image, "corruptible, yet had put on incorruption; not mortal, yet had put on immortality," and had it not been for the mental mob spirit of mad burlesque artists could have remained where it was placed by loving hands for a thousand years.

This noble monument was the monument of the masses. It appealed to the common people, who loved it. More than any other statue of Lincoln, it was preeminently "of the people, by the people, and for the people." These people who had personally seen Lincoln about Washington during the war, many of them in frequent touch with him, accepted this statue as almost a living personification of their dead friend, and many were the silent tears that dropped from the eyes of the few remaining citizens of Washington who were alive at its erection when they saw its base and pedestal junked. The monument was paid for out of the meager purses of the citizens of Washington, who had long suffered the privations of the war, and from the soldiers and sailors passing through the city.

Of all the thousands who witnessed the dedication of this statue of Lincoln, a few tottering souls remain. The distin-

guished company, Generals Grant and Howard; the orator, B. B. French; the Congress; the members of the civic organizations; and all the vast concourse of people in and around upon the streets and crowded in the windows and upon the roofs, and with the thousands since born, are gone. On, down past their sympathetic Lincoln and "slowly through the churchyard gate" they have been borne. They sleep their last sleep. Only then the dire deed of the humiliation of Lincoln and the removal of his statue was accomplished. To-day the statue lies prone upon the earth, but the good which it has done can not be demolished, and the monument built in memory's sanctuary can not be dismantled.

All questions involved in the resolution under consideration revolve around two subjects: First, the figure; second, the place.

The monument was about 40 feet in height to the top of the statue. It rested on a solid foundation of blue rock, 6 feet in depth. The base was an octagon, 6 feet in height and about 7 feet from side to side, on which the base of the column rested; the lower part corresponded with the base and the upper part with the shaft, being circular and molded. The shaft was 18 feet in height, with an average of 3 feet—tapering—and surmounted by a molded cap 4 feet square and 2 feet thick, on which rested the base of the statue itself. While the monument was a most substantial and symmetrical object itself, yet now that the propaganda directed against it for a number of years by a coterie of pseudo artists has succeeded, it is not thought that the reerection of the old pedestal would be advisable, especially in view of the fact that the statue itself, from every angle considered, is worthy of a new support. It is of pure white marble. It is a little larger than life-size, being 7 feet in length, while Mr. Lincoln was close to 6 feet 4 in his stocking feet. Few men exceeded Mr. Lincoln in height, and this is strikingly demonstrated to anyone who will take the pains to examine the photograph, now hanging in the office of Mr. Elliott Woods, the architect of the Capitol, of the second inauguration of Lincoln on the front steps of the Capitol, in which he is seen towering above all those about him.

The statue represents Lincoln standing with his left hand resting on the emblem of the Union—the Roman fasces—his head erect, with slight inclination forward, and his right hand partially open, as in the attitude he was wont to take in addressing an audience.

IT IS ARTISTIC.

The charge is made that this statue is inartistic—that is to say, it is guilty of not conforming to the principles of art.

To charge a statue of a dead personage with being inartistic is equivalent to imputing immorality to a living personage, so far as successfully defending the charge is concerned. Either accusation is liable to be easily believed by the idle and uninformed, without even a desire or tendency on their part to refute it. In neither case does the indictment run "In the name of His Majesty, etc.," or "In the name of the people, etc.," or "In the name of the Commonwealth, etc.," but in that more simple, quiet, and diabolical form of the inquisition of slander beginning with the words "They say."

They say this white marble image of Abraham Lincoln is inartistic. The physical voice giving this statement utterance was that of a Government clerk, a mere blameless marionette whose simple wax cylinder mind recorded and repeated the impressions made by another.

Being after all the real tribunal in which the character of the object must be examined, the Congress will not on hearing be content with such a general charge of a want of conformity to the principles of art by simply saying it is inartistic, nor will the constant repetition of these words make that the truth which is not the truth.

The constant repetition of a phrase in speeches, poems, hymns, sermons, and in street-car ads, on billboards, and screens has been known to give the temporary appearance of a truth, sufficient to win a presidential election; and we well know we have acted on the suggestion of "Eventually; why not now?" so constantly before us, and taken it for granted that a certain "Castoria" is the "kind we have always bought," a phrase so often repeated that it must be so. And who is it that does not know that while in "the dear damp days beyond recall" the credit should have been given to Val Blatz, nevertheless by continuous and uninterrupted appeals to our eyesight we were convinced that it was not Blatz but Schlitz who made Milwaukee famous. Yet we can not do such violence to our conscience as to permit such practice to predominate in the sciences of painting, architecture, or sculpture.

Furthermore, the qualifications of those who protest in the name of art should be closely scrutinized before serious consideration should be given to their one and only cry. Of what schools of art are they? What entablatures of ancient Greece

have they studied? What association have they had with the works of the masters that they may sit in judgment on the works of other men? Can it be shown that the guardians of art in Washington have any more education in sculpture than that offered by a summer's junket at the people's expense from New York to Paris, Rome, and Venice, and back as couriers and cupbearers to a committee of double-breasted United States Senators visiting there to view and sample the fineness of arts, the main result of which being the birth of a persistent and perpetual effort to belittle the sculptured and bronze heroes of the monumental city and to replace them with memorial fountains flowing with aridity and crowded with nudity.

Long ensconcing behind the pillars of pull and preferment soon renders the meekest bureaucrat a grim image of intolerance, whose rules of action become as unchangeable as the Procrustean bed. Pliny says, "Alexander issued an edict that no artist but Appelles should paint him, Pyrgoteles engrave him, and Lysippus make statues in brass of him." So strict were the rules governing artists that even in the Byzantium school an artist who had dared to use the beautiful lines in the marble head of the Grecian Jupiter in the head of the Christ, instead of those prescribed, had to suffer for such an act the amputation of his hand.

Unfortunate would be the dawn of that day when the statuary of Washington City shall either be removed entirely or so judged in the dusk of autocratic ignorance.

But the maligners of this statue of Lincoln, in order to make a case, can not be permitted to rest on a general charge but should be made to specify violations in any conformity with the principles of sculpture.

Even the remote Egyptian times, as depicted in their works of art, demonstrate that the canon of proportions was well known to them; it has been followed through the beautiful marble statuary of Greece and Rome on down to present days. The isosceles triangle of Gibson is a very popular method for the calculations of proportions by sculptors in laying the foundation for a given piece of work. He has not taken his measurements from the average man, but selected the ideal man, borrowing, as the Greeks did, from Adonis, Mercury, Pollix, and Bacchus, taking the head from one, the limbs from another, and the body from a third. Perhaps one of the claims of the lack of conformity of this statue to the principles of art may have reference to its torso or limbs, the wise critic in his observations having used the famous isosceles triangle method, forgetting that the principle involved is not applied to studies from life. The artist who carved this figure knew Lincoln and produced him as from life, in which he had seen him. No claim ever being made that Lincoln had the legs of Adonis, the arms of Mercury, or the fat stomach of Bacchus, it was unnecessary to use the triangle test.

The cruel charge, if any, of the inartistic violation of the ethics of stone by this statue in not maintaining the Lincolnian proportions is therefore quashed and for naught held. The anatomy of the statue, which is one of the principles involved in sculpture, meets the test of the most meticulous criterion.

The principle of drapery is an important branch of the art of sculpture, and it is said that it is far more difficult to produce a statue in clothes than without them. The Phidian marbles are draped with exquisite skill. The drapery of a statue calls into play the highest skill of the sculptor—witness the silk cassock on Muhlenberg in Statuary Hall, the gloves on the hands of General Grant in the Rotunda, and the veil over the face of the nun at the Corcoran Art Gallery. Lincoln in this statue is dressed in his customary habiliments, the conventional unpressed trousers—the pressed article at that date indicating "store clothes," and no orders from London having at that time been received—the familiar Prince Albert coat, open in front; vest; high, rolled soft collar; and large black tie. It is rumored that some enemies of this statue would have been less violent in their campaign, and would have admitted it would have come nearer in meeting the measurements of their ornate minds had Mr. Lincoln been dressed in one of the model and artistic suits of Hart Schaffner & Marx.

There never was a time since the artists of ancient Greece chiseled their work out in the open under the spreading shade trees that they did not have, seated about them, a few laymen of ease who listened to their talk as they worked and admired their genius. So there are here in Washington those who, without talent themselves to paint or carve, delight in lounging about on the studio divans sighing in unison with the artist, synchronizing with his moods, harmonizing with his execrations and, like him, calling down the imprecations of the gods on the heads of the inartistic. With this layman class originated the fable that this beautiful statue of Lincoln was

made by a gravestone maker—all this in further damnation of the statue by associating it with the robbing of tombs and the yawning of graveyards. Nothing is further from the truth. I emphatically deny that the maker of this figure was a gravestone maker. I know nothing of the art of a gravestone maker, but of the workmanship of the grave maker who, as Shakespeare tells us, builds stronger than either the mason, the shipwright, or the carpenter, because the houses that he builds last 'til doomsday, there remains no doubt.

But even if the artist had been a humble gravestone maker, one of the common people, who can say the great Lincoln, could he have said so, would not have praised the work the more! Lincoln himself had been a woodchopper. Even Christ found his best disciples among the lowly fishermen. Miss Vinnie Ream, the 18-year-old Government clerk, carved the figure of Lincoln now in the rotunda.

The artist of this figure, Mr. L. Flannery, had a brother and they were in business together under the name of Flannery Bros., but the brother, who was a monument maker, had no hand in the carving of the Lincoln statue.

THE FACE OF THE FIGURE.

The true beauty and correctness of this image of the martyred statesman is to be found, however, in its face. The real test of its artistic merit is: Is it, as Gardner says, a true exponent of the human spirit? And in this face art becomes a true interpreter of nature and gives evidence of the true emotions of the soul.

It must be remembered that the artist himself had resided in Washington all the time that Lincoln was President, and like other citizens was familiar with Lincoln's face and form, Lincoln frequently walking and riding about the city. The orator of the day took occasion to refer to Lincoln's well-known presence in Washington when he exclaimed, "Here he won from all who knew him—and who is there who did not know him?—golden opinions."

No doubt Flannery had often conversed with the President.

There had been a number of models of Lincoln submitted to the committee on award, and this one was selected, from among many, according to Mr. Crosby S. Noyes, father of the present owner, Mr. Theodore W. Noyes, in his paper, the Washington Star, because of its "excellent likeness." The money was raised almost entirely in Washington and was cared for and paid over to the sculptor by such excellent business men as Mr. Noyes, George W. Riggs, founder of the Riggs Bank, B. B. French, commissioner of public buildings, a position requiring him to be almost in daily consultation with the President, and 22 other and excellent business men. It seems reasonable to suppose that had not the statue been a fine likeness, they would have rejected it. One of the most notable things which occurred at the dedication was at the moment of its unveiling, when 20,000 people, struck by the close resemblance between the statue and their then dead friend, cheered vociferously in loud and long approval of the statue and of the artist. No discordant piping voice was heard to say, "It is inartistic."

All of this is sufficient evidence, coming as it does from our fathers, but to satisfy the doubly incredulous there is presented to us a witness—an expert witness—whose dramatic and convincing evidence will satisfy, it would seem, any doubting Thomas who before believing insists on seeing and putting his fingers into the nail prints. Let the witness be called. It is Mr. Freeman Thorp, a portrait artist of many years of national repute, a man over 80 but strong and robust as a youth.

Some time after this statue was taken down Mr. Thorp happened to be in Washington, and being a great authority on Lincoln, having known him personally in his lifetime and done yeoman service for him in Ohio during his campaign for President, he became much interested in the statue, and especially in its whereabouts.

THE EVIDENCE OF FREEMAN THORP.

It was understood that the monument, and especially the figure, was to be carefully preserved, when taken down, in the basement of the courthouse, before which it stood, but such was not the case. For a long while no one knew where it had been taken. The testimony of Mr. Thorp, our witness, and his opinion on the face of the statue appeared in the Evening Star, of Washington, on the 3d day of June, 1921, the editor and owner of which, Mr. Noyes, one of the city's most intelligent and noble citizens, who has worked untiringly to restore this monument, and is as follows:

THE LINCOLN STATUE—AN ACCURATE LIKENESS OF THE MARTYRED PRESIDENT.

TO THE EDITOR OF THE STAR:

Commending your editorial on the Lincoln statue, I desire to say that after a tedious search I have found the statue that was removed from its site in front of the courthouse. It is down near the river, in the rear of the old Bureau of Engraving, not stored at all, but lying outdoors roughly crated.

I do not know who chiseled the head and face, but it was accurately done by some one who studied Lincoln from life, as I did, and was not done from photographs. It is a better likeness of Lincoln than anything in plaster, stone, marble, or bronze that I have seen, and I have seen about all that have been made. Some have been made that are unquestionably great works of art, but the best of them are not accurate likenesses of him. This one is to those who, like myself, knew Lincoln pleasing to look at, because it is accurately modeled, and in its simple truth is in keeping with the unassuming man we loved.

FREEMAN THORP.

Such is the convincing evidence of a portrait artist of national reputation.

A sample of his work hangs in the lobby of this House in the oil painting of the Hon. Schuyler Colfax, Speaker of this House at the very time this statue was unveiled. Thorp's oil painting of Lincoln from life has recently been hung by order of the Senate in the main hall of the Senate wing not far from the main door. To many of us he has exhibited a pencil sketch of Lincoln's face made by him at Gettysburg at the time Lincoln delivered his famous address.

Mr. Thorp told me that he found the Lincoln with upturned face, covered partially with an old piece of gunnysack which he drew aside, disclosing dust and rainspots. With his handkerchief he wiped away the stains from the pure white marble and again the wonderful face of the Lincoln he had known more than half a century before gazed kindly upon him.

The resemblance to Lincoln was startling. The statue seemed almost to speak, and, quoting Pope, "the cold marble softened into life, grew warm." It was not hard to believe that the lips trembled and moved and that one heard the words, "With malice toward none and charity for all."

Thorp leaned over and looked into the fine face of the marble and there he recognized every line that had existed in life, and all of which, in combination, told the story of Lincoln's life and revealed those attributes which made him the permanent leader of his time and the exemplar of all time.

The marks of early poverty and adversity, deeply seated, were yet overcast with deeper furrows of power and confidence, yet all crowned with a nobility of intellectuality, sincere, affectionate—the incarnation of courage, the beatification of benevolence.

INFLUENCE OF POPULAR MARBLES.

John Ruskin says:

The sculptor does not work for the anatomist but for the common observer of life and nature.

The art of the ancients reached down into the common understanding of the people and its plea to them concerned the highest and noblest aims of their country. Xerxes, the Persian conqueror, perceiving this silent appeal and influence, dismantled the statuary and pulled down the temples in Greece, and the first measures Darius took to suppress insurrection among his victims was to raze their temples and statuary.

On the other hand, recognizing the influence of the marble, Augustus had statues erected in honor of the heroes of the Empire and who deserved the recognition of their country. His theory, and it seems a wise one, was that such a course was not only an acknowledgment of a debt owing by the nation but stimulated others to like heroic acts for the Empire. To elevate the warrior, the founder, or savior of a nation in the imagination of the people above the ordinary grade of people is a custom which has been handed down from generation to generation from the earliest periods of human history. By word of mouth, by pencil, by brush, by the chisel, has this work of immortalization gone on.

And so this exquisite white figure more than 53 years ago stepped into its position on its pedestal in front of the temple of justice and in the plaza of the city, fresh hewed, in the feelings and thoughts of the time, to become the object of admiration of the masses. Criticized? Yes; and so was the disk thrower by Myron, now and for centuries regarded as perfection in marble, and by contemporaries was declared a distortion and an overelaboration. Its artist creator in penury? Yes; but Phideas himself, known as the "sculptor of the gods," died in prison, an exile from Athens.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KING. Will the gentleman yield me a little more time, so that I may finish to-night?

Mr. FESS. I yield to the gentleman 10 minutes.

Mr. KING. I think I can finish in 10 minutes. I thank the gentleman.

Powerful as was its face, yet it was, so to speak, the ensemble of all its beauties as a whole, that this statue spoke most strongly. As Pope, in his essay on art, says:

'Tis not the lips, or eye, we beauty call,

But the joint force and true result of all.

The whole design stood for something—the Nation. To gaze at it meant that one could not help being a better citizen and to rejoice that he was a brother citizen of Abraham Lincoln. The white figure seemed to symbolize the power of union, the strength of constitutions, and the permanency of republics, and the eternity of justice.

While standing before this statue in veneration, how many of us have been impelled to call to memory those eloquent words of Charles Sumner from his funeral oration on Lincoln at Boston:

Such a character awakened instinctively the sympathy of the people. They saw his fellow feeling with them and felt the kinship. With him as President, the idea of republican institutions, where no place is too high for the humblest, was perpetually manifest, so that his simple presence was like a proclamation of the equality of all men.

WHY IT WAS PLACED SO HIGH.

This statue of Lincoln stood high, but was it not this same spirit that has always incited humanity to lift aloft the images of its heroes and martyrs and gods that prompted the spirit of the city of Washington to raise this figure so high? The Greeks raised the statue of their favorite goddess Minerva to a height of 70 feet. It was the prevailing custom of the time to place statues on high columns. The statue of General Brock on the Canadian side near the Niagara Rapids, the Duke of York and Duke of Wellington columns in London will be confirmatory of this statement. According to the theory of our Fine Arts Commission, the figure was placed high because it was a little larger than life size to the observer. Such is the habit of theory. More than once it has been intimated that it was placed high to protect it against the acts of miscreants and enemies of Lincoln, there being some remaining in 1868.

It is indeed enlightening to get the true story of why Flannery placed this figure of Lincoln on such a high pedestal or column. About a year ago a reporter of the Baltimore Sun visited the old artist in his shack, not far from the Capitol, for the purpose of obtaining a human interest story about the celebrated statue. He found Flannery lying on a cot. He was very old, weary, and faint, even then—

The ebb and the flow of his aged blood

Were playing the game of eternity,

Whether his soul should ride in with the flood

Or adventurously on out to sea.

The reporter, as he told me, asked Flannery why he chose to place the statue on such a high pedestal.

Slowly and painfully the sculptor raised himself upon his elbow and with difficulty said:

Young man, on the evening of April 14, 1864, I was occupying a seat in Ford's Theater. Arriving early I witnessed the President and his party come in and enter the upper right-hand box amid the cheers of the audience. A number of times I observed the President's face as he sat on the side of the box nearest the audience.

Suddenly, while engrossed with the lines of the single actor then occupying the stage and in the middle of the second scene of the third act, a pistol shot rang out. I looked at the President's box. His head had fallen forward. He had been hit.

Instantly the figure of a man sprang from the box upon the stage and escaped across it.

I lived through the days and nights of gloom following the assassination. As to everyone else it was a personal lamentation. And when it fell to me to carve and erect this statue, I resolved and did place it so high that no assassin's hand could ever again strike him down.

THE PLACE.

The citizens of Washington, who originated, bought, and paid for this monument, desired it placed in front of the courthouse in Judiciary Park, as the fittest and most public place in the city and where its patriotic influences might be felt by the greatest number of persons. This spot was in the center of a busy mart, the seat of judicial sales of real estate and personal property, the latter kind sometimes, in the now forgotten past, including the human commodity.

Congress had no authority to locate it, just as Congress has no power to remove it now, the jurisdiction over the courthouse grounds then being in the mayor and the city council of the city of Washington. This city gave its authority to place the monument before the city hall and courthouse with the implied trust, no doubt, that it should remain inviolate. And the then government of Washington city, having full authority, confirmed and recognized the perpetual easement granted the monument association for the location of the statue by setting off the ground upon which it stood and surrounding it by an iron fence at the cost to the city of Washington of \$800.

The monument association and its successors hold the right of easement in the plot of ground so set off, and those who reached up their long arms to pull the statue down were not alone iconoclasts but trespassers. It is a sacred spot in that it has held the statue of the great martyr so long. It likewise marks the place where the historical events taking place at the time of the dedication and where the feet of our ancestors have trod.

It is more than a statue. It is a landmark, and as such deserves that repose and veneration which has always, almost to worship, been the rule of nations from archaic times to now. Monuments were built from earliest times to designate where great events had taken place. Simple heaps of rock or large stones—but all this to the populace had the deepest meaning.

Jacob marked the place at Bethel where he had seen the angels "ascending and descending" his ladder, and the place of making his contract with Laban was commemorated in the same way. Rachel's grave was so marked.

AFTER ALL, SENTIMENT RULES.

From antiquity the human race has been taught to revere its monuments. Solomon, the son of David, even now exhorts us to "Remove not the ancient landmark which thy fathers have set."

The young man who was instructed to tell one of our committees that the statue was inartistic inadvertently murmured that he believed there was "some sentiment" connected with its removal. In addition to having a belief to that effect, he now knows, and his sponsors know, that there is a good deal of sentiment involved. He knows now that his rash statement pertaining to art in sculpture is repudiated by facts and overwhelmed by millions in this country, who, when the subject of Lincoln is touched, however small may be the features, are the sentimental defenders of every atom of his history and of every infinitesimal trace of his memory.

Sentiment opposed to the removal! What does the cold and dry pedant embalmed in civil service know of sentiment? In his cloistered confines he imagines true art is created not by merit but by his opinion. This is artistic, says he. Therefore it is artistic. And for him who dares protest or doubt, there is the case of Apollodorus, the architect, who incited the hate of and was put to death by Marcus Aurelius because he had been so indiscreet as to pick a flaw in a temple the drawings of which had been prepared by the Emperor himself.

Sentiment! Thackeray says—

Without sentiment there would be no flower in life at all.

No doubt our learned friend has discovered more sentiment involved in the situation than seemed to exist at first blush. He knows that the demolition and removal of this simple statue has aroused the people like no other single deed has done for years. Legislature after legislature has resolved against the sacrilege. Civic organizations have remonstrated. The remaining members of the Grand Army of the Republic have protested. The Loyal Legion, the Aztec Club, the Sons of the American Revolution, and President Harding himself have all implored that the statue might be restored to its original place.

Sentiment! Let our friend read history, and from its pages he can cull the fact that the peoples of the world have always resented, as a matter of sentiment, the removal and change of the location of their statues and monuments to their heroes and benefactors.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KING. Mr. Chairman, may I have permission to proceed for a few minutes?

Mr. FESS. For how long a time?

Mr. KING. Say five minutes.

Mr. FESS. I yield to the gentleman five minutes.

Mr. KING. Thank you.

Mr. SMITH of Michigan. Does the gentleman intend to explain the picture?

Mr. KING. This line represents where the old statue stood, and this presents the height of the statue as it would be with the new pedestal.

Mr. SMITH of Michigan. That is the reconstructed monument?

Mr. KING. Yes. It is not proposed by anybody who is interested to erect this old pedestal. It would not have been so ungainly but for the fact that a mayor had cut down the street. This is the figure which is proposed and to which I have been addressing myself.

Mr. DENISON. How high was the original statue?

Mr. KING. About 40 feet.

Mr. DENISON. And how high is it proposed to erect it at this time?

Mr. KING. I have not the data on that. Possibly 20 feet.

Mr. DENISON. Can the gentleman state where the statue is now?

Mr. KING. As described in this statement I read here a while ago, by Mr. Thorp, it is down back of the old Bureau of Engraving and Printing, near the river. It was exposed, and through the efforts of two or three people, Colonel Sherrill put it into a box and planked it over. The pedestal lies alongside of it.

Mr. BIRD. Will the gentleman yield?

Mr. KING. If the gentleman from Ohio, the chairman of the committee, will permit me to finish.

Mr. BIRD. Did I understand the gentleman to say that Congress was without authority in taking it down?

Mr. KING. That is my judgment about it.

Mr. BIRD. If without authority in that, how could they give the authority to put it up?

Mr. KING. The government of the District of Columbia has changed. It is under the authority of Congress now, but was not at that time.

The Romans were especially jealous of their works of art. Tiberius, unknown to them, removed to his own palace a statue by Lysippus of an athlete anointing himself, and which had been standing in the baths of Agrippa, to which the public had access, and which, like Lincoln's first statue, was considered as belonging to the people. On their discovery of the removal, the populace showed its disapproval so fiercely that Tiberius became alarmed lest the people should revolt and was compelled to give up his object and replace the statue in its original place and thus appease the people.

For more than 900 years the magnificent statue of the Olympian Jupiter by Phideas stood in the sacred grove of Altis. Caligula desired to transport it to Rome. This desire gave great umbrage to the Grecian people, who had admired and worshipped it for centuries. So great was the remonstrance that he was compelled to abandon his enterprise.

Are all our hero statues to come down within the city? Du Pont has gone. Lincoln is down, and the chalk mark for destruction has been placed upon the statue of Admiral Farragut.

Before we let any commission proceed further on such a wild program let us remember that it is a well-known fact that the decadence of some of the richest and most powerful nations on earth began with a disrespect for statuary. It is related that Athenian youths, exhilarated by nectars brewed in their homes, in their nightly perambulations persisted in knocking the noses from the faces of the defenseless marble figures that marked the gardens and thoroughfares of that ancient city. As Rome conquered and the surrounding country succumbed, the peoples lost their monuments and statuary, 300 statues at one time being taken from the island of Rhodes to Rome. Nero, the tyrant, robbed the temple of Apollo at Delphi of 500 bronze statues, which he removed and placed in his celebrated palace on Palatine Hill.

And so Rome, in turn, witnessed the commencement of her decline in the removal of her statues. The Goth sacked Rome and finally set fire to it. The former citizens of Rome, now a ragged and unfortunate mob, sought for safety the mausoleum of Hadrian, and there, typical of their final destruction and in the last efforts to save their lives, threw down the magnificent statues which crowded the top of the mausoleum on the heads of their enemy tormentors, crowded beneath the walls.

REERECT THE STATUE OF LINCOLN.

No greater opportunity was ever given a group of men to right a wrong than is here offered us to-day.

Mr. CRAMTON. Will the gentleman yield?

Mr. KING. I will.

Mr. CRAMTON. While we are taking down these works of art in our own Capital, American funds are being used to restore the old temple of Apollo at Delphi.

Mr. KING. I thank the gentleman for the information.

There is no Member of this House who does not feel a personal affection for the memory of Abraham Lincoln, and how can articulate expression be better given to that love than by a vote of "yea" upon this resolution, which will raise his marble image from the ground, reerect and rededicate it to posterity? [Applause.]

HISTORICAL MATTER IN REGARD TO FIRST STATUE OF ABRAHAM LINCOLN.

Mr. KING. Mr. Speaker, prior to certain remarks in support of House Joint Resolution No. 127, to reerect the first statue of Abraham Lincoln, the House granted unanimous consent to extend in the RECORD certain material historical data, which I herewith append:

[From the Evening Star, Washington, D. C., Wednesday, April 15, 1868.]

THE DEATH OF LINCOLN—TRIBUTE OF THE CITIZENS OF WASHINGTON TO HIS MEMORY—THE CEREMONIES TO-DAY—DEDICATION OF THE LINCOLN MONUMENT—MASONIC CEREMONIES—UNVEILING OF THE STATUE—ADDRESS OF HON. B. B. FRENCH.

Three years ago this morning, at 7 o'clock, Abraham Lincoln breathed his last. The anniversary of that sorrowful day will be marked in various ways throughout the country, but nowhere with deeper feeling than in the city of Washington, where the martyred dead is remembered with so much of personal respect and affection. The department business is suspended to-day, as well as that of the municipal offices, and the public schools are closed in order to afford opportunity to all to witness the dedication of the monument to the memory of Abraham

Lincoln, raised by the citizens of Washington in front of the city hall. Flags are displayed at half-mast, and the heavy boom of half-hour guns serve to remind the most thoughtless of the solemnity of the occasion. The morning opened dark and gloomy, but lightened up to some extent as the hour for the dedication ceremonies approached.

THE LINCOLN NATIONAL MONUMENT ASSOCIATION.

At this time it may be of interest to give a brief history of the association through whose instrumentality the present monument to the memory of Abraham Lincoln was raised. In April, 1865, on motion of Mr. N. D. Larnier, of the city council, a joint committee was appointed by the council to take action in reference to the erection of a monument in the city of Washington to the memory of Abraham Lincoln. This committee met at the mayor's office on the 28th of April, 1865, and formed itself into an association to be called the Lincoln National Monument Association, to carry out the objects proposed by the formation of the committee. Subsequently, the following officers were elected for the association: President, Richard Wallach, mayor; secretary, Crosby S. Noyes; treasurer, George W. Riggs; directors, Joseph F. Brown, Asbury Lloyd, John B. Turton, Dr. W. G. H. Newman, George H. Plant, Z. Richards, N. D. Larnier, E. C. Carrington, John P. Pepper, S. J. Bowen, George F. Gulick, B. B. French, George R. Ruff, Charles C. Morris, John G. Dudley, John H. Semmes, James Kelley, William P. Ferguson, S. P. Brown, Dr. C. H. Nichols, Henry Addison, William H. Tenney.

To these were added a number of honorary directors, mostly Members of Congress, one from each State, as it was hoped at that time to secure a national subscription to the end of raising a monument at the National Capitol, the most suitable place, properly commemorative of the life and character of the lamented deceased. Owing, however, to the springing up of kindred associations in almost every State and city in the country, this hope was not realized, and with the exception of some contributions from Baltimore, among which was a handsome sum from John T. Ford, Esq., the proceeds of a benefit for the monument fund, given at his Baltimore theater, little, if anything was contributed outside of Washington. The money raised was, however, carefully husbanded, and was invested by the treasurer, Mr. Riggs, in Government registered bonds. The sum raised was, of course, inadequate to erect a monument on anything like the scale originally proposed, but was yet sufficient to raise a monument in the shape of a shaft and statue, creditable to the city; and it was determined by the association that this was the best course to pursue. Mr. Lot Flannery, of this city, who has achieved a number of successes in his art, among which is the admired monument over the victims of the arsenal explosion at the Congressional Cemetery, was the successful competitor for the work and the result is before the public.

THE MONUMENT.

The monument is about 40 feet in height to the top of the statue. It rests on a solid foundation of blue rock 6 feet in depth. The base is an octagon, 6 feet in height and about 7 feet from side to side, on which the base of the column rests, the lower part corresponding with the base and the upper part with the shaft, being circular and molded. The shaft is 18 feet in height, with an average diameter of 3 feet (tapering), and is surmounted by a molded cap, 4 feet square and 2 feet thick, on which rests the base of the statue and the statue itself. The figure at this height looks to be about life-size, and stands facing south. It represents Lincoln standing with his left hand resting on the emblem of Union—the Roman fasces—his head erect, with a slight inclination forward, and right hand partially open, as in the attitude he was wont to take in addressing an audience. The design was first made in clay by Mr. Flannery last summer, and was subsequently cast in plaster. The model attracted much attention as a spirited design and excellent likeness. The encomiums bestowed upon his design induced him to submit it to the managers of the Monument Association, and the result was that it was unanimously selected from the various designs and models before the committee as the best offered. A contract was entered into with him by which he agreed to have the monument ready by the 15th of April, 1868, the anniversary of Mr. Lincoln's death. He has since devoted himself to the work, and the reproduction in marble is held to be greatly superior to the model. Last night between 7 and 8 o'clock the veiled statue was removed from the studio of Mr. Flannery, on Massachusetts Avenue, to the site of the monument in front of the City Hall. It had been designed to raise it to its pedestal last night, to be in readiness for the ceremonies of to-day, but in consequence of the unfavorable weather and the darkness of the night it was thought prudent to postpone an undertaking of so much delicacy until daylight. This morning it was safely raised to the top of the column upon which it is to stand. Some little work yet remains to be done about the base of the monument, which it is proposed to extend with the beautiful Tennessee marble, and an iron railing is to be placed around the monument, resting on a substantial foundation of stone.

HOISTING OF THE STATUE AND PREPARATIONS.

The statue was not moved from the studio until late yesterday afternoon, and it was landed near the pedestal about 6 o'clock, where it remained during the night in charge of some of the workmen and a small detail of police to prevent curious parties from interfering with the covering, the design being to keep it veiled until the time arrived for throwing it off. At daylight this morning the Messrs. Flannery were on the ground with their force, and the ropes being made fast to the statue, it was set securely on the top of the pedestal by 7 o'clock. Even at this hour there were quite a number of persons present anxious to get a glimpse of it, but in this they were disappointed.

Subsequently the hoisting apparatus, which was kindly loaned the artist by Captain Mullet, architect of the Treasury extension, and Mr. Clark, architect of the Capitol, was so placed as not to obscure the view, the time being so short that it could not be removed altogether.

Messrs. Downing & Bro. were also early on the ground with a force of workmen, and during the forenoon had a platform erected, 64 feet in length, 16 feet deep, and 6 feet in height, for the accommodation of those invited to be present.

THE PROCESSION.

The procession formed at the corner of Ninth and D Streets, and about 1.30 o'clock the line of march was taken up, when some of the members of No. 2 Steam Engine Co. commenced to fire a salute from a field-piece in front of the engine house. The right of the line was by the Grand Lodge of Masons, with members of the subordinate lodges, marshaled by A. M. Howard and headed by the Marine Band. The Sons of Temperance and Good Templars followed, Mr. John S. Hollingshead marshaling the former, assisted by George D. Eggleston, of Metropolitan Division, W. H. Gonzales, W. H. Harrison, C. H. Frost, J. S. Erly, J. W. Roberts, of Good Samaritan, and W. H. Chase. The band of the Twelfth United States Infantry headed the Sons, the Grand

Lodge having the right of the line, followed by delegates of all the subordinate divisions. The beautiful flag of Federal City and fine banner of Good Samaritan Divisions were in line.

The Temple of Honor followed, marshaled by J. S. Stokes.

The Good Templars came next, the Grand Lodge being at the right of the line, followed by a number of the members of the subordinate lodges, marshaled by W. P. White, C. T. of Harmony Lodge, headed by Heald's Band of 17 pieces.

The Grand Lodge of the United States of the Knights of Pythias, now holding a session at Odd Fellows' Hall, Navy Yard, formed at the hall and with members of the subordinate lodges marched direct to the City Hall, reaching the grounds before the main procession arrived.

AT THE CITY HALL.

During the forenoon workmen were busily engaged in erecting a stand between the monument and the curbstone, 52 by 16 feet, capable of seating about 400 persons. From the flagstaff on the City Hall the national colors were displayed at half-mast, and the corporation offices were all closed at 12 o'clock. The large derrick had been removed from over the monument, and everything in readiness for the ceremony before 1 o'clock. The crowd began to gather about 12 o'clock, and in less than an hour the steps and portico of the City Hall were densely packed.

By 2 o'clock the entire space in front of the City Hall was crowded, while the housetops and windows of the houses opposite were filled with human beings. All the sanitary police, under Lieutenant Noonan, were on duty. No one was allowed upon the stand except those who had been invited by the committee. About 400 invitations were issued by Mayor Wallach and the committee to Cabinet ministers, heads of bureaus, Army and Navy officers, members of the Diplomatic Corps, and other distinguished persons. Invitations were also issued to the Senate and House of Representatives, but owing to the impeachment trial it was impossible for them to attend. Mayor Wallach this morning received the following letter from Speaker Colfax:

HOUSE OF REPRESENTATIVES,

April 13, 1868.

RICHARD WALLACH, Esq.,
Chairman, etc.

SIR: I am directed by the House of Representatives, before whom I have this day laid your invitation to be present on the occasion of unveiling and dedicating the statue of the late President Abraham Lincoln, to inform you that on account of a standing order requiring their presence in the Senate Chamber at the time indicated they are compelled to decline the same.

Very respectfully, your obedient servant,

SCHUYLER COLFAX,

Speaker House of Representatives.

Among those present were President Johnson, accompanied by Colonel Rives and Mr. Kershaw; Baron Gerolt, Mr. Rangabe, the Grecian minister; Major General Hancock and General Mitchell, General Emory, Colonel Capron, commissioner of agriculture; Ambrosio Abelta, Alejandro Padilla, governor of the Pueblos of Isleta (one of the 19 villages of the tribe in New Mexico); John Ward, agent; Gen. O. O. Howard, Mr. Cantazalli, secretary Italian Legation; Admiral Radford, Assistant Attorney General Binckley, Gen. Charles Thomas and Gen. Morris S. Miller, General Carr, of General Emory's staff; Gen. S. F. Carey, of Ohio; John Hitz, Esq.; Dr. John B. Blake.

General Grant was present and occupied a position on the sidewalk in front of Mr. Bradley's office, declining to take a seat upon the stand.

THE CROWD.

The assemblage was very large, and commenced to assemble in front of the city hall long before the hour for the ceremonies. At 2 p. m. the crowd, despite the rain, had so increased as to extend down Four-and-a-half Street below the Presbyterian Church, down Louisiana Avenue beyond Fifth Street, and an equal distance down Indiana Avenue. The open space at the intersection of these streets was densely packed, and the steps, areas, roof, and windows of the City Hall Building were closely occupied. The roofs and windows of all the buildings in the neighborhood were thronged, and the boys, as usual, secured eligible positions in the treetops. The attendance of colored people was very large, filling the space in the rear of the stand. There were probably from 15,000 to 20,000 present. It was undoubtedly the largest gathering of people ever assembled in Washington on such an occasion.

THE PROGRAM.

The following was the program of the ceremonies: Prayer by Reverend Doctor Hamilton; music by the Twelfth Infantry Band; dedication of the statue by the Masonic fraternity; music by the Marine Band; address by B. B. French, Esq.; music by Twelfth Infantry Band; unveiling of the statue by the President of the United States; music by the Marine Band; introduction of the artist; benediction.

THE CEREMONIES.

After the arrival of the procession on the ground and order had been restored, Mayor Wallach presiding, Rev. Dr. William Hamilton offered up a fervent prayer. After the band of the Twelfth United States Infantry had performed "The Heart Bowed Down," from the "Bohemian Girl," the dedication ceremonies followed.

THE MASONIC DEDICATION.

The Masonic order proceeded to perform the dedicatory services of the craft, as follows:

GRAND MASTER (Benjamin B. French). Right Worshipful Junior Grand Warden, what is the jewel of your office?

JUNIOR GRAND WARDEN (Joseph B. Will). The plumb, Most Worshipful.

GRAND MASTER. Have you applied the plumb to such parts of the base of this pedestal as should be plumb?

JUNIOR GRAND WARDEN (applying the plumb). I have, Most Worshipful, and the craftsmen have done their duty.

GRAND MASTER. Right Worshipful Senior Grand Warden, what is the jewel of your office?

SENIOR GRAND WARDEN (John H. Russell). The level, Most Worshipful.

GRAND MASTER. Have you applied the level to such parts of the base of this pedestal as should be level?

SENIOR GRAND WARDEN (applying the level). I have, Most Worshipful, and the craftsmen have done their duty.

GRAND MASTER. Right Worshipful Deputy Grand Master, you will now apply the proper architectural instrument to the base of this pedestal and see if the several angles thereof are duly and properly formed.

DEPUTY GRAND MASTER (John Lockie) (applying the level). Most Worshipful Grand Master, I have applied the level to the several

angles of the base of this pedestal, and find that the craftsmen have done their duty.

GRAND MASTER. As the implements of architecture in the hands of the skillful operative mason enable him to prepare and adjust the sundry materials of which the complete structure is composed, so do they, in the hands of enlightened and accepted speculative masons, teach them to prepare their minds as living stones for that spiritual building, that "house not made with hands, eternal in the heavens."

(The deputy grand master presented the corn.)

GRAND MASTER. Brethren, the corn, wine, and oil, which you carry in your processions and which are the consecrating elements used on occasions like this, are to remind us that in the pilgrimage of life we are to impart a portion of our bread to the hungry, to send a cup of our wine to cheer the sorrowful, and to pour the healing oil of consolation into the wounds which sickness hath made in the bodies or affliction hath rent in the hearts of our fellow men.

In placing the corn upon the foundation of this statue I invoke the blessing of plenty on the people of this city and upon the people of our whole country. Especially may they never want for that bread for which to eat is life eternal.

(The senior grand warden presented the wine.)

GRAND MASTER. In pouring the wine upon it, I do it in the fervent hope that the wine of joy may ever gladden the hearts of the people everywhere.

(The junior grand warden presented the oil.)

GRAND MASTER. In pouring oil upon the foundation of this statue, I hope and pray that its healing element may spread all over the face of this land and, like oil upon the troubled waters, calm the waves of discord and be conducive to that peace, harmony, brotherly love, and sincere affection, assuring happiness to all, that we believe would have rejoiced the heart of the good man whose semblance it supports had the will of God been that he should have lived to look once more upon a united people.

May the consolation of the gospel of the Prince of Peace accompany us all through life and illuminate our pathway as we pass through the dark valley of the shadow of death.

The grand master gave three raps with his gavel on the foundation and made the announcement: "I now pronounce this foundation properly prepared, well laid, true and trusty; and this statue, erected by the citizens of Washington to the memory of Abraham Lincoln, duly and fully dedicated to the American people." [Applause.]

The Marine Band then performed the *Miserere* from "Trovatore."

ADDRESS BY B. B. FRENCH, ESQ.

B. B. French, Esq., the orator of the day, then addressed the assemblage, as follows:

We have met here this day, my fellow citizens, to dedicate to the people of the United States here, in the central part of their own Capital, the form and semblance of one who they dearly loved in life, and whose memory they can never cease to revere; who three years ago this day yielded up his life a martyr to his love of his country, his love of his fellow men, and his unshaken confidence in the affection and reverence for his person of all around him.

The statue which we now inaugurate is emphatically the offering of the citizens of Washington to the memory of the man whose form and features it represents.

In April, 1865, the councils of the city adopted a resolution unanimously appointing a committee to consist of the mayor and three members of each board for the purpose of forming a Washington Lincoln Monument Association. That committee, in conformity with the resolution, elected a large number of their most respectable citizens, who, with the original committee, formed the association, with the Hon. Richard Wallace, mayor, as president; C. S. Noyes, Esq., as secretary; and George W. Riggs, Esq., as treasurer. Subscriptions were solicited from the citizens of Washington and a sum sufficient to secure the erection of the statue was obtained. A contract was entered into with Mr. Lot Flannery, of Washington, to furnish the statue, and it now stands before you the work of his hands.

Who can ever forget that night of horror when the awful intelligence was borne by the telegraphic wires all through the land that Abraham Lincoln had been struck down by the hands of an assassin?

"Oh, night of woe,
How are you joined with hell in triple knot."

And that day of grief which followed, when the messenger of death went forth with the sad tidings that our good President was no longer on earth—can it be forgotten? There is not one within the reach of my voice—and I think I may truly add, there is not one in this broad land—to whom it is not a wonder and a mystery how the people bore up as they did under so terrible, so appalling a calamity. But they did bear up, and although the President whom they almost adored was dead, the Nation lived. And let me say here that I believe nothing save the final disruption of "the great globe itself" can destroy this Nation. The providence of God watches over us, sustains us through all our trials, and will preserve us as a free and independent people through all time.

It does not require any monument or any words to perpetuate the memory of that great and good and pure man. Monumental marble may crumble into dust; bronze may melt away; granite may perish from the earth; but the memory of Abraham Lincoln shall live in human bosoms and be perpetuated on the living pages of history as long as any nation or people shall exist on earth. [Applause.]

But it is a satisfaction and a pleasure, tinged with melancholy, to look upon that venerated form and to view those features which, whatever else they may indicate, if true to the life, will glow with goodness, kindness, and love, and whereon never rested for a moment a single characteristic other than such as gave outward proof of a good and loving heart, a conscience void of offense, and charity toward all mankind. Oh, heaven, that such a man should have died in such a time and in such a manner!

I hardly know, my fellow citizens, where to begin on an occasion like this. Although the field is ample it has been thoroughly gleaned by the pen of the historian and the harvest has been garnered in the bosoms of a loving people. Still I am aware of your affection for his memory, and that you never tire in listening to a rehearsal of his virtues. [Cries of "Never!"]

Abraham Lincoln was unlike any other man. He seemed to be born to fill the very station he occupied for the last five years of his life and the faith that was in us stands firm to this day that he alone could have carried the country safely through the awful perils that beset it while he filled the responsible and dangerous position of Chief Magistrate. [Cries of "That's so."] We can say of him with as much truth as it was said of one of the greatest and best of English statesmen, he was, indeed—

The pilot weathered the storm.

Let us attempt to analyze the man. He was possessed of a heart as pure as the snowflake as it falls from above. Although of great simplicity of mind and manner, there was in that mind a penetration which seemed to read the very thoughts of others, and which spoke through the eye in language more powerful than could be uttered in words, a defiance to anyone who sought to deceive him. I have heard it called "shrewdness." It was more than shrewdness, and I hardly know how otherwise to characterize it, but in the strong language of the Apostle, as the "sword of the Spirit," for as I have myself seen the searching, powerful, inquisitive expression of that remarkable eye when turned upon one whose statement the President had cause to doubt, it has seemed to me to pierce the buckler of deception through and through, and that the wearer was conscious of his discomfiture before a word was uttered.

With a disposition as genial as a bright May morning, with a temper that could hardly be ruffled by the most untoward circumstances, with a soul absolutely beaming through the eyes, with an affection that captivated everyone, he was possessed of a firmness of purpose, in his determination to do right, that could not be overcome.

Fride of place was unknown to his character. To him that spark of the eternal which gleamed in the bosom of the most humble shone as bright as if it animated the breast of the proudest and highest in the land; and the widow and the fatherless ever found a ready listener to the tale of distress, and never left him without words of consolation and acts which spoke louder than words.

Even the language he used was as peculiar to him as was any other peculiarity of his nature—terse, pointed, plain; never wandering among the mazes of rhetoric after adornment, but simple as the man himself, and going as straight to the mark at which he aimed as an arrow from the bow of Tell. Solomon in all his glory of his proverbs might have envied him had he lived in these days of diffusive writing and still more diffusive speaking.

That single sentence in his last inaugural coming up undefiled from the pure well of his noble heart—"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in"—spoke the character of the man, and will live among the sayings of great and good men as long as human lips can speak or types can print; and as we read it now we can scarcely repress a tear as we reflect how soon after it was said the voice that said it was silenced forever, and the work that he was in was finished.

The first we know of Abraham Lincoln as a national man is that he came into the House of Representatives of the United States as a Member from Illinois at the first session of the Thirtieth Congress on the first Monday of December, 1847. He served through that Congress without any particular distinction, except that he was regarded as an honest, kind-hearted, genial, mirth-loving man, popular with all who knew him, and the few speeches he then made indicated a man of no inconsiderable talent. But no one, as I think, mistrusted the hidden mine of ability which existed under the unpretending exterior.

In the spirited canvass between him and the lamented Douglas, in 1858, he so conducted his part in the controversy as to convince his eloquent and talented competitor that he had "a foeman worthy of his steel," and the eyes of the whole people were turned upon him as "the rising man."

Whenever the people begin really to love a man, when he has fairly stolen away their hearts, they invariably bestow upon him a pet name. I believe I may say that the homelier the name the better the individual is beloved. So we find in the annals of those days that "Honest Old Abe," as a synonym for Abraham Lincoln, began to be a household phrase. There is probably no better indication of the love of the people—the real genuine affection of the masses—for men than in this pet nomenclature that they give. We can readily call to mind "The Father of his Country," "The Mill Boy of the Slashes," "Old Hickory," "The Defender of the Constitution," "Old Zack," with his "little more grape, Captain Bragg," "Old Ironsides," and many more. But we must return to the subject of our remarks.

In 1860 Abraham Lincoln was nominated as the Republican candidate for President of the United States, and the nomination was hailed throughout the loyal portion of the Union with an enthusiasm that gave assurance that he was truly the candidate of the friends of the Federal Government. He was triumphantly elected, and his election was, as we all know, the signal for the commencement of that dreadful effort to dissolve the Union that ended in four years of disastrous war and the final triumph of the Old Flag, but at a terrible sacrifice of human life and an immense expense of national treasure. Through this fratricidal war Abraham Lincoln stood at the head of the Government, calm, cool, firm, and determined. Ever hopeful in the darkest hours of the struggle and never for a moment ceasing to place his trust in that—

Divinity that shapes our ends,
Rough hew them how we will.

But the history of those dreadful years has been so many times written, and is so familiar to you all, that it would be a trespass upon your time and patience to repeat it here. I shall, therefore, content myself by saying that President Lincoln was found grandly equal to the great trust reposed in him, and performed every duty with a heroic firmness which met the admiration of all his friends.

But, while I refrain from recapitulating to you the public history that marked the momentous era of his term of office, I will endeavor to interest you by relations touching his more private life and character, some of which, in consequence of the official relations which for nearly his entire occupancy of the presidential chair existed between us, are probably known to no other person. No week passed that I did not see him, and I was often with him many times a week. This, of course, with a man like him led to numerous conversations between us and enabled me, with no particular intention of doing so, to observe the peculiar characteristics of Mr. Lincoln.

I will take the liberty, however, before commencing that part of my address to give you a brief account of the inauguration ceremonies of March 4, 1861, as written down by myself at the time, I having been honored with the chief marshalship of the occasion:

"At a few minutes after 11, the procession being formed in line in front of the City Hall, wheeled out into column of march and moved toward Willard's. In front of Willard's it again formed into line and so remained until 10 minutes past 12, where President Buchanan, who had been detained at the Capitol by official duty, arrived. He, with President Lincoln, Colonel Baker, and Mr. Pearce, of the Senate, then took their seats in an open carriage, which was received into the column of march with a proper salute from the military, music, and the cheering of the populace. The column then moved toward the Capitol. No more imposing or more orderly pageant ever passed along Pennsylvania Avenue. At the north door of the Capitol the President

and President elect were received and escorted in. In a few minutes they, with their attendants, appeared on the platform of the eastern portico, when Mr. Lincoln delivered his inaugural and was sworn into office.

"The inauguration ceremonies over, we escorted the new President to the White House, where he received all comers with that cordial welcome that so strongly marks the sincerity of the man.

"In the procession was a triumphal car splendidly trimmed, ornamented, and arranged, in which rode 34 young girls. On our return the girls all alighted, and I conducted them in and introduced them to the President. He wished to be allowed to kiss them all, and did so. It was a very interesting scene and elicited much applause." The kisses bestowed by that good man on those young lips will only be forgotten when death has set his seal upon them. Such was the peaceful inauguration of Abraham Lincoln, which so many had prophesied could never be accomplished without the shedding of human blood! What I shall now say is from memoranda made at the time.

In August, 1862, just before the Second Battle of Bull Run, in a conversation with the President, he asked me my age. I gave it to him, when he remarked, with much emphasis, "10 years older than I am, and 10 years younger." I replied that he must not view his own years so disparagingly, when he repeated, "Yes, Mr. French, I am actually 10 years older than you are, the cares and troubles that are upon me are aging me rapidly—I feel it, and you will live to see me in my coffin." This was said with deep solemnity, so much so that I felt sad and tried to speak cheering words. Never in all my intercourse with Mr. Lincoln, except on this occasion and upon the death of his son William, did I witness any manifestation in words of despondency or grief. When Willie died, although he bore himself like a man and a Christian, his affections would assume their control over his sterner self at times and nature have her way.

As an evidence of Mr. Lincoln's power over his feelings, I will mention that on arriving at the Executive Mansion on Monday evening, March 2, 1863, to attend the reception then to take place, the President informed me that he had just received the news of the capture of our steam ram *Indianola*; but, said he, "it is known to no one else here, and as I do not wish it known until the reception is over, please not to mention it." He made some further remarks as to the misfortunes that were befalling us. The visitors commenced arriving, and he stood there shaking hands and conversing in his usual cordial and pleasant manner until the reception was over, when he turned to me and said, "I am glad this reception is over; I have been assuming a cheerfulness that I could not feel, for I could not forget that we have lost the *Indianola*."

That President Lincoln was beloved by every loyal heart we all know, but I can not refrain from copying from my own description of the dedication of the National Cemetery at Gettysburg the following:

"As soon as the hymn (the consecration hymn) was sung, Marshal Lamont introduced the President of the United States, who, in a few brief but most appropriate words, dedicated the cemetery. Abraham Lincoln is the idol of the American people at this moment. Anyone who saw and heard, as I did, the hurricane of applause that met his every movement at Gettysburg would know that he lived in every heart. It was no cold, faint shadow of a kind reception; it was a tumultuous outpouring of exultation from true and loving hearts at the sight of a man whom everyone knew to be honest and true and sincere in every act of his life and every pulsation of his heart. It was the spontaneous outburst of the heartfelt confidence of the people in their own President."

Perhaps no living man ever had a keener relish for the ludicrous than Mr. Lincoln, and his power of illustration by story and anecdote was beyond that of anyone with whom I was ever acquainted; and such was the tendency of his mind to mirth that I have known him, when a grave question was propounded to him, to reply to it by relating some story perfectly illustrative of the answer required, but of such a nature that no one could resist an audible expression of merriment, in which he was certain most heartily to join, and although the surplus electricity of his nature seemed ever ready to pass off in a manner to make all around him innocently happy, he was ever careful to guard against injury to the feelings of any human being. And I think I can give you the assurance that not one in a hundred of the gross stories that are now imputed to him were ever even heard of by him.

To recall any of the illustrations that I have heard from his lips would be out of place here; but I can not refrain from stating one of his quaint and humorous pieces of advice to me, which you will all appreciate. The basement of the Executive Mansion was at one time so infested with rats as to render it almost uninhabitable. I called the President's attention to the fact, and he said to me, with that inimitable twinkle of the eye and expression of the countenance so remarkable in him, "Can you not procure a ferret, one of those little fellows that drive away the rats? And while you are about it, perhaps it would be well to get several and distribute them about the departments, for there are rats everywhere!" And the good President was so pleased with the idea that he asked me afterwards if I had got those ferrets.

The kindness of his disposition and his readiness to indulge his children may be illustrated by two occurrences that fell under my own observation. The preparations had all been made for the family to leave the city house and establish themselves for the summer at the Soldiers' Home. The carriage was at the door and Mrs. Lincoln and Tad were in it. The President came out to join them, when Tad said, "I have not got my cat." The President replied, "You shall have your cat," and he went into the household and returned in a few minutes with Tad's cat in his arms.

At another time when I was with him in his office conversing on official business one of the servants came in and spoke to him. He at once turned to me and asked me to excuse him for a short time, and he must go and give Tad his medicine, which he would take from me one else.

Such acts as these do honor to human nature, no matter whether done by Presidents or peasants; everyone who has a soul will appreciate them, and I have thought a thousand times, as I have seen the evidences of the minute attention given by the great and good Washington to the smallest matters that concerned his household and his home, while leading the armies of the United States or exercising the high functions of President of the infant Republic, how like in many particulars were these two truly great Presidents.

Although President Lincoln was always ready to assume any official responsibility that his position required, his innate sense of propriety was such that he never knowingly encroached on the prerogatives of his subordinates, no matter what their position might be. A somewhat curious instance of the delicacy of the President in this particular occurred in November, 1864. The day after the certain information of Mr. Lincoln's reelection reached this city it occurred to him that the laborers at the Executive Mansion ought to be granted a holiday.

Almost any other man being President of the United States and possessing the power to command would have issued an order giving them a holiday. President Lincoln did no such thing, and what was my surprise at receiving a card from him in his well-known hand and which I now have:

"If Commissioner of Public Buildings chooses to give laborers at White House a holiday, I have no objections.

"A. LINCOLN."

"NOVEMBER 9, 1864."

Of course, the commissioner did choose, and the holiday was given.

The autographs of the beloved President are eagerly sought for and highly valued, and as an evidence of this, I may say that I have seen a simple card, similar to the one above alluded to, on which some request was written by Mr. Lincoln, elegantly framed and suspended in the library of a gentleman in Massachusetts, and considered so precious a memorial that no money can purchase it. And the last manuscript he ever wrote with a pen, on the evening of his assassination, is sacredly preserved, in like manner, in this city by the gentleman for whom it was written. I do not know how I can more appropriately close this, perhaps already too long address, than by reading an article prepared by myself for one of the city newspapers on the 23d of April, 1865. It is as follows:

"On Friday morning last, at 7 o'clock, all that was mortal of Abraham Lincoln, the sixteenth President of these United States, was borne from the Capitol, taking their departure for his home in Illinois, where they are to rest until the final resurrection.

"The past week has been a sad one to the whole Nation. It has been particularly sad for Washington, for here the unparalleled atrocity that deprived a people of a President whom they dearly loved and almost worshipped, and came near snatching from them a Secretary of State, particularly eminent for a head and a heart that gave him an exalted place in the affections of all who knew him, was committed; and as the awful news spread abroad on the wings of the lightning it carried with it sadness to every heart that beat responsive to the great principles of humanity which were so strongly implanted in the bosom of our beloved Chief Magistrate.

"At half-past 10 o'clock on Friday evening, the 14th instant, the bullet of the assassin sped through the brain of his illustrious victim, and from that instant he was as if he were dead, although he continued to breathe until the next morning at 22 minutes past 7.

"That Friday night was an awful one for Washington. The theater where the horrid event occurred was filled with people, and the appalling news spread, as it were, in a moment to all parts of the city. There was no sleep that night. The long roll—that startling call to all military men and to all civilians who understand it—was beat in the various camps within and about the city, and the troops were speedily under arms.

Ah! then and there was hurrying to and fro,
And gathering tears, and tremblings of distress,
And cheeks all pale, which, but an hour ago,
Blushed at the praise of their own loveliness.

And there was mounting in hot haste; the steed,
The mustering squadron, and the clattering car
Went pouring forward with impetuous speed,
And swiftly forming in the ranks of war.

"Many knew not for a time what it all meant, but everyone knew that some terrible calamity was upon us; and ere long the dread reality that our President had been assassinated and our Secretary of State stricken down by the dagger of some fiend in human shape came to be known, and a cordon of troops was soon posted all around the city to prevent, if possible, any egress from it and be prepared for any emergency that an extended conspiracy might render necessary.

"There was a general rush of our citizens to Tenth Street, where in a dwelling opposite the theater lay the dying form of Abraham Lincoln, surrounded by his almost distracted wife, his weeping son, his Cabinet ministers, generals, eminent physicians, and many others whose positions gained them ready admittance to the side of the dying President.

"I stood at his bedside in the early hours of the morning and there witnessed such a scene of solemnity and grief as I never saw before and hope never to see again—

There was silence deep as death,
And the boldest held his breath.

as if it were almost sacrilege to interrupt the solemn stillness about that dying couch.

"The stern Secretary of War sat with his head bowed down in grief; the good and kind Secretary of the Navy stood as if transfixed with sorrow; the ever mild and sunny countenances of the Secretary of the Treasury, the Secretary of the Interior, the Postmaster General, and Attorney General were now overspread with the clouds of distress and mourning; Major General Halleck, who had naturally assumed the direction of affairs, was quietly moving about, fixing his large and most expressive eyes on everything that seemed to require attention and directing in whispering tones of sadness what should be done. The noble form of Sumner, seated near the head of the bed, was bowed low, and tears were flowing from many, many eyes unused to weep.

"Not long after sunrise, I should think—time could not well be counted and the heavens were weeping in a gentle rain—at the request of some of the personal friends of Mrs. Lincoln I went to the President's carriage after Mrs. Secretary Welles, and ere I could return the noble martyr had ceased breathing. I witnessed the bearing of the remains to the presidential mansion, saw them removed from the temporary coffin in which they were borne there, and from that time until they were placed in the car at the railroad depot for transportation to Illinois I was much of the time with them. My official duties made me almost one of the President's household, and on all public occasions I stood at his side or near him, and I felt as if, even had duty not demanded my presence, I could not leave the inanimate form of him of whom I had seen so much and whom I loved so well in life.

"The days of preparation passed by; the lying in state in the East Room, where thousands stood at the side of their beloved and martyred chief and paid to his memory the tribute of respect with streaming eyes; the funeral services, attended by the noble assemblage of all who aided the Executive in the performance of his arduous duties in Washington—hundreds of the most respectable civilians of the country; the full Diplomatic Corps, whose rich dresses were in marked contrast to their sad, sad countenances, for they all loved Abraham Lincoln—the mourners, not only of the family but from his native and his adopted State; the reverend clergy in full numbers. I witnessed it all.

"I listened with a most melancholy but proud satisfaction to the religious services, full of submissive piety, but also full of exalted patriotism. I saw the immense concourse of people, civil and military,

who crowded Pennsylvania Avenue from Georgetown to the Capitol, as the funeral cortege passed along, marking by their bowed forms and their sighs and tears their deep grief at the loss of one whom they had looked upon as their father. I saw the sacred remains deposited on the catafalque in the center of the Rotunda of the Capitol, with the semiblazes of grief all around it, and heard the pious and eloquent divine, who had been from the first at the side of the departed and his mourning family (Doctor Gurley), repeat with great impressiveness, earnestness, and devotion so much of the burial service as was appropriate, ending with a prayer.

"The crowd then departed. The guard of honor, which had been ever present since the sad catastrophe, consisting at least of one major general and his staff, and often of two, were left in charge of the body.

"At 8 o'clock on Thursday morning the coffin was opened and the crowd admitted, and between that time and 10 o'clock in the evening nearly 40,000 persons looked in sorrow and in tears upon that beloved face.

"At 6 o'clock a. m. on Friday there were assembled in the Rotunda all the Cabinet ministers, the committee who were to accompany the remains, Reverend Doctor Gurley, Lieutenant General Grant, and many other high officers of the Army, the police of the Capitol, and a few prominent citizens. Doctor Gurley addressed with deep fervor and great impressiveness the Throne of Grace, and his prayer found a solemn response, I doubt not, in every bosom.

"The coffin was then closed and was borne by 12 sergeants to the hearse, and being escorted by a battalion of the Veteran Reserve Corps was followed by Lieutenant General Grant and Brigadier General Hardee, arm in arm, and many other officers of the Army, the Commissioner of Public Buildings, and captain of the Capitol police, all on foot, and by the President and heads of the departments and the committee in carriages to the Baltimore Depot, where it was placed in a car deeply and most appropriately draped in mourning and prepared for the occasion, where the reverend clergyman again offered up a prayer to the Father of us all; and at 8 o'clock the train moved off, and he whom we all loved so well and for whom we would have willingly given our own lives was borne in solemnity and gloom toward his final resting place in the bosom of the State who gave him to us."

Unveiled thy bosom, faithful tomb,
Take this new treasure to thy trust,
And give these sacred relics room
To slumber in the silent dust.

Thus the remains of Abraham Lincoln left us to find a resting place in the capital of his adopted and beloved home. It was one grand, solemn, and imposing funeral procession from Washington to Illinois, and I have been told by a gentleman who accompanied it that no dwelling was passed in all that distance, whether the palace of the rich or the humble cottage of the poor, that did not exhibit some outward badge of the grief that reigned within.

And now, my fellow citizens, we have erected, as I believe, the first public statue to the memory of that President, who more than any other since Washington, lived and ever will live in the hearts of the loyal people. Here, where he won from all who knew him—and who is there who did not know him—golden opinions; here where in the midst of his friends, while enjoying a brief respite from the cares and perplexities, of his exalted but laborious station, he was struck down in death by the hand of a foul and cowardly assassin, have we this day placed upon its pedestal the plain, unassuming, but almost speaking semblance of that plain, unassuming, but noble and god-like specimen of human nature. [Applause.]

We have erected it where the earliest kiss of rosy day, as she approaches from the east, may fall upon it, and where the last gleam of evening's mellow light may salute it as the twilight darkens into night. Here it stands, as it were, in the plaza of the city; and here it will stand, we hope, to be seen by generations long hence to come. [Cries of "It will!"]

Let the fathers of the city, in times of trouble, gather around it and acquire inspiration by calling to mind the firmness, patience, fidelity, zeal, and nobleness of character of him whom it represents. Let the generations of young men gather around it and recall, as their example and their guide, the virtue, sobriety, modesty, and uprightness of life and purpose of that great man. And let us all bear in mind and ever profit by the remembrance how Abraham Lincoln placed all his trust in God, and implored His blessing upon every act of his exemplary life.

* * * God called him
Hence to lay his armor down,
To take his more than conqueror's wreath,
His martyr's glorious crown.
In the great hosts of freedom's sons,
Our Lincoln leads the van,
Himself the greatest, "noblest work
Of God, an honest man."
Arise, then, oh, my country, rise!
Be worthy of his fame,
Lift high the banner of the right,
Put all its foes to shame.
Follow where Lincoln's footsteps led—
His spirit be your own—
'Twill lead you on to victory; 'twill
Lead you to God's throne!

[Immense applause.]

After the address of Major French the band of the Twelfth Infantry performed Rans l'es Vaches.

Col. E. B. Olmstead was then introduced, and recited an original poem, which was received with great applause.

THE UNCOVERING OF THE STATUE.

Professor Heald's band then performed an appropriate air, when Mayor Wallach advanced to the front of the platform with the President and said:

"My friends, it is hardly necessary for me to inform you what is now to take place or who the distinguished person is who will perform this ceremony. The anxiety depicted in your upturned countenances plainly tells that you are awaiting the unveiling of the statue."

The President then pulled the cord, when the covering of the statue fell, and vociferous cheers were given by the crowd.

Mr. Lot Flannery, the artist, was here introduced and loudly cheered. The Marine Band then performed a prayer by Donizetti, after which Reverend Doctor Gillette pronounced the benediction, and the crowd dispersed.

The Mrs. Ellen Spencer Mussey Tent, No. 1, Daughters of Veterans, went on record indorsing the reerection of the Lincoln statue in a letter June 20, 1921, as follows:

MY DEAR MR. KING: The members of the patriotic organization, Mrs. Ellen Spencer Mussey Tent, No. 1, Daughters of Veterans, whose soldier fathers fought under Lincoln for the honor and unity of their country and inculcated in the hearts of their children a wonderful love and reverence for that great and noble character, Abraham Lincoln, desire to express to you their very sincere appreciation of your action in introducing before Congress a motion to have the statue of Lincoln replaced in its former position in front of the City Hall, and to thank you for your interest in a matter which is very close to the hearts of the Daughters of Veterans.

Please accept congratulations on the success of your efforts, and sincere good wishes for your future welfare.

Cordially yours,

MRS. ELLEN SPENCER MUSSEY TENT No. 1,
DAUGHTERS OF VETERANS,

By MARJORIE MAYNARD,

Secretary pro tempore.

Lieutenant General Miles, speaking before the Society of the Dames of the Loyal Legion at Washington, D. C., February 12, 1920, said concerning the statue:

Soon after the tragic death of President Lincoln his friends erected a suitable monument and placed it facing the broad avenue where our statesmen and Supreme Court judges pass it every day and in front of the courthouse, where it is seen by thousands of his devoted fellow countrymen. I can not describe to you my feelings a few days ago when I saw men engaged in taking it down. It seemed to me like a sacrilege, and my views are expressed in the following lines:

You may move or destroy the Lincoln statue,
But you ne'er can erase from hearts that are true
That reverence sublime that all patriots cherish
For a life made immortal, that never can perish.
From the humblest of homes to the head of the Nation,
Mid the desperate turmoil of war's desolation,
He led our brave sons in a righteous cause
And welded their faith to freedom's just laws.
Loyal hands had there placed it, on sacred ground,
Near the temple of justice and law profound.
In the distance the Nation's Capitol is seen,
Where patriotism and power are held supreme.
Place it back there again, we earnestly pray,
A Nation's gratitude will amply repay.
Put it back where the friends of the martyr's sad story
Had placed it, and leave it alone in its glory.

Demand that the Lincoln statue, recently taken down from in front of the courthouse, be placed again on—

the same consecrated spot where it was erected half a century ago—was contained in a joint resolution introduced in the general assembly of the State of Ohio by State Representative Beaty.

Without qualification the representatives and senators of the eighty-third General Assembly of Ohio unanimously condemn this unpatriotic and unprecedented vandalism and demand that the venerated monument be replaced on the same consecrated spot where it was erected half a century ago—

Said the resolution.

ASKS PRESIDENT WILSON TO HELP.

The resolution further states—

That a copy of this resolution be transmitted to the President of the United States and to our two Senators and our Representatives in Congress, with the urgent and respectful request that they use their power and authority of their great offices to repair this wrong and restore the venerated shaft to its former place in its entirety as when dedicated in 1868.

In 1866 and 1867, the resolution states, immediately after the martyrdom of Lincoln—

Steps were taken in the city of Washington to erect a monument to Abraham Lincoln in front of the city hall there, and the movement was made successful by small contributions of the people, who knew personally and loved the mighty Lincoln.

FIRST ONE TO LINCOLN.

Said monument was the first one in memory of Lincoln, modest and plain, like himself, entirely best representing that great man ever yet erected—surmounted as it was by a life-size statue of him, as like as life.

Said monument was dedicated in 1868 in the midst of the largest and most august assemblage of our mightiest Americans, most of whom personally knew Lincoln well, and with them, also, were thousands of Union soldiers who had gone to battle at Lincoln's call.

UNVEILED BY PRESIDENT JOHNSON.

Notably, Andrew Johnson, President, unveiled the statue and made a memorable speech dedicating the monument and consecrating forever the sacred spot on which it has stood half a century.

Vandal hands have dared to desecrate, pull down, wreck, and destroy that monument, and hidden it away from human view, to the shame and disgrace of the whole American Nation.

LETTER FROM AN OLD RESIDENT OF WASHINGTON.

WASHINGTON, D. C., January 25, 1920.

MY DEAR MR. KING: I was so glad to read the notice in to-day's paper about your effort to have the Lincoln statue reerection. I had been wondering if some one in authority would not take up the removal of that statue when it had stood so long as a monument of love to him who had lost his life in the service of his country.

I knew Lincoln and shook hands with him when he ran for President. I was then living in Ohio. He was one grand, good man, and how well do I remember how our hearts were torn with anguish when the word came that he was shot. Never will I forget it, though so many years have passed since that awful tragedy. I thought of the event every time I passed the statue.

I for one am glad you have brought this matter to the attention of Washington people, and I know that you will receive more letters thanking you for your effort in bringing up the subject of its removal. I hope it will be placed again where it stood so long.

MRS. MARY FLORENCE EDMONSON.

605 TWENTY-SECOND STREET NW.,
Washington, D. C., June 13, 1921.

HON. EDWARD J. KING,
Washington, D. C.

DEAR SIR: A stranger to you, with no claim on your attention, I crave indulgence and pardon for writing to you about a matter very near to all hearts that love Lincoln. I am deeply interested in your bill to restore the desecrated memorial to its proper and original site. The few of us remaining after 1866, 1867, and 1868, who raised the money out of our poverty to pay for the only true Lincoln statue on earth, may be pardoned for asking reparation of the crime of destroying and despoiling it.

I saw the first dollar paid by subscriptions of poor people, mostly soldiers who knew Lincoln well. We were all young then, and poor—the country bankrupt.

It was built out of poverty and love by the mites of the lowly whom Lincoln loved as God does.

I saw it unveiled by President Johnson, 1868, in presence of such a throng of America's greatness as earth never before beheld, and alas! never shall again.

It was a great day.

At 83 I recall the scene vividly to memory but can not describe it. They who could are gone to the silent land.

It was built by us.

It is our monument.

It is a masterpiece, because it is a true, simple resemblance of Lincoln.

May God prosper you in assisting it to its own place. There is but one consecrated place.

PRIVATE DALZELL.

The following is a letter from Mr. Freeman Thorp, an artist who personally knew Lincoln and who painted the portrait of Schuyler Colfax, one of the Speakers of the House, now hanging in the House lobby. He also painted the portrait of Lincoln which was purchased by the Senate and now hangs in the main corridor in the Senate wing of the Capitol. He also painted President Grant and others:

WASHINGTON, D. C., June 5, 1921.

HON. EDWARD J. KING,
House of Representatives.

DEAR SIR: In support of your resolution ordering the statue of Lincoln reerected on its original site in the courthouse grounds, permit me to say that having sketched Lincoln from life just before he was inaugurated, and again at Gettysburg, and studied him very carefully and thoroughly under conditions no other man now living has ever had, I made diligent search for the statue, seeking to know whether it is a real likeness of Lincoln. I consider a true likeness in historical statues or portraits of prime importance.

I found the statue lying out of doors and not safely boxed, and readily obtained assurance from the office of Colonel Sherrill that it should at once be made secure from accident or malicious injury.

There are other statues of Lincoln that are great, considered in the sense of modern works of art, yet none yet made so true and characteristic as a likeness of the rugged, strong, unassuming great man whose memory we all love.

As there is no man now living who can make a statue of Lincoln from life or from memory, this one should be preserved with the utmost care, here where the greatness of his life was enacted and where more of the people of this great Nation can easily see it than anywhere else.

With great respect,

FREEMAN THORP,
138 East Capitol Street.

Restoration of the Lincoln statue was urged on December 7, 1921, by a committee representing the Sons of the American Revolution which called on me:

The committee consisted of Admiral George W. Baird, who personally contributed for the erection of the statue; Rev. William Curtis White, representing the first Episcopal parish of the District; Fred Owen, for 44 years connected with the office of public buildings and grounds in Washington; David Lynn and Charles E. Fairman, architects.

GUARANTEE OF EXPENSE.

The committee stated that descendants of the original contributors to the Lincoln statue fund stood ready to meet the expenses for a new pedestal and reerection of the memorial through private subscriptions.

They also urged that Elliott Woods, architect of the Capitol, be appointed chairman of a commission to draw up plans for a new base for the statue and estimate the cost of replacing it. Mr. Woods had charge of remodeling the courthouse, and it was in process of this work that the Lincoln statue was removed.

Mr. Fairman, who is in charge of the art work in the Capitol, speaking against the removal of the old statue, quotes from Proverbs in saying, "Remove not the ancient landmark which our fathers have set." Mr. Fairman said: "Five hundred members of the Sons of the American Revolution living in the District desire the statue reerected as an act of simple justice. It is as important to preserve the art of 1868 as it is to preserve the art of 1921."

VIEWS OF ADMIRAL BAIRD.

Admiral Baird pointed out that the Lincoln statue "belonged to the people of Washington. I and my folks contributed to its erection and have an equity in it to-day. To allow its desecration sets a precedent for the removal of landmarks and statues, rich in sentiment, throughout the entire country. Congress should protect the inherent rights of the Commonwealth in all matters of sentimental value."

Reerection of the Lincoln statue on its original site in front of the courthouse, on a low and artistic base in harmony with the surroundings, was advocated January 17, 1922, by a committee representing the Aztec Club of Washington.

The committee consisted of Rev. William Hayloe Snyder, canon of Washington Cathedral; Col. J. F. Reynolds Landis, and Col. Robert N. Getty.

Elliott Woods, Architect of the Capitol, submitted a new design for the base of the statue, which later will be submitted to the House of Representatives for consideration. The new base suggested would raise the base of the statue approximately 5 feet from the level of the sidewalk.

I recall the statue from earliest childhood—

Reverend Snyder said—

and I viewed its removal with deep regret. I and scores of the older residents of Washington remark on the absence. For sentimental as well as artistic reasons the statue should be reerected at once.

The suggested pedestal would remove all criticism in regard to the former high pedestal, which, although artistic compared to art at the time of 1867, would not harmonize with the courthouse to-day.

This statue should be treasured as valuable evidence of art at the time of its erection—

Colonel Landis said.

PRESIDENT FOR REPLACEMENT.

Warren G. Harding, President of the United States, pledged his aid in replacing the statue on April 28, 1921, to a delegation headed by Gen. Nelson A. Miles, and consisting of more than 100 men and women representing patriotic organizations of the United States.

On May 2, 1921, President Harding wrote to Hon. NORMAN J. GOULD, chairman of the Committee on the Library of the House of Representatives:

I very recently received a call of a very notable delegation representing the Loyal Legion urging the reconsideration at the hands of Congress of the decision to remove the statue erected in memory of President Lincoln in front of the City Hall in 1868.

It is such a fascinating story, and there seems to be so much of appealing sentiment about the restoration of this statue to its original position, that I think Congress might well expedite the reconsideration of the action so that this memorial may be restored to the place it so long occupied.

I cordially believe the sentiment is one that we ought to sanction, and I am glad to express the hope that Congress will take favorable action in providing for the restoration.

Among those who have worked untiringly for the restoration of the statue are Hon. Norman J. Gould; Hon. Ben Johnson; Hon. Robert Luce; Hon. Herbert C. Pell, jr.; Hon. Simeon D. Fess; Hon. Frank Park; Hon. Ralph Gilbert; Theodore Noyes; John C. Shanks; Hon. William R. Wood; Hon. Edward H. Wason; and Mrs. Gen. John A. Logan.

CHRONOLOGY.

January 24, 1920: Original resolution to reerect the statue of Lincoln introduced.

April 2, 1920: Committee on the Library holds hearing on the subject.

April 28, 1921: President Harding indorses reerection of statue.

May 25, 1921: Committee on the Library reports the resolution with the recommendation that it do pass.

April 5, 1922: House of Representatives begins consideration of resolution.

The CHAIRMAN. Unless there are some further remarks, the Clerk will read.

Mr. GARRETT of Tennessee. Will the gentleman from Ohio yield for a moment?

Mr. FESS. I will.

Mr. GARRETT of Tennessee. Is it hoped to conclude this bill this afternoon?

Mr. FESS. I think not.

Mr. GARRETT of Tennessee. Well, if we can not conclude it, I wonder if we can not rise now?

Mr. FESS. The gentleman from Indiana [Mr. MOORES] desires to be heard in opposition to the resolution.

Mr. GARRETT of Tennessee. Well, that can be done next Wednesday. I make the point of no quorum.

Mr. FESS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Joint Resolution 127 to reerect the statue of Abraham Lincoln upon its original site and had come to no resolution thereon.

ADJOURNMENT.

Mr. FESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until Thursday, April 6, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV,

585. A letter from the Secretary of War, transmitting offer received from Charles L. Parsons, of Washington, D. C., covering certain properties at Muscle Shoals, Ala. (H. Doc. No. 220), was taken from the Speaker's table, referred to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 6650. A bill providing additional terminal facilities in square east of 710 and square 712 in the District of Columbia for freight traffic; without amendment (Rept. No. 877). Referred to the Committee of the Whole House on the state of the Union.

Mr. DUNN: Committee on Roads. H. R. 11131. A bill to authorize the appropriation of additional sums for Federal aid in the construction of rural post roads, and for other purposes; without amendment (Rept. No. 878). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNER: Committee on Insular Affairs. H. R. 10442. A bill to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921; without amendment (Rept. No. 874). Referred to the House Calendar.

Mr. BURTNESS: Committee on Indian Affairs. H. R. 9814. A bill amending the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service; without amendment (Rept. No. 875). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 11172) declaring the railway bridge across the Kansas River, in the State of Kansas, at a place about 1,578 feet above its mouth, in the city of Kansas City, Kans., an obstruction to navigation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 11173) to amend section 126 of the national defense act, approved June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. COLTON: A bill (H. R. 11174) to provide for the purchase of a site and the erection of a public building at Manti, in the State of Utah, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN: A bill (H. R. 11175) to authorize the printing of certain publications at United States Indian schools; to the Committee on Printing.

By Mr. CODD: A bill (H. R. 11176) authorizing the bestowal of campaign medals upon officers and enlisted men of the World War who served with what is known as the Archangel expedition, and for other purposes; to the Committee on Military Affairs.

By Mr. SINCLAIR: Concurrent resolution (H. Con. Res. 54) creating a joint commission of three Members of the Senate and five Members of the House to investigate the subject of crop insurance, with a view to determining the practicability of creating a Government crop insurance bureau, and for other purposes; to the Committee on Rules.

By Mr. JONES of Texas: Resolution (H. Res. 320) providing for the payment of one month's salary to Stella M. Weigel; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 11177) for the relief of Joy Bright Little; to the Committee on Claims.

By Mr. DOMINICK: A bill (H. R. 11178) for the relief of Hassie Cantrell; to the Committee on Claims.

Also, a bill (H. R. 11179) for the relief of Cecilia Rebecca Fretwell; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 11180) for the relief of Lewis Williams; to the Committee on Claims.

By Mr. GARRETT of Texas: A bill (H. R. 11181) for the relief of Emma Helberg, Laura Lackner, and F. W. Lackner; to the Committee on Claims.

By Mr. HADLEY: A bill (H. R. 11182) granting a pension to Esther E. Babcock; to the Committee on Invalid Pensions.

By Mr. JONES of Pennsylvania: A bill (H. R. 11183) for the relief of Mary L. Sprague; to the Committee on Claims.

By Mr. O'CONNOR: A bill (H. R. 11184) for the relief of Rose L. Kiefer; to the Committee on Claims.

By Mr. OGDEN: A bill (H. R. 11185) for the relief of Albert Neurath and W. R. Milward; to the Committee on Claims.

Also, a bill (H. R. 11186) for the relief of Lewis H. Francke and Blanche F. Shelley; to the Committee on Claims.

By Mr. STAFFORD: A bill (H. R. 11187) granting a pension to Kathryn Labonde; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11188) granting a pension to Jennie G. Miller; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 11189) granting a pension to Eunice A. Prettyman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4989. By Mr. ANDREW of Massachusetts: Petition of citizens of Danvers, Salem, and Beverly, Mass., opposing the passage of House bill 9753, or any other Sunday bill; to the Committee on the District of Columbia.

4990. By Mr. APPLEBY: Affidavits to accompany the bill granting a pension to Amelia M. Hetherington; to the Committee on Invalid Pensions.

4991. By Mr. ARENTZ: Petition of 29 business men of Winnemucca, Nev., protesting against House bill 10598; also protest of the Comstock (Virginia City) Chamber of Commerce; to the Committee on Interstate and Foreign Commerce.

4992. By Mr. KIESS: Evidence in support of House bill 11011, granting a pension to George O. Pratt; to the Committee on Invalid Pensions.

4993. Also, petition of citizens of Potter and Tioga Counties, favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

4994. By Mr. KISSEL: Petition of William Filene's Sons Co., of Boston, Mass., urging passage by House of Senate Joint Resolution 160; to the Committee on Ways and Means.

4995. By Mr. SINCLAIR: Petition of Henry Kytonen and seven others, urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4996. Also, petition of W. O. Johnson and 104 others, of Dunn Center, N. Dak., protesting against the passage of House bills 9753 and 4388 or Senate bill 1948; to the Committee on the District of Columbia.

4997. Also, petition of Mrs. A. O. Stoen and nine others, of Buffalo Springs, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4998. By Mr. TEMPLE: Petition of Division 565, of New Castle, Pa., and Division 464, of Elrama, Pa., International Brotherhood of Locomotive Engineers, in support of House bill 10798; to the Committee on Interstate and Foreign Commerce.

4999. By Mr. TOWNER: Petition of James Harper, of Turtle Creek, Pa., and 82 other citizens of the State of Pennsylvania, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

SENATE.

THURSDAY, April 6, 1922.

(Legislative day of Wednesday, April 5, 1922.)

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

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

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

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

Ashurst	Fernald	Jones, Wash.	New
Ball	Fletcher	Kendrick	Nicholson
Bursum	France	Keyes	Norbeck
Cameron	Frelinghuysen	King	Norris
Capper	Gooding	Ladd	Oddie
Caraway	Harrell	La Follette	Overman
Culberson	Harris	Lenroot	Page
Cummins	Harrison	McKinley	Pepper
Curtis	Heflin	McNary	Phipps
Dial	Hitchcock	Moses	Pittman
Elkins	Jones, N. Mex.	Nelson	Poindexter