tinuance of the use as dwellings of buildings situated in alleys in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 14002) to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SWEET: A bill (H. R. 14003) to amend and modify the war risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. McSWAIN: A bill (H. R. 14004) to prevent corrupt political practices; to the Committee on the Judiciary.

By the SPEAKER: Memorial of the Legislature of the State of South Dakota requesting and demanding modification and revision of the present Federal standards for grading grain; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of South Dakota urging the enactment of an act to require the completion of a steel bridge at Chamberlain, S. Dak.; to the Committee on Interstate and Foreign Commerce.

Also, memorial from the Legislature of the State of South Dakota relative to S. 4130, a Federal farm loan bill; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of South Dakota relative to modifying and reducing the present freight rates for grain and live stock; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of South Dakota relative to the following subjects: Federal farm loans, Federal standards for grading grain, freight rates and live stock, and completion of steel bridge at Chamberlain, S. Dak.; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FAUST: A bill (H. R. 14005) granting a pension to Robert W. Hawkins; to the Committee on Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 14006) to reimburse Lieut. Col. Charles F. Sargent, National Guard of Massachusetts; to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 14007) granting a pension to Mary Margaret Lilley; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 14008) granting a pension to John Bywater; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14009) for the relief of Herman R. Woltman; to the Committee on Military Affairs.

By Mr. NEWTON of Minnesota: A bill (H. R. 14010) for the relief of Jerome May; to the Committee on Claims.

By Mr. ROBSION: A bill (H. R. 14011) for the relief of Zachariah Vaughn; to the Committee on Military Affairs.

By Mr. SANDERS of Indiana: A bill (H. R. 14012) granting a pension to Oscar Okes; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 14013) for the relief of George H. Ewart; to the Committee on Naval Affairs.

PETITIONS, ETC.

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

7014. By Mr. ABERNETHY: Petition of William D. Harris, relating to the amendment to the War Department appropriation bill denying General Harbord retired pay; to the Committee on Military Affairs.

7015. By Mr. CONNOLLY of Pennsylvania: Letter from the general secretary of the Philadelphia Chamber of Commerce, conveying the approval of that organization of Senate Joint Resolution 85, to provide for the remission of further payments of the annual installments of the Chinese indemnity; to the Committee on Foreign Affairs.

7016. By Mr. FROTHINGHAM: Petition of the executive committee of the Massachusetts Public Interests League, protesting against the recognition of the present government of Russia by the United States; to the Committee on Foreign Affairs.

7017. By Mr. GARNER: Petition of 50 citizens of Texas, urging that aid be extended to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7018. By Mr. KISSEL: Petition of the New York Trap Rock Corporation, New York City, N. Y., regarding immigration from Europe; to the Committee on Immigration and Naturalization.

7019. By Mr. OSBORNE: Petition of Mr. J. Nuesch and 53 other residents of Los Angeles County, Calif., indorsing the Newton resolution to extend aid to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7020. By Mr. RANSLEY: Memorial of Philadelphia Chamber of Commerce, favoring the Chinese indemnity bill, joint resolution, calendar No. 264 (S. J. Res. 85); to the Committee on Foreign Affairs.

7021. By Mr. SMITH of Michigan: Petition of 46 residents of Albion, Mich., urging that aid be extended to the famine-stricken people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7022. By Mr. STEENERSON: Resolution of Clay County National Farm Loan Association, (1) opposing the taking from farm-loan association members the management of their own business or the discouraging of cooperation of local farm-loan associations, (2) opposing commercial banking functions being added to Federal land banks, (3) in favor of raising the limit of loans from $10,000 to $25,000; to the Committee on Banking and Currency.

7023. Also, petition of J. M. Stephens et al., Crookston, Minn., to abolish discriminatory tax on small arms, ammunition, and firearms; to the Committee on Ways and Means.

7024. Also, resolution of Wilkin County Child Welfare Board, of Breckenridge, Minn., favoring enactment of child labor amendment now pending in Congress; to the Committee on the Judiciary.

7025. Also, petition of stockholders of the Hallock National Farm Loan Association, opposing the passage of House bills 13125 and 13196 relating to loan associations; to the Committee on Banking and Currency.

7026. By Mr. YOUNG: Petition of 62 residents of Ashley, N. Dak., urging the passage of joint resolution now pending in Congress proposing to extend immediate aid to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *January 25, 1923.*

(Legislative day of Tuesday, January 23, 1923.)

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

DEPARTMENTAL USE OF AUTOMOBILES.

The VICE PRESIDENT laid before the Senate a communication from the secretary of the Joint Board, in response to Senate Resolution 399, agreed to January 6, 1923, relative to the ownership and upkeep of passenger automobiles by the board, which was ordered to lie on the table.

He also laid before the Senate a communication from the president of the Board of Commissioners of the District of Columbia, transmitting, in response to Senate Resolution 399, agreed to January 6, 1923, a report relative to the number and cost of maintenance of motor vehicles in use by the government of the District of Columbia, which was ordered to lie on the table.

SENATOR FROM WYOMING.

Mr. WARREN presented the credentials of JOHN B. KENDRICK, chosen a Senator from the State of Wyoming for the term beginning March 4, 1923, which were read and ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION.

THE STATE OF WYOMING,
Executive Department.

Whereas according to the official returns of a general election held in the State of Wyoming on the 7th day of November, A. D. 1922, regularly transmitted to the office of the secretary of state and duly canvassed by the State board of canvassers, it appears that JOHN B. KENDRICK was lawfully elected United States Senator of the State of Wyoming.

Therefore, I, Robert D. Carey, Governor of the State of Wyoming, do hereby certify that JOHN B. KENDRICK is duly elected United States Senator of the State of Wyoming for the term of six years from the 4th day of March, A. D. 1923.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be hereunto affixed. Given at Cheyenne, the capital, this 20th day of December, A. D. 1922, and of the independence of the United States the one hundred and forty-seventh.

[SEAL.] ROBERT D. CAREY.

By the governor:

W. E. CHAPLIN, *Secretary of State.*
By H. M. SYMONS, *Deputy.*

SENATOR FROM INDIANA.

Mr. WATSON presented the credentials of SAMUEL M. RALSTON, chosen a Senator from the State of Indiana for the term beginning March 4, 1923, which were read and ordered to be placed on file, as follows:

THE STATE OF INDIANA,
Executive Department.

To all whom these presents shall come, greeting:

Whereas it has been certified to me by the proper authority that SAMUEL M. RALSTON has been elected to the office of United States Senator for the State of Indiana;

Therefore know ye, that in the name and by the authority of the State aforesaid I do hereby commission the said SAMUEL M. RALSTON United States Senator for the State of Indiana for the term of six years from the 4th day of March, 1923, until his successor shall have been elected and qualified.

In witness whereof I have hereunto set my hand and caused to be affixed the seal of the State at the city of Indianapolis this 24th day of November in the year of our Lord one thousand nine hundred and twenty-two, the one hundred and sixth year of the State, and of the independence of the United States the one hundred and forty-seventh year.

[SEAL.] WARREN T. McCRAY.

By the governor:

ED JACKSON, *Secretary of State.*

PETITIONS AND MEMORIALS.

Mr. ROBINSON presented sundry papers to accompany the bill (S. 4253) for the relief of Guy L. Hartman, which were referred to the Committee on Claims.

He also presented the petition of Elliott Fletcher Chapter, United Daughters of the Confederacy, of Blytheville, Ark., praying that an appropriation be made to carry out the improvement of the Prairie Grove battle grounds as a military park, which was referred to the Committee on Military Affairs.

He also presented the petition of Samuel V. Wolfe and sundry other citizens, of Manchester, Tenn., praying for adoption of the Robinson amendment to the so-called ship subsidy bill relative to the safety of crews and passengers on seagoing vessels, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of the fourth district of Arkansas praying for the passage of legislation extending immediate aid to the famine-stricken peoples of the German and Austrian Republics, which was referred to the Committee on Foreign Relations.

Mr. McNARY presented the following memorial of the Senate of the Legislature of Oregon, which was referred to the Committee on Interstate Commerce:

State memorial No. 1.

To the honorable members of the Interstate Commerce Commission:

Your memorialists, the Senate of the State of Oregon, hereby represent that—

Whereas the ownership and operation of the Central Pacific Railroad is now being adjusted by the Interstate Commerce Commission in a proceeding pending before that body; and

Whereas the State of Oregon is interested in bringing to Oregon greater railroad development, shorter and more direct routes of traffic; and

Whereas it is essential to the growth and development of our State that the Natron cut-off be constructed, as well as an east and west line from Crane, Oreg., to a point west of the Cascades, and that the railroad lines in Oregon be operated under such a grouping as is authorized by law and will make for the fullest development of our State; Now, therefore, your memorialists pray that in the final grouping, adjustment, and disposal of the lines and properties of the Central Pacific Railroad that your body will have in mind the interests and rights of the State of Oregon, its needs for further railroad development, and that any final order or decree of your body be made only after a full inquiry into all the facts touching upon the needs of railroad development in this State, its resources and possibilities, and the rights of our citizens for further immediate railroad development and adequate railway service.

Adopted by the senate January 18, 1923.

JAY UPTON, *President of the Senate.*

Mr. LADD presented petitions of 62 citizens of Mercer and of 64 citizens of Jamestown, Valley City, and Oakes, all in the State of North Dakota, praying for the passage of legislation extending immediate aid to the famine-stricken peoples of the German and Austrian Republics, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of York, N. Dak., praying for the passage of legislation stabilizing the prices of farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Wildrose National Farm Loan Association, of Wildrose, N. Dak., protesting against the passage of the so-called Strong and Norbeck bills, amending certain sections of the Federal farm loan act, which was referred to the Committee on Banking and Currency.

Mr. NORRIS. I present a petition, numerously signed by citizens of Nebraska. I ask that the body of the petition be printed in the RECORD, and that the petition with the signatures be referred to the Committee on Interstate Commerce.

There being no objection, the petition was referred to the Committee on Interstate Commerce and the body of the petition was ordered to be printed in the RECORD, as follows:

Petition.

To the Congress of the United States of America:

We, the undersigned, being legal voters of the fifth congressional district of the State of Nebraska, do most humbly petition your most honorable body that the Federal Government take over the railroads and coal mines by having them appraised by disinterested persons and allowing the owners the appraisement value as compensation for the railroads and mines; also that the Federal Government own, operate, and control them and their products.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (S. 4390) to amend the last paragraph of section 10 of the Federal reserve act as amended by the act of June 3, 1922, reported it without amendment.

Mr. NEW, from the Committee on Foreign Relations, submitted a report (No. 1060) to accompany the bill (S. 3701) for the relief of Blattmann & Co., heretofore reported by him.

LEGISLATIVE APPROPRIATIONS.

Mr. WARREN. I report back favorably with amendments from the Committee on Appropriations the bill (H. R. 13926) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes, and I submit a report (No. 1059) thereon. I wish to state that I expect to call up the bill some time to-day. The bill as reported recommends the addition of only a few thousand dollars to the appropriations made by the House.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

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

By Mr. BROOKHART:

A bill (S. 4407) to authorize the President to operate coal mines in an emergency; to the Committee on Education and Labor.

By Mr. WARREN:

A bill (S. 4408) granting a pension to Elizabeth A. McGinley (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4409) for the relief of Horace G. Wilson; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 4410) granting a pension to Elizabeth M. Sage; to the Committee on Pensions.

By Mr. KELLOGG:

A bill (S. 4411) granting the consent of Congress to the cities of Minneapolis and St. Paul, Minn., or either of them, to construct a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota; to the Committee on Commerce.

By Mr. HALE:

A bill (S. 4412) granting a pension to Nellie E. Wilson; to the Committee on Pensions.

By Mr. BALL:

A bill (S. 4413) to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes; and

A bill (S. 4414) to amend the act of Congress approved September 6, 1922, relating to the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia; to the Committee on the District of Columbia.

By Mr. NEW:

A bill (S. 4415) granting an increase of pension to Frances F. Godown (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 4416) for the relief of Warren C. Hodgkins; to the Committee on the Judiciary.

By Mr. CALDER:

A bill (S. 4417) to grant relief and authorize the assessment of duties on merchandise actually imported into the United States prior to September 22, 1922, where owing to unforeseen delays in transportation the merchandise did not reach its ultimate destination until on or after September 22, when the new tariff became operative; to the Committee on Finance.

By Mr. WILLIS:

A bill (S. 4418) granting a pension to William Gossett (with accompanying papers); to the Committee on Pensions.

PAY OF ASSISTANTS TO NAVAL BUREAU CHIEFS.

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 7864) providing for sundry matters affecting the Naval Establishment, which was referred to the Committee on Naval Affairs and ordered to be printed.

PROMOTION OF CERTAIN MARINE OFFICERS.

Mr. STANFIELD submitted an amendment intended to be proposed by him to the bill (H. R. 7864) providing for sundry matters affecting the Naval Establishment, which was referred to the Committee on Naval Affairs and ordered to be printed.

WILBUR A. RICHARDSON—WITHDRAWAL OF PAPERS.

On motion of Mr. STERLING, it was—

Ordered, That leave be, and is hereby, granted to withdraw from the files of the Senate the papers filed with the bill (S. 2954) for the relief of Wilbur A. Richardson, no adverse report having been made thereon,

TRAFFIC CONDITIONS IN WASHINGTON CITY.

Mr. ROBINSON. Mr. President, I ask leave to submit a resolution and have it referred to the Committee on the District of Columbia. I take the liberty of saying that the resolution relates to the subject matter which was discussed in the Senate by the Senator from Massachusetts [Mr. LODGE] and a number of other Senators a day or two ago. It points to a reform of traffic conditions in the city of Washington. I ask that the Committee on the District of Columbia may give it immediate consideration.

The resolution (S. Res. 419) was referred to the Committee on the District of Columbia, as follows:

Resolved, That the Committee on the District of Columbia, or any subcommittee thereof, be, and it is hereby, authorized and directed to investigate traffic conditions in the city of Washington, particularly with reference to accidents and damages to persons and property, and the most reliable and practicable means and measures for protecting the public from danger and injury arising from negligence and other causes of accident and injury in traffic. Said committee or subcommittee shall report its findings and recommendations to the Senate within 30 days.

ASSISTANT CLERK TO COMMITTEE ON NAVAL AFFAIRS.

Mr. HALE submitted the following resolution (S. Res. 420), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Naval Affairs be, and it is hereby, authorized to employ an assistant clerk during the Sixty-eighth Congress at the rate of $1,600 per annum, to be paid out of the contingent fund of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on January 25, 1923, the President approved and signed the joint resolution (S. J. Res. 43) to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes, the pending question being on the amendment proposed by Mr. MCKELLAR, on page 10, after line 22, to insert the following proviso:

Provided, That the appropriation in this section shall not become available until the Public Utilities Commission shall fix rates of fare for the street railway companies in the District of Columbia at rates not in excess of the rates of fare fixed in existing charters or contracts heretofore entered into between said companies and the Congress, and on and after February 1, 1923, said companies shall receive a rate of fare not exceeding 5 cents per passenger, and six tickets shall be sold for 25 cents.

Mr. MCKELLAR. Mr. President, when we took a recess on yesterday afternoon the question before the Senate was a point of order raised by the Senator from Colorado [Mr. PHIPPS] against the amendment which I offered. Am I to understand that the Senator insists upon the point of order or is he willing to let the Senate vote on the amendment offered by me? It is clearly a limitation, and will the Senator withdraw the point of order and let the Senate vote on the amendment?

Mr. PHIPPS. I regret that I can not accede to the Senator's suggestion. On the other hand, I had hoped that the Senator would, after having considered the question further, see that his amendment is clearly inadmissible and withdraw it. I think it would be better procedure if he were to do that.

Mr. MCKELLAR. Quite the contrary, I have come to the conclusion that it is unquestionably a limitation upon an appropriation and so clearly in order that I thought the Senator from Colorado would withdraw his point of order, because I am quite sure the Chair will not sustain the point of order against an amendment so clearly a limitation upon an appropriation.

Mr. PHIPPS. I have made the point of order.

Mr. HARRISON. Does the Senator desire to argue the point of order?

Mr. PHIPPS. I at least desire to make a statement as to what I base it on. The amendment is not merely a limitation but it is clearly new legislation on an appropriaiton bill and general legislation.

Mr. HARRISON. Mr. President——

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

Mr. MCKELLAR. I yield to the Senator.

Mr. HARRISON. The proviso is clearly in order if the rules of the Senate and the decisions of Presiding Officers are to be followed. It so happens in this particular case that the very point has been decided, and it was decided quite recently, on a proposition advanced exactly as this is now proposed. The amendment was in exactly the same language against which the point of order was made and ruled upon. I take it the only thing necessary is to recall to the Presiding Officer that ruling, because it settles the proposition, it seems to me, unless we are going to have one decision one way one day and change it the next day.

On March 7, 1922, and I refer to page 3486 of the CONGRESSIONAL RECORD of that date, when the District of Columbia appropriation bill was being considered, I offered an amendment to an item carrying an appropriation for the various employees. The amendment was in the exact wording of the proposed amendment now offered. To the amendment which I then offered the Senator from Colorado [Mr. PHIPPS], who now makes the point of order, made a point of order. He said at that time in support of his point of order exactly what he has stated this morning in support of his present point of order. The colloquy which took place is not long, but it is so apropos that I wish to read it:

Mr. PHIPPS. Mr. President, I regret that I can not see my way clear to accept the amendment. I think it is clearly subject to a point of order, and it is my duty to make the point of order.

The PRESIDING OFFICER. What is the point of order?

Mr. PHIPPS. The point of order is that it is legislation on an appropriation bill.

Mr. HARRISON. Of course, Mr. President, it is purely a limitation upon the appropriations, and it does not change existing law.

The pending amendment is merely carrying out, I may say, a provision of the original charter which gave to these concerns the right to charge a 5-cent fare.

The PRESIDING OFFICER. The amendment proposed by the Senator from Mississippi is in the following language:

"*Provided*, That this appropriation shall not become available until the Public Utilities Commission shall have issued and made effective an order requiring the street railway companies operating in the District of Columbia to give transportation"—

And so forth.

Under the form in which the amendment is presented, the Chair—

Then the Senator from Washington [Mr. JONES] interrupted and said:

Mr. JONES of Washington. Will the Chair permit me to suggest that we have no rule in the Senate similar to that in the House permitting limitations upon appropriations? The House has an express rule, according to my recollection, making in order a limitation upon an appropriation, but the Senate has no such rule as that, and it seems to me this really is legislation on an appropriation bill.

I want to say that personally I am in favor of the proposition. I have been urging for quite a good while a reduction in the passenger rates on street cars in the District. I have thought that these companies have been charging exorbitant rates; but I would not like to see the principle established in the Senate that by a limitation on an appropriation we can nullify existing law, and that is what it would amount to. We nullify it for a year, we nullify it for two years, we nullify it for three years. I think it is very unfortunate that there is a rule of that kind in any legislative body.

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

Mr. JONES of Washington. I yield.

I need pay no tribute to the ability of the Senator from Wisconsin [Mr. LENROOT] as a parliamentarian in this body—

Mr. LENROOT. I think the Senator is mistaken. There is no such rule in the House. The limitation rule applies upon general principles, that a limitation does not change existing law, that a limitation upon an appropriation is not either new or general legislation.

Mr. JONES of Washington. My recollection was that there was an express rule. I may be mistaken in that respect. I know it is the uniform practice.

Mr. LENROOT. Of course, there is the Holman law, so called, but that has no application.

The PRESIDING OFFICER. The Chair thinks it is competent for the Senate to limit the use of any appropriation that it authorizes——

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. The Chair will hear the Senator from New York.

Mr. WADSWORTH. I did not mean to interrupt the occupant of the chair. I wanted to ask a question before the Chair rules finally.

The PRESIDING OFFICER. The Chair will hear the Senator from New York.

The Senator from New York [Mr. WADSWORTH] then proceeded to discuss the amendment and the point of order. I may state in this connection that the Presiding Officer at that time was the Senator from Arkansas [Mr. ROBINSON], than whom there is no better parliamentarian in this body—

The PRESIDING OFFICER (Mr. ROBINSON). It is true that any limitation may have the practical effect of accomplishing legislation in advance. Under the rules of the Senate the present occupant of the chair thinks that it is competent for the Senate, in providing an appropriation, to limit its use, and that that limitation is accomplished by the specification of a condition under which the appropriation may be used just as well as otherwise.

Under the form in which the amendment is presented the Chair thinks that it is not general legislation in the sense of Rule XVI of the Senate and that it is not obnoxious to the rule, and therefore the Chair overrules the point of order. The question is on the amendment offered by the Senator from Mississippi.

Then the vote was taken upon the proposition and it was defeated.

There is a case absolutely in point. If the Senate is going to adopt the rule and practice of not abiding by a decision ren-

dered by a competent parliamentarian presiding over the Senate one day simply because some one else may be presiding the next day and a point of order may then be made by some other Senator, well and good; but I submit that clearly the practice should not be followed and that, in view of the decision to which I have called the attention of the Chair, the pending point of order should be overruled.

Mr. LODGE. Mr. President, I think as a general rule, of course, it is very desirable that decisions which serve as precedents should be sustained, but instances of overruling decisions in the Senate and, indeed, in other parliamentary bodies are sufficiently common. It seems to me that the defect in the pending amendment which makes it out of order is the fact that it does not limit an appropriation. I do not recall whether there is a rule in the House—I did not remember that there was—but I know it has been decided in the House that in making an appropriation, for example, for the building of a vessel under a naval appropriation bill it has been held that a limitation on the method of expending that appropriation was in order.

In this case the proposed amendment is not a limitation on the appropriation at all, but imposes a condition upon it, involving, as it seems to me, new legislation. It does not propose to direct how the sums appropriated for the Public Utilities Commission shall be expended, which I understand is the subject to which it is directed, but it provides that none of the money proposed to be appropriated shall be expended unless the Public Utilities Commission shall perform certain acts. That appears to me to be not strictly a limitation on the appropriation, but general legislation.

Mr. JONES of Washington. Mr. President, I should like to read from the Manual of Rules and Practice of the House of Representatives. My recollection of the proposed amendment is that it goes further than a mere limitation on the appropriation and endeavors to limit the discretion of executive officers as to some other proposition. Here is what I find in the House Manual of Rules and Practice:

> Although the rule forbids on any general appropriation bill a provision "changing existing law," which is construed to mean legislation generally, the House's practice has established the principle that certain "limitations" may be admitted. It being established that the House under its rules may decline to appropriate for a purpose authorized by law, so it may by limitation prohibit the use of the money for part of the purpose while appropriating for the remainder of it (IV, 3936). The language of the limitation provides that no part of the appropriation under consideration shall be used for a certain designated purpose (IV, 3917–3926). And this designated purpose may reach the question of qualifications, for while it is not in order to legislate as to the qualifications of the recipients of an appropriation, the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications (IV, 3942–3952).

But here is what I wish to call particularly to the attention of the Chair:

> The limitation must apply solely to the money of the appropriation under consideration and may not be made applicable to money appropriated in other acts (IV, 3927, 3928). (Chairman CAMPBELL, June 12, 1919, p. 1063.) The limitation may not be applied directly to the official functions of executive officers (IV, 3957–3966), but it may restrict executive discretion so far as this may be done by a simple negative on the use of the appropriation (IV, 3968–3972; also rulings by Chairman FOSTER on the Indian appropriation bill, February 5, 1916, 1st sess. 64th Cong., p. 2161, and Chairman Rainey on the Post Office appropriation bill, February 24, 1916, 1st sess. 64th Cong., p. 3094).
>
> But such limitations must not give affirmative directions (IV, 3854–3859, 3975), and must not impose new duties upon an executive officer (Chairman CRISP, March 11, 1916, 1st sess. 64th Cong., p. 3970); and must not be coupled with legislation not directly instrumental in affecting a reduction. (Chairman Saunders, February 18, 1918, p. 2280.)

It seems to me that when we attempt to limit the discretion of executive officers in this instance, providing that the money proposed to be appropriated shall not be used unless they take certain action with reference to street-car rates, and so on, it does not come even within the rule established by the practice of the other House.

Mr. LODGE. The Senator from Washington is quite right. This provision is in reference to a subject which is not involved in the appropriation at all.

Mr. JONES of Washington. We have a different rule. Our rule not only prohibits legislation of a general character upon appropriation bills but it prohibits new legislation. It seems to me that if the proposed legislation shall amount to anything, it is new legislation upon an appropriation bill. It may not be permanent; indeed, it is not permanent, as it only applies, of course, to the next fiscal year; but, if it is to be effective at all, it seems to me it would be legislation; and, if legislation, it is new legislation, and comes within the specific terms of our rule, which is different from the previous rule.

The VICE PRESIDENT. The Chair is inclined to follow the precedents which the Senate set no longer ago than last March, upon which there was no appeal, and which evidently stands as the rule of the Senate. The Chair would, therefore, rule that the amendment is in order.

Mr. McKELLAR. Mr. President, I will now call attention to the reason why this amendment should be adopted. I shall first consider the Capital Traction Co., if Senators will listen to me for just a moment. That company is capitalized at $12,000,000. I wish to refer to a statement which was published in the Washington Star of January 11, instant, from which it appears that the Capital Traction Co. paid a dividend on its capital stock of 7 per cent. It charged up to profit and loss $1,354,567.24. According to this statement, its net earnings were in the neighborhood of 13 per cent. I wonder how the Public Utilities Commission could ever think that these earnings were confiscatory of the company's property. The commission claim that they have fixed the valuation of the company's property at $18,000,000. Assuming that that was done, the dividend declared would be more than 8 per cent upon the entire amount of the entire value of the company's property.

I wish to say—and that is why I asked the Senator from Colorado [Mr. PHIPPS] to withdraw his point of order—that in the pending bill we are proposing to appropriate large sums of money, amounting to thousands of dollars, for free automobiles and their upkeep. We are granting free automobile transportation to those who are amply able to pay for their own transportation, and yet we permit the Public Utilities Commission to put a tax of $1.50 upon every man or woman in the District of Columbia who has to go to and from his or her work on street cars. A tax of $1.50 a month is placed upon each citizen who is unable to buy an automobile or who has not sufficient "pull" with the Government to have one allotted to him or her.

I wish to say to the Senate that there is no reason under heaven that I can see for Congress permitting this company longer to violate the contract which it made with the Government. It made a contract in good faith; it is demanding of the Government full compliance with the Government's part of the contract under its charter, and yet it is violating the agreement which it made with the Government to give 5-cent fares to the citizens of the District. Its action is indefensible; it can not be defended by anyone, and I doubt whether anyone will rise here to defend 8-cent fares in the light of the undisputed fact, namely, that this company is paying a 7 per cent dividend upon its capital stock and has carried to surplus almost as much more.

It is inconceivable to me that we would be willing to legislate in such a way as to permit that condition to continue.

Now, with reference to the other company, as we all know that company has kited its stock about, it has consolidated various companies. It has a capital of $15,000,000, consisting of $8,500,000 of preferred stock and $6,500,000 of common stock. The company claims to have $30,000,000 of assets. It declared a 5 per cent dividend upon the preferred stock only, but it put to profit-and-loss account $414,818.31, or enough to have paid a 6 per cent dividend on its common stock, all of which, I am informed, is water, and now it claims to be entitled to earn, although having but $8,500,000 of preferred stock and only $6,500,000 of common stock, a 6 per cent return on $30,000,000, which it sets up as a fair valuation of its property.

Is the Congress going to be a party to permitting this company to earn such dividends upon watered stock? I am reliably informed that every dollar of the $6,500,000 of common stock is watered; that not a dollar was ever paid for it; and I understand that for a while it sold around Washington for a few cents on the dollar. In other words, it is stock used for control, as we understand that description; anyway, it is purely watered stock, and yet the Congress is asked to tax all the citizens of Washington who use the lines of the company at the rate of $1.50 a month extra in order to make up dividends which are greater than other similar companies earn on actual money invested. Under these circumstances it seems to me that Congress should adopt the amendment.

Now, Mr. President, I wish to call attention to an article that appeared in the Washington Post of this morning entitled "Law bars 5-cent fare, critics in Senate told." I quote from the article as follows:

> While the congressional charters of Washington street car companies provide a 5-cent fare, or six tickets for 25 cents, Congress by its own action in creating the District Public Utilities Commission gave that body rate-fixing powers, directing it to fix public-utility rates at a point that will yield a fair return on property value.

I digress here long enough to say that it was argued when the bill creating the Public Utilities Commission was under discussion that it would mean cheaper fares for the people of

Washington. They were not satisfied with a fare of six tickets for a quarter, but they wanted cheaper fares, and it was argued by those who favored the bill at that time that it would mean cheaper fares for the citizens of Washington.

What has been the result? A commission has been created which is virtually a part of the street car companies. The commission do not represent the people of Washington but they represent the street car companies, and have used their place for the purpose of boosting street car fares up to the present enormous proportions of 8 cents for cash fares or 6 tokens for 40 cents.

I continue to quote from the article:

This was the answer given yesterday by the District Commissioners to the charge of Senators MCKELLAR and CARAWAY that the District Utilities Commission had decreed rates exceeding those fixed for street car fares in the charters granted by Congress to the companies.

Here is what they say to us now, "You passed a law giving us this power, and we have used the power for the benefit of the street car companies. What are you going to do about it?" They defy us; they say to us, "It is true that there is a contract between the Government and the street car companies fixing fares of 5 cents, or six tickets for a quarter, but the Congress itself gave us the power to increase fares, which we have exercised, and that is a bar to any interference with us at this time." They virtually tell us we have not the power to interfere with their actions in exploiting the people for the benefit of the street car companies.

I quote further from the statement of the commissioners:

Coupled with this statement was the declaration that the commissioners would willingly resign and leave to others the task of acting as the Public Utilities Commission of the District.

That is the best thing that I have heard in some time. Of course they ought to resign; these men have no business in that place; they owe it to themselves to resign; they owe it to the public to resign; they are being used, whether they know it or not, as tools of the street car companies. In making this statement I am saying it in an impersonal manner, for I do not know a single member of the Board of Commissioners personally and I do not even know the name of any member of the board, but I know what their acts have been, and I am judging them by their acts. Their acts have been to raise the street car fares inordinately in this city, and they ought to resign. I think they know that they ought to resign. Nobody had said anything about their resigning before, and yet when this matter is brought to the attention of the public the first thing they say is that they are willing to resign. Why, of course they should resign. Their resignations ought to be handed in at once, and the Congress, in order to make it absolutely certain, ought to abolish the commission.

Mr. DIAL. Mr. President——

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

Mr. DIAL. I should like to ask the Senator, for information, when was the contract changed and how long was it in existence?

Mr. McKELLAR. This contract has been in existence in the case of one of the companies since 1900, and in the case of the other since about that time. I do not remember just exactly the date. It remained that way until 1913, when the Public Utilities Commission were given certain powers. They never exercised the power of changing rates at first, and then it was thought and then it was argued that they would lower the rates of fare, not increase them; but when the war came on they used this power during the war to increase the fares, and they are still increased. In the case of anyone going to his or her work every day, there is an additional charge which amounts to $1.50 a month. It is a tax upon the plain people of this community that ought not to be longer tolerated.

Mr. DIAL. The Senator means $1.50 over the original fare?

Mr. McKELLAR. One dollar and a half over the contract fare.

The commissioners added they would welcome any means whereby rates could be cut and a fair return still be assured.

What do they call a fair return? Is not 13 per cent a fair return on stock much of which is water? If they do not call that a fair return, I think the commission ought to be abolished for another reason which I will not express.

Mr. President, I am not going to take up further time about this matter. Every Senator understands it, I am sure. I certainly hope the Senate will adopt this amendment. It ought to be adopted in the interest of fairness, in the interest of justice, in the interest of fair play between the citizens of Washington. We ought not to permit these corporations to prey upon the people as the Public Utilities Commission now permits them to prey upon the people of Washington. It is entirely unjust. It is unconscionable. I am told that the president of one of these companies draws $18,000 a year salary. Some say it has recently been raised to $30,000. If we are going to legislate just for the benefit of the rich and powerful, let us go ahead and let the Utilities Commission and the street car companies continue to prey upon the people; but it does seem to me that we might think occasionally of those who have to work daily for their bread and to whom $1.50 a month amounts to a good deal in this life.

Mr. President, my amendment, which I hope will be adopted, is as follows:

Provided, That the appropriation in this section shall not become available until the Public Utilities Commission shall fix rates of fare for the street railway companies in the District of Columbia at rates not in excess of the rates of fare fixed in existing charters or contracts heretofore entered into between said companies and the Congress.

Mr. McKELLAR subsequently said: Mr. President, I ask unanimous consent to have inserted in the RECORD, as a part of my remarks, the reports of the two traction companies of the District of Columbia as published in the newspapers, to which reports I referred this morning.

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

The reports referred to are as follows:

[Report of the condition of the traction company as published in the Washington Star January 11, 1923.]

CAPITAL TRACTION ELECTS OFFICERS—ANNUAL REPORT SHOWS PROFIT AND LOSS BALANCE OF $264,981.39 OVER 1921.

The Capital Traction Co. at its annual stockholders' meeting to-day reelected its old board of directors to serve for the ensuing year. It is composed of George E. Hamilton, E. J. Stellwagen, John S. Larcombe, David S. Carll, Benjamin W. Guy, John M. Perry, and John H. Hanna.

Organization followed immediately and the company's old officers were reelected and include George E. Hamilton, president; David S. Carll, vice president; John H. Hanna, vice president; Henry D. Crampton, secretary-treasurer; J. E. Heberle, assistant secretary; and C. B. Koontz, assistant treasurer.

A summary of operations for the year ending December 31, 1922, was read with the company's annual report, and showed a dropping off in total revenue from transportation of $506,673.28 over the same period in 1921, there being a decrease in passenger revenue of $506,583.28 and a loss in special-car service of $90.

OPERATING REVENUE DROPS.

There was also a decrease in revenue from operation other than transportation of $483.08 as compared with 1921, which, with revenue for same during 1922, made the total railway operating revenue $4,994,043.99, or a total decrease over 1921 of $507,156.36.

The company's operating expenses (62.979 per cent of gross revenue), which totaled $3,167,211.14, also showed a decrease over 1921 of $53,529.75, leaving net operating revenue of $1,826,832.85, or a total decrease for same over 1921 of $453,626.61.

Deduction of taxes assignable to railway operation of $436,093.45, which was a decrease of $137,426.19, showed the company's operating income to be $1,390,739.45, or a decrease over 1921 of $316,200.42.

The nonoperating income of the company for 1922 was $34,906.34, which was an increase over 1921 of $16,494.84, which left a gross income for 1922 of $1,425,645.79, or a decrease over 1921 of $299,705.58.

The company's net income for 1922 after total deductions from gross income had been made amounted to $1,104,991.39, or a decrease over 1921 of $306,711.89, the total deductions of $320,654.40 being an increase over the same period in 1921 of $7,006.31.

The company's profit and loss balance at the end of the year just closed was $1,354,567.24, or an increase over 1921 of $261,981.39.

SUMMARY OF OPERATIONS.

Following is the summary of operations in full for the year ending December 31, 1922:

	Deductions from gross incomes.	Amount of earnings, 1922.	Change over 1921.
Passenger revenue		$4,966,341.12	[1] $506,583.28
Special car revenue		20.00	[1] 90.00
Total revenue from transportation		4,966,361.12	[1]506,673.28
Revenue from operation other than transportation		27,682.87	[1]483.08
Railway operating revenue		4,994,043.99	[1] 507,156.36
Operating expenses (62.979 per cent of gross revenue)		3,167,211.14	[1]53,529.75
Net operating revenue		1,826,832.85	[1] 453,626.61
Taxes assignable to railway operation		436,093.40	[1] 137,426.19
Operating income		1,390,739.45	[1]316,200.42
Nonoperating income		34,906.34	16,494.84
Gross income		1,425,645.79	[1] 299,705.58
Interest on funded debt	$280,300.00		
Interest on unfunded debt	22,431.10		
Miscellaneous rents	1,309.78		
Rent for leased roads	12,604.86		
Miscellaneous debits	4,008.66		
Total deductions		320,654.40	7,006.31
Net income		1,104,991.39	[1] 306,711.89

[1] Denotes decrease.

PROFIT AND LOSS STATEMENT.

	Deductions from gross incomes.	Amount of earnings, 1922.	Change over 1921.
Credits:			
Balance beginning of year	$1,089,585.85		
Net income for year	1,104,991.39		
		$2,194,577.24	
Debits:			
Dividends	840,000.00		
Miscellaneous	10.00		
		840,010.00	
Credit balance at close of year		1,354,567.24	$264,981.39

[Statement as to the earnings of the Washington Railway & Electric Co. as published in the Washington Star on January 20, 1923.]

W. R. E. ORDERS 30 PAY-WITHIN CARS.

Thirty new cars of the most modern pay-within type have been ordered by the Washington Railway & Electric Co. for delivery early this year, William F. Ham, president, told the directors and stockholders in his annual report to-day. The company a few weeks ago ordered 10 more one-man cars, making a total of 40 that will be added to the company's rolling stock during 1923.

The president's report on the finances of the company shows a balance of $414,818.31 credited to profit and loss from 1922 operations. Here is a summary of the financial statement:

Gross earnings from operation, $5,022,966.84; miscellaneous income, including dividends from the Potomac Electric Power Co., $690,226.39. These two figures added give gross income of $5,713,193.23.

$4,109,059 OPERATING COSTS.

Operating expenses, including depreciation, taxes, and miscellaneous charges, $4,109,059.80; interest on funded and unfunded debt, $764,315.12; payment of 5 per cent dividend on preferred stock, $425,000, making a total of $5,298,374.92. The difference between these two totals gives the profit and loss balance of $414,818.31.

Mr. Ham says the company expects to have a total of 70 one-man cars in operation this year and that they will result in annual saving of $150,000 in operating expenses. He states that this, "in the final analysis, redounds to the benefit of the car rider, as reflected in the rate of fare."

The Potomac Electric Power Co., owned by the Washington Railway & Electric Co., continued to grow during 1922, taking on 8,889 new customers, making a total of 63,775. In 1901 the power company had only 2,953 users of electricity.

The output of the Benning power plant for the year was 251,979,077 kilowatt hours, an increase of 13,955,394 over the preceding 12 months.

The Washington Railway & Electric Co. carried a total of 107,609,948 passengers during the year, of whom 24,893,192 were carried on transfers. This left 82,716,756 revenue passengers last year, as compared with 85,481,656 in 1921.

This was a falling off of 3.22 per cent compared with the preceding year. Mr. Ham says that while this was a serious falling off, it was to be expected as a result of the gradual reduction in the number of Government employees in Washington.

Discussing its venture into the motor-bus business during 1922 the president said:

"While we believe that busses can not in any way supplant service by street cars, there is, in our opinion, a considerable field of usefulness for the bus in conjunction with a street-car system." Mr. Ham told the directors that fully 55 per cent of all street-car accidents are collisions with automobiles, while less than 4 per cent of the year's accidents involved pedestrians. The company continued its safety contest to make its trainmen more efficient in keeping down accidents.

It was expected to-day that only one new man—Edwin Gruhl, of New York—would be elected to the board of directors for the ensuing year. He would succeed Harold B. Thorne, who is retiring from the board.

It also was expected that the present staff of officers would be reelected.

Mr. WADSWORTH. Mr. President, I have had no opportunity to learn anything of the merits or the demerits of the amendment offered by the Senator from Tennessee [Mr. McKELLAR]; so, therefore, I shall not indulge in any comment whatsoever about it. I know nothing about the rights or wrongs of the situation which he has described, except as I have heard him mention them this morning; but, Mr. President, if I may say so, I am very much disturbed at the situation which will result in the Senate in the future in connection with appropriation bills if amendments of this sort are deemed to be in order.

On a former occasion an amendment similar to this was offered by the Senator from Mississippi [Mr. HARRISON], and the then occupant of the Chair, the Senator from Arkansas [Mr. ROBINSON], held that it was in order on the ground that it was a limitation upon an appropriation. The Vice President this morning has held this amendment in order, following, as I understood him to say, the precedent set by the former ruling, from which no appeal had been taken.

Mr. President, in my judgment the matter far transcends in importance this amendment. The admission of an amendment of this kind will establish a policy and a custom and a set rule of the Senate which, in my humble judgment, will permit legislation upon appropriation bills without any limit whatsoever, for by merely resorting to the device of saying "The appropriation in this section shall not become available until a certain set of public officers do or perform a certain administrative act," and asserting that that is a limitation upon appropriations, with which I can not agree, there is no limit to the amount of legislation which can be put upon an appropriation bill.

With the greatest respect, Mr. President, I contend that this amendment does not limit the appropriation. It places no restrictions or limitations upon the use of the money. It simply says that the money shall not be used at all until an act is performed in accordance with the will of Congress; and when Congress imposes its will or seeks to impose its will upon administrative officers in directing them to do a certain thing it is legislating. This is legislation. We are in effect directing the Public Utilities Commissioners to regulate the street-car fares of the District of Columbia. We are not directing them to use this money in a certain way. We are not restricting them in the use of the money in any way whatsoever. We are simply saying to them, "You shall not have this money unless you follow out our legislative mandate." That is legislation, Mr. President.

If amendments of this kind are in order on all kinds of appropriation bills, we will find ourselves constantly confronted with situations like this, in which an amendment may be offered, we will say, to the naval appropriation bill to the effect that the moneys sought to be appropriated for the office of the Secretary of the Navy shall not be available until the Secretary of the Navy retires naval officers at a higher pay, or a lower pay, or at no pay at all; and it will be contended, if this thing stands to-day, that that is a limitation upon the appropriation for the Navy Department. My contention is that that, just as this, is not a limitation upon the use of the appropriations but is legislation, pure and simple. It will be in order hereafter, when the Army appropriation bill is before the Senate, for an amendment to be offered and to be considered and voted on to the effect that none of the money appropriated for the Quartermaster Corps shall become available until the quartermaster doubles or halves the amount of rations supplied to troops. It is exactly the same principle that is involved in this amendment. There will be no limit to the legislation that can be put through and attached to appropriation bills; and it is with the greatest respect, Mr. President, that I call up this matter at this time.

The VICE PRESIDENT. The Chair supposes the Senator is familiar with the fact that exactly this principle has been applied to the naval bill, and it was ruled in order.

Mr. SMOOT. Mr. President, there was no appeal at that time; and that is the danger of a decision of the Chair when the question involved does not seem to amount to anything. I think, as the Senator from New York has well stated, that this is the most dangerous thing that can possibly occur in the passage of appropriation bills for the future, if the point of order is sustained.

Mr. WADSWORTH. Mr. President, I had not concluded. May I call the President's attention to the last sentence of this amendment, which reads as follows:

> And, on and after February 1, 1923, said companies shall receive a rate of fare not exceeding 5 cents per passenger, and six tickets shall be sold for 25 cents.

That has nothing to do with limiting an appropriation. That is legislation—nothing but legislation.

Mr. McKELLAR. That is existing law.

Mr. WADSWORTH. If it is existing law, why repeat it in an amendment? But, aside from that, Mr. President, the body of this amendment has no effect whatsoever except in the way of legislating.

I am well aware, as the Vice President has said, that a precedent has already been set. I knew of one occasion, the occasion which I have referred to, and the Vice President has reminded me of another occasion, which I understand occurred in connection with the naval appropriation bill. I believe the precedents are bad and dangerous; for, as I said a moment ago, there can be no limit whatsoever hereafter on the amount of legislation which can be attached to appropriation bills upon the floor of the Senate if a rule of this kind is finally determined to be the rule of the Senate.

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

Mr. WADSWORTH. I yield.

Mr. LENROOT. The Senator from Tennessee said that the last part of this amendment was existing law. That clearly is not so——

Mr. WADSWORTH. I do not see how it could be.

Mr. LENROOT. Because existing law does not require a 5-cent fare.

Mr. McKELLAR. Oh, yes; it does.

Mr. LENROOT. No; the Senator is mistaken there.

Mr. McKELLAR. There is an act of Congress with reference to it.

Mr. LENROOT. Oh, but discretion is vested in the Utilities Commission to change that rate of fare; and when changed it becomes law, as much as if directly enacted by Congress.

Mr. HARRISON. Mr. President, may I ask the Senator whether he is arguing the merits of the proposition now? I thought a ruling had been made.

Mr. WADSWORTH. Not the merits of the amendment at all; I am arguing the merits of the ruling.

Mr. HARRISON. The Senator has a right to appeal from the ruling of the Chair.

Mr. WADSWORTH. I am going to, if the Senator will give me an opportunity. Mr. President, it is with the greatest respect to you, sir, that I appeal from the decision of the Chair.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. WILLIAMS. Mr. President, I think Senators are apt, in the too close contemplation of the niceties of the law, to lose contemplation of the soul of the law itself. It is a very precious memory for me that all the immunities amongst these English-speaking people of the world have been attained by legislating upon appropriation bills, and by saying to kings and to lords: "When we grant you supplies, we grant you them upon condition that you use them as we say, and not otherwise."

I am not arguing from that that our special rules are not to a certain extent in conflict with that old principle; but I want Senators to remember that there never would have been any parliamentary and political and financial liberty amongst English-speaking peoples except from the use of the power of the purse by the legislative bodies of all countries, and therefore, Mr. President—and this is the point, and the only point, I want to make—that any rule of either body interfering with that principle ought to be strictly construed, and wherever there be a doubt in the mind of the Presiding Officer it ought to be decided in favor of the fundamental principle, and not in favor of the extension or too strict exercise of the power granted under the rule itself.

I would not like to see the day come when we could not do about what the Senator from New York referred to a moment ago, in an antagonistic spirit, put a limitation upon the use of money by a board possessing discretionary power. We give this commission the discretionary power. We have, therefore, a right to interfere now and then, to modify, limit, or qualify, and notwithstanding the fact that there may be a technical rule which might, by its very strict enforcement, interfere with that, that rule ought not to be invoked except for the purpose of maintaining some human or natural right.

The great soul of it all, behind it all, is the right of a legislative body, following in the footsteps of the House of Commons, and of all of our colonial assemblies when we were fighting taxation from abroad, to couple every general supply for the Government with a condition, so that the legislative body could control the servants of the country, the members of the executive in subordinate positions. So I would ask, while Senators are calling attention to the danger of too lax enforcement of these rules, that they should remember the danger to human liberty itself from the too strict enforcement of these rules.

As far as I myself am concerned, I never voted for a rule to deprive the legislative branch of the Government of the power to put new legislation on appropriation bills. I confess the rules that there adopted, however, do do that, but I do not believe they were wise when they were adopted, and I do not believe the too strict enforcement of them is ever advisable.

In the House this argument could not be made very well, but I believe it has become a maxim in the Senate that when the Senate votes upon an appeal from a decision of the Chair, it is voting not so much upon strict parliamentary law, as upon its idea of what ought to happen in the particular case presented before them for consideration and determination.

I hope that Senators will not forget the very soul of the Government, and make a petty rule of the Senate at any time superior to a fundamental principle whereby in the past all progress of liberty has been made, and whereon in the future to a larger extent than Senators may think now, the hope of further progress is based.

Mr. McKELLAR. Mr. President, I believe I have the right to perfect my amendment, and I therefore ask permission to strike out all of line 6 after the word "Congress," and all of lines 7, 8, and 9, thereby perfecting the amendment.

Mr. ASHURST. Of course, the Senator has that right.

The VICE PRESIDENT. After having been considered and a decision upon a point of order, the amendment can only be modified by the mover by unanimous consent.

Mr. McKELLAR. I ask unanimous consent that I may perfect my amendment in that way.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I would like to have the change in the amendment stated.

Mr. McKELLAR. It is simply to strike out everything after the word "Congress," in line 6.

The VICE PRESIDENT. The secretary will state the modification of the amendment proposed by the Senator from Tennessee.

The ASSISTANT SECRETARY. It is to strike from the proposed amendment the following words: "And on and after February 1, 1923, said companies shall receive a rate of fare not exceeding 5 cents per passenger, and six tickets shall be sold for 25 cents," so as to make the proviso read:

Provided, That the appropriation in this section shall not become available until the Public Utilities Commission shall fix rates of fare for the street railway companies in the District of Columbia at rates not in excess of the rates of fare fixed in existing charters or contracts heretofore entered into between said companies and the Congress.

Mr. ASHURST. Mr. President, I first discuss the ruling of the Chair, which, in my judgment, is correct. I do not recall, in my experience here, ever having seen two situations more completely on all fours, as lawyers say, than those presented by the precedent just cited and the recent ruling of the Chair. Indeed, so completely on all fours are they that the Senator who made the point of order when the precedent was set is the same Senator who makes the point of order now.

The able Senator from New York, for whose judgment on parliamentary questions I have respect, complains that no appeal was taken when the precedent was set. Did he expect that we who were in favor of the ruling should have appealed? If no appeal was then taken, the laches, the fault, the defect, and the delay is at the door of those who are now complaining of the ruling.

As to the merits of the amendment; this is the Federal city. We are here to make laws for the people of the United States. Lawmakers, department heads, bureau chiefs, copyists, stenographers, messengers, and others come here to do the work of a nation. They ask no special privilege; but it occurs to me that in the Federal city, whither we are sent to make laws for the people and to administer the departments of Government, we at least ought not to be exploited. In no other city in America are the plain people so exploited as they are here. They are charged exorbitant rates for gas, they are charged exorbitant rates for electric-light current, they are charged exorbitant rates for telephone service and high rates for street-car fares, whilst the long teeth of the rent profiteer puncture the flesh of even the poor clerks who come here to serve this Government.

In addition to that the people here are helpless, powerless, with no vote, no voice, in choosing those who set these rates. It is not fair, it is not decent, for us to sit here and permit such an exploitation of the people's servants as is carried on in this District.

Nay, more; not only are the people's servants exploited here in the matter of gas, electric-light, telephone, and street-car service, and rents, but if they walk the streets they are not safe, because, as was said the other day in this Chamber, no person is safe in the streets of Washington, but is constantly in peril of death or serious injury by a rapidly moving automobile.

I hope the amendment will be agreed to. From the figures submitted by the Senator from Tennessee, he claims that the net annual revenue of the stockholders is 7 per cent on their investment.

Mr. McKELLAR. The Capital Traction Co. paid 7 per cent dividends and have a remaining surplus of $1,354,567. They could have paid 12 or 13 per cent.

Mr. ASHURST. Moreover, Mr. President, it will be remembered that on many of these street-car lines no transfers are granted. The poor employees of the Government are the ones who must pay high rates. Most Senators have their own automobiles. They do not worry about the $1.50 a month excess fare which 8 cents per transit means to the clerk. We should require transfers on all lines and should condemn and sell the auto of the reckless driver who runs down persons on the street. There is a psychology about the driver of cars. Many speed-mad persons while driving cars are seized with the idea that pedestrians have no rights. The speed-mad man will risk his family, but he will never risk his car. If when he runs some one down his car were sold at public auction, he will run down no more people, because the ordinary speed-bug maniac would risk the life of his wife before he would risk his car.

I have just been advised that the debate on this bill must stop within five minutes. I feel, therefore, that I ought to yield the floor to some one who might want to make some reply, and if there can be a reply to the remarks I have made I would like to hear it. I yield the floor.

Mr. LENROOT. Mr. President, with reference to the amendment as now modified, I think it might be admitted that technically, according to the precedents, it is a limitation; but the letter killeth and the spirit maketh alive. What is the natural, the conclusive construction of it? The Public Utilities Commission is now vested by law with discretion to do certain things, among them to fix rates, not at their own will, not at their own absolute discretion, but according to rules of law.

The amendment proposes that the salaries of the members of that commission, which are a liability against the Government, which must be paid by the Government, shall not be paid unless the commission does certain things which, if it is conscientious in the performance of duty, it may find it has no power to do at all. It presents a very different question from that raised where general discretion lies in some administrative officer of the Government to use an appropriation for this purpose or that purpose or the other purpose, where a limitation is put in to the effect that the appropriation shall not be used for such and such purpose unless something is done that the officer has discretion, under the law, to do. In this case the commission has no such discretion. It is governed by the law, and this is an expression to the commission to this effect, "You must not observe the rules of law. We will not pay your salaries if you do." In effect it is not only a repeal of existing law but clearly is legislation, attempting to deny to the commission, under the penalty of having the salaries of the members withheld, the right to perform its duties under the law.

The VICE PRESIDENT. Is there objection to modifying the amendment? The Chair hears none.

Mr. ASHURST. Mr. President, I move to lay the appeal from the decision of the Chair on the table.

Mr. SMOOT. Let us have a direct vote on the appeal. Why not vote directly on it now?

Mr. ASHURST. Very well; I withdraw my motion.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HARRISON and Mr. CARAWAY called for the yeas and nays, and they were ordered.

The reading clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I transfer my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. KELLOGG (when his name was called). I transfer my general pair with the senior Senator from North Carolina [Mr. SIMMONS] to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. LODGE (when his name was called). I transfer my pair with the senior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. McKELLAR (when Mr. OVERMAN'S name was called). The junior Senator from North Carolina [Mr. OVERMAN] is detained from the Senate by illness. He is paired with the Senator from Wyoming [Mr. WARREN].

Mr. WARREN (when his name was called). I transfer my pair with the junior Senator from North Carolina [Mr. OVERMAN] to the senior Senator from Maryland [Mr. FRANCE] and vote "nay."

The roll call was concluded.

Mr. ERNST (after having voted in the negative). I transfer my pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from Missouri [Mr. SPENCER] and allow my vote to stand.

Mr. WILLIS (after having voted in the negative). Has the senior Senator from Ohio [Mr. POMERENE] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. WILLIS. I am paired with the senior Senator from Ohio. I transfer that pair to the junior Senator from Maryland [Mr. WELLER] and allow my vote to stand.

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

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

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. BROUSSARD].

The result was announced—yeas 32, nays 36, as follows:

YEAS—32.

Ashurst	Fletcher	Jones, N. Mex.	Ransdell
Bayard	George	Kendrick	Sheppard
Borah	Gerry	King	Shields
Brookhart	Glass	Ladd	Smith
Capper	Harris	La Follette	Swanson
Caraway	Harrison	McKellar	Trammell
Culberson	Heflin	Norbeck	Walsh, Mont.
Dial	Johnson	Norris	Williams

NAYS—36.

Ball	Hale	McKinley	Poindexter
Calder	Harreld	McLean	Reed, Pa.
Cameron	Jones, Wash.	McNary	Smoot
Colt	Kellogg	Nelson	Stanfield
Curtis	Keyes	New	Sterling
Dillingham	Lenroot	Nicholson	Wadsworth
Ernst	Lodge	Oddie	Warren
Fernald	McCormick	Pepper	Watson
Frelinghuysen	McCumber	Phipps	Willis

NOT VOTING—28.

Brandegee	France	Page	Spencer
Broussard	Gooding	Pittman	Stanley
Bursum	Hitchcock	Pomerene	Sutherland
Couzens	Moses	Reed, Mo.	Townsend
Cummins	Myers	Robinson	Underwood
Edge	Overman	Shortridge	Walsh, Mass.
Elkins	Owen	Simmons	Weller

The VICE PRESIDENT. The decision of the Chair is overruled, and the Senate holds the amendment of the Senator from Tennessee [Mr. McKELLAR] not to be in order.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. For what purpose does the Senator rise?

Mr. HEFLIN. To discuss the bill and comment upon the vote just taken.

The VICE PRESIDENT. All debate ceased at 1 o'clock.

Mr. HEFLIN. That is a new proposition to me.

The VICE PRESIDENT. The Chair will read the unanimous-consent agreement entered into yesterday:

It is agreed, by unanimous consent, that when the Senate concludes its business to-day it will take a recess until 12 o'clock meridian, calendar day of Thursday, January 25, 1923, and that at not later than 1 o'clock p. m. on said calendar day all debate shall cease on the bill H. R. 13660 and all amendments offered thereto.

There is an amendment pending offered by the Senator from Colorado [Mr. PHIPPS], on which the Senate has acted only in part. The Secretary will report the remainder of the amendment.

The ASSISTANT SECRETARY. The amendment was divided. It had reference to the Klingle Valley Park, the Piney Branch Valley Park, and what is known as the Patterson tract. The Senate voted upon the Klingle Valley Park purchase and the Piney Branch Valley Park purchase and agreed thereto. Upon the remaining portion, that proposing to purchase the Patterson tract, there has been no vote.

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

The amendment was agreed to.

The VICE PRESIDENT. All parts of the amendment having been agreed to, there is no further question on it.

Mr. KING. Mr. President, the Senator from Kansas [Mr. CURTIS] offered an amendment. He has been called from the Chamber. In his absence I ask the Secretary to report the amendment.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 53, strike out lines 1 and 2, in the following words:

For the purchase of land for school purposes adjacent to the Langley Junior High School, $215,000.

And insert in lieu thereof the following:

For beginning the construction of a new McKinley Manual Training School on land now owned by the District of Columbia adjacent to the Macfarland Junior High School, $215,000, and the limit of cost of said McKinley Manual Training School is hereby fixed at $1,500,000.

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

The amendment was rejected.

The ASSISTANT SECRETARY. A number of amendments were passed over relating to motor vehicles, offered by the Senator from Tennessee [Mr. McKELLAR].

Mr. McKELLAR. Mr. President, I move to amend the bill on pages 17 and 18 by striking out the following words:

For purchase of two new automobiles for use of the various departments of the government of the District of Columbia, and for the exchange of such automobiles now owned by the District of Columbia as, in the judgment of the commissioners of said District, have or shall become unserviceable, $4,000.

The VICE PRESIDENT. Under the agreement, the committee amendments are first to be considered. The Secretary

will state in their order the committee amendments which have been passed over.

The ASSISTANT SECRETARY. The first committee amendment passed over is on page 33, where it is proposed to insert, in line 20, after the word "vehicles," the words "or motor vehicles," and on the same page, line 23, after the word "vehicles," to insert "$26 per month for an automobile and $13 per month for a motor cycle."

Mr. PHIPPS. Mr. President, according to my recollection, it was agreed that the amendments of the committee relating to automobiles and motor cycles in various places in the bill should be treated as a whole and considered en bloc.

Mr. McKELLAR. That is correct.

Mr. PHIPPS. As I understand, the question would come on the adoption of the committee amendment striking out certain language of the House text found on pages 16 and 17 of the bill.

However, Mr. President, I understand that, under the unanimous-consent agreement, debate is not in order. I had overlooked that for the moment. I was merely endeavoring to explain the situation.

Mr. McKELLAR. I think the Senator has a perfect right, under the unanimous-consent agreement, to say what he has said.

The VICE PRESIDENT. The question is on agreeing to the several amendments reported by the committee relating to motor vehicles, which have been passed over and which will be voted on en bloc.

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

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

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

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

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

Mr. WILLIS (when his name was called). I am paired with my colleague, the senior Senator from Ohio [Mr. POMERENE], who is absent on account of illness. I transfer that pair to the junior Senator from Maryland [Mr. WELLER] and vote "yea."

The roll call was concluded.

Mr. LODGE. Making the same announcement as to my pair and its transfer as on the preceding vote, I vote "yea."

Mr. FERNALD (after having voted in the affirmative). I inquire if the Senator from New Mexico [Mr. JONES] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. FERNALD. I have a pair with that Senator, which I transfer to the Senator from Michigan [Mr. TOWNSEND] and let my vote stand.

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

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

The Senator from West Virginia [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. BROUSSARD].

The result was announced—yeas 41, nays 20, as follows:

YEAS—41.

Ball	Hale	McKinley	Sheppard
Bursum	Harreld	McLean	Shields
Calder	Johnson	McNary	Smoot
Cameron	Jones, Wash.	New	Stanfield
Capper	Kellogg	Nicholson	Sterling
Curtis	Keyes	Norbeck	Warren
Dillingham	Ladd	Oddie	Watson
Ernst	Lenroot	Pepper	Willis
Fernald	Lodge	Phipps	
Frelinghuysen	McCormick	Poindexter	
Glass	McCumber	Reed, Pa.	

NAYS—20.

Ashurst	Dial	Heflin	Smith
Bayard	Fletcher	Hitchcock	Swanson
Brookhart	George	King	Trammell
Caraway	Gerry	McKellar	Walsh, Mont.
Culberson	Harrison	Ransdell	Williams

NOT VOTING—35.

Borah	Gooding	Overman	Spencer
Brandegee	Harris	Owen	Stanley
Broussard	Jones, N. Mex.	Page	Sutherland
Colt	Kendrick	Pittman	Townsend
Couzens	La Follette	Pomerene	Underwood
Cummins	Moses	Reed, Mo.	Wadsworth
Edge	Myers	Robinson	Walsh, Mass.
Elkins	Nelson	Shortridge	Weller
France	Norris	Simmons	

So the amendments reported by the committee which had been passed over were agreed to.

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

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

The bill was read the third time and passed.

INVESTIGATION OF MEMBERSHIP IN FEDERAL RESERVE SYSTEM.

Mr. McLEAN. I ask unanimous consent to present a concurrent resolution and that it be read and lie upon the table.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Con. Res. 33) was read, as follows:

Whereas the Federal reserve system was established by the Congress for the benefit of all sections of the country and of all agricultural as well as commercial and industrial interests; and

Whereas it appears from the last annual report of the Federal Reserve Board that 9,640 State banks and trust companies, constituting over 85 per cent of the eligible State banks and trust companies in the United States, have failed to become members of the Federal reserve system.

Resolved by the Senate (the House of Representatives concurring), That a joint committee be appointed, to consist of three Members of the Senate, to be appointed by the President thereof, and three Members of the House of Representatives, to be appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled in the same manner as the original appointment.

2. That said joint committee is authorized to inquire into the effect of the present limited membership of State banks and trust companies in the Federal reserve system upon financial conditions in the agricultural sections of the United States, the reasons which actuate eligible State banks and trust companies in failing to become members of the Federal reserve system, what administrative measures have been taken and are being taken to increase such membership, and whether or not any change should be made in existing law or in rules and regulations of the Federal Reserve Board or in methods of administration to bring about in the agricultural districts a larger membership of such banks or trust companies in the Federal reserve system.

3. That said committee is authorized to sit at any time during the sessions or recesses of the Congress and conduct its hearings at Washington or at any other place in the United States, to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk and a stenographer to report such hearings as may be had in connection with any subject which may be before said committee, such stenographer's service to be rendered at a cost not exceeding $1.25 per printed page; the expenses involved in carrying out this resolution to be paid in equal parts out of the contingent funds of the Senate and House of Representatives.

4. The committee shall from time to time report to both the Senate and House of Representatives the results of its inquiries, together with its recommendations, and may prepare and submit bills or resolutions embodying such recommendations, and the final report of said committee shall be submitted not later than January 31, 1924.

Mr. WARREN. I understand it is desired to have the concurrent resolution lie on the table.

Mr. HEFLIN. What was the request of the Senator from Connecticut regarding this resolution?

Mr. McLEAN. That it be printed and lie on the table.

The VICE PRESIDENT. That order will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the bill (S. 4309) to amend an act entitled "An act to amend an act entitled 'An act to provide a government for the Territory of Hawaii,' approved April 30, 1900, as amended, to establish an Hawaiian homes commission, granting certain powers to the board of harbor commissioners of the Territory of Hawaii, and for other purposes," approved July 9, 1921.

The message also announced that the House insisted upon its disagreement to the amendments of the Senate numbered 7, 12, and 13 to the bill (H. R. 13593) making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes, agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SLEMP, Mr. MADDEN, Mr. OGDEN, Mr. TAYLOR of Colorado, and Mr. CARTER were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 247) authorizing the appropriation of funds for the maintenance of public order and the protection of life and property during the convention of the Imperial Council of the Mystic Shrine in the District of Columbia June 5, 6, and 7, 1923, and for other purposes, and it was thereupon signed by the Vice President.

INVESTIGATION OF GREAT LAKES-GULF OF MEXICO WATERWAY.

Mr. McCORMICK. I ask unanimous consent for the present consideration of Senate Resolution 411, proposing to create a committee to investigate and report upon the problem for a 9-foot channel in the waterway from the Great Lakes to the Gulf of Mexico.

There being no objection, the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the President of the Senate appoint a committee to consist of five Members of the Senate, three from the majority party

and two from the minority party, to investigate the problem of a 9-foot channel in the waterway from the Great Lakes to the Gulf of Mexico. The committee shall make a final report of its investigations with recommendations to the Senate not later than May 1, 1924. For the purposes of this resolution the committee is authorized to sit and act at such times during the sessions or recesses of the Sixty-seventh and Sixty-eighth Congresses and in such places within the United States, to hold such hearings, and to employ a stenographer and such other assistance as may be necessary. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The committee is further authorized to send for persons, books, and papers, to administer oaths, and to take testimony. The expenses of the committee shall be paid from the contingent fund of the Senate.

THE MERCHANT MARINE.

Mr. JONES of Washington. I ask that the unfinished business may be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. JONES of Washington. Mr. President, I ask that the unanimous-consent proposal that I had read to the Senate yesterday may be laid before the Senate.

The VICE PRESIDENT. The Secretary will read the unanimous-consent proposal.

Mr. HEFLIN. Mr. President, I should like to have the Senator yield to me about five minutes before he does that.

Mr. JONES of Washington. I want to present this request first.

The Assistant Secretary read as follows:

The Senator from Washington asks unanimous consent that on and after the calendar day of Monday, January 29, 1923, no Senator shall speak more than once or longer than two hours upon the shipping bill, nor more than once or longer than 30 minutes upon any amendment offered thereto, and on and after the calendar day of Monday, the 5th day of February, 1923, unless the bill is already disposed of, no Senator shall speak more than once or longer than 30 minutes on the bill, nor more than once or longer than 10 minutes on any amendment that may be offered thereto.

The VICE PRESIDENT. The question is on entering into the unanimous-consent agreement.

Mr. HARRISON. Mr. President, may I ask the Senator a question? I did not catch just the terms of the proposal. Is it proposed to start Monday to limit debate?

Mr. JONES of Washingon. To limit it to one speech of two hours on the bill and one speech of 30 minutes on each amendment; then, if the bill is not disposed of prior to February 5, that beginning on that date and thereafter the debate shall be limited to one speech of 30 minutes on the bill and one speech of 10 minutes on each amendment.

Mr. HARRISON. I have just heard it read for the first time. Does it provide that the bill shall be kept before the Senate all the time?

Mr. JONES of Washington. It does not.

Mr. HARRISON. Was it the intention of the Senator, if we could enter into that agreement, to keep it before the Senate all the time?

Mr. JONES of Washington. Not necessarily all the time, but as continuously as possible. Of course, if we had other business that we could take up by unanimous consent, it would be taken up.

Mr. HARRISON. Of course the Senator realizes that here are two very important appropriation bills, the legislative appropriation bill and the Army appropriation bill. I note in the case of the Army appropriation bill that an amendment has been proposed by the Senator from Nebraska [Mr. NORRIS] touching Muscle Shoals. Of course that will take up a great deal of time, because it is a very important question. It is a question that a great many of us think is just as important as the ship-subsidy proposition, so no doubt the Army bill will consume quite a good deal of time. The legislative appropriation bill will naturally take up some time, because there are some important items in it, and they shoud be considered, even though we should exert every opportunity to speed up and show haste, as no doubt we will. Then there is upon the calendar the agricultural credits bill, which has been before the Senate for some time, which the President has asked Congress to pass before we adjourn on the 4th of March. It is a bill that three or four groups of Senators, as well as committees, have had hearings upon for months, I may say for years, and it is recommended. It will take, no doubt, some time, because it ought to take time, it is such an important proposition. I should not be surprised if it would take at least a week, and we would have to show a great deal of speed if we should put the bill through in a week.

On yesterday the Senate Committee on Agriculture and Forestry reported out the so-called Norbeck bill, providing for credits to sell to foreign countries goods produced in this country. That amendment, of course, if it is offered to the agricultural credits bill will provoke a good deal of controversy. It is a most important proposition. In my opinion it should be adopted. Others may disagree with me; but with all these bills that should be considered and passed by all means before we adjourn on the 4th of March, a little more than five weeks from now, it seems to me a little premature for the Senator at this time to want to limit debate on a ship-subsidy bill that we have hardly heard mentioned in five weeks. When they get ready to pass the ship-subsidy bill it would seem to me that there should be full consideration and full debate upon it, and it should be kept before the Senate.

I presume that the other side of the Chamber desires no extra session of Congress. The best way in the world to get an extra session of Congress is to delay these appropriation bills, and there is no disposition that I have seen on this side to delay any of them. On the contrary, we have tried to whip them through here, cooperating with the other side to do it. We intend to do it. We intend to do the same thing with the agricultural credits proposition; but it does seem that until we get those things out of the way the Senator should not prematurely ask for a unanimous-consent agreement to force through here a bill that has not yet been discussed in all its phases. The American people never would be satisfied with it.

Mr. JONES of Washington. Mr. President, there is nothing in this unanimous-consent agreement that would prevent ample discussion of the shipping bill. In two hours, I think, any Senator can state his views of the general principle involved, and then on every amendment proposed each Senator would have 30 minutes for debate. Of course what I want to do is to expedite the passage of the bills to which the Senator has referred. I should be perfectly willing to shorten the time of speeches on the shipping bill. That would hasten action upon all these measures that the Senator has suggested; but I present this proposal for unanimous consent. Of course one objection will prevent it.

The VICE PRESIDENT. Is there objection to entering into the proposed unanimous-consent agreement?

Mr. BROOKHART. Mr. President, I should like to ask the Senator from Washington about a suggestion I see in the morning paper with reference to this unanimous-consent agreement. It says:

This suggestion for a modified cloture, which could be obtained only by unanimous consent, was obviously yesterday's answer to the demand of the previous day of the United States Chamber of Commerce that the Senate bring this bill to a vote.

Mr. JONES of Washington. Mr. President, I will say frankly to the Senator that I had not read what the National Chamber of Commerce had requested. My relations with the National Chamber of Commerce of the United States are not of the most friendly character. I have criticized them very severely in some instances in the past, and I want to say that their request had absolutely nothing to do with this proposal. I submitted this proposal, or something like it, a few days ago; but whether it was presented in response to that or not would have nothing to do with the merits of it. I will say, however, that in this case if it had had any influence at all it would have influenced me against presenting it.

Mr. BROOKHART. Mr. President, I am glad to know that the United States Chamber of Commerce had no direct influence with the Senator, and I do not doubt his statement in the least, but believe every word of it; but, in order to make absolutely sure that the voice of the people of the United States, which decreed that this debate should end on the 4th of March, shall be effective, I shall object to this unanimous-consent agreement.

Mr. FLETCHER. Mr. President, I should like to suggest, in connection with the request for unanimous consent, that there are a number of Senators who have not yet had an opportunity to be heard on the ship-subsidy bill at all. It would be unfair to them to agree now that their time should be limited, and therefore I think the request of the Senator is premature. When we get to that bill again it may be in order.

RURAL-CREDIT FACILITIES.

Mr. LENROOT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 4287, Order of Business No. 979.

Mr. JONES of Washington. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Senator from Wisconsin asks unanimous consent for the present consideration of a bill, the title of which will be stated by the Secretary.

The ASSISTANT SECRETARY. A bill (S. 4287) to provide credit facilities for the agricultural and live-stock industries of the United States; to amend the Federal farm loan act; to amend the Federal reserve act; and for other purposes.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with an amendment.

Mr. LENROOT obtained the floor.

Mr. HEFLIN. Mr. President——

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

FIVE-CENT STREET-CAR FARES IN THE DISTRICT OF COLUMBIA.

Mr. HEFLIN. Mr. President, a moment ago the amendment of the Senator from Tennessee [Mr. MCKELLAR] was pending, which provided for 5-cent street-car fares in the city of Washington. The Senator from New York [Mr. WADSWORTH] made a point of order against that amendment, and the Chair ruled that the amendment was in order, that the Senate had a right to vote upon the proposition as to whether or not the people of Washington who travel on these street cars should be relieved from the burden of an 8-cent fare. The Chair ruled properly upon that question; but the Senator from New York insisted that his point of order was good and appealed from the decision of the Chair, and the Republican Members of this body overturned the ruling of a Republican Vice President in order to deny the people of Washington and the people of the United States who come to Washington and travel on these street cars the right to enjoy a 5-cent fare.

The Democratic mayor of the city of New York conducted for quite a time a fight in favor of 5-cent fares. He finally succeeded, and now any citizen of the United States can go to the city of New York and ride all over it for 5 cents; but the Senator from New York and his colleague both voted here to deny the Senate the right even to vote upon the question as to whether or not the people in the District of Columbia shall enjoy a 5-cent fare.

I know that those who own stock in these street-car companies in the city of Washington have done what they could to keep the measure from coming to a vote, feeling that if it ever reached a vote in this body there would be enough fair-minded men in it to vote for 5-cent fares, and have used their influence no doubt to prevent a vote ever being reached, and the Senate has been denied the right to vote upon that question. The people of the District of Columbia, going to and from their work with snow and sleet upon the ground, many of them receiving a very meager wage, must pay 16 cents a day for car fare, and must continue to pay it, when the Senate stood ready this morning, I believe, upon a straight vote on the issue to give them a 5-cent fare and save to their slender purses 6 cents a day. That would amount to something to them, Mr. President. Many people have to travel on these cars many times a day. It means 8 cents every time they ride upon the car, if they pay straight fare. Poor children going to school, as my friend the junior Senator from South Carolina [Mr. DIAL] suggests, must pay it.

I find, in looking over the roll call, that this amendment providing for 5-cent fares was defeated by lame-duck Senators. Six Senators who are going out voted to deny the people of the District of Columbia a 5-cent fare. The vote stood 32 to 36, and 6 who voted to deny the people of the District 5-cent fares were men who were defeated at the last election.

I do not believe such a motion would be defeated in any State in the Union, if you should go to the judgment bar of the people with this question, and ask them if they did not believe the people of the District of Columbia were entitled to ride for 5-cent fares, just as are the people of the city of New York entitled to ride for 5-cent fares. Both Senators from the State of New York voted to deny the people of the District of Columbia the privilege and opportunity of riding for 5-cent fares, when the people of the great metropolis of the East, the city of New York, enjoy the privilege of riding for 5-cent fares.

That reform up there in New York, however, was brought about under the leadership of the Democratic mayor of that city, which is another evidence of the fact that all measures which seek to do justice to the common man and woman, which look to the welfare of the masses of the people, which try to bring about conditions which are fair and just to them, are always inaugurated by Democrats. Any measure that seeks to protect the special interests is always supported by the dominant force of the Republican Party rallying to it and fighting for it. That is the plain truth and history of the situation involved here to-day.

I simply wanted to make that comment. The Vice President ruled correctly. The idea of saying to the Congress of the United States, when these corporations are gouging the people of the District of Columbia out of 8-cent fares every time they ride upon the street cars, "You have that intolerable condition upon you, and you can not get it off." It is simply ridiculous.

Who created the law that permitted it? A Republican Congress, did it not? How are you going to get out from under? If Congress can not do it, who can do it? Are you going to say that nobody, unless these who, like leeches, suck the lifeblood of thousands of the poor traveling public in this District, consent to have it done? That is the meaning of the vote this morning turning down the Vice President's ruling.

I simply wanted the RECORD to show that somebody protested against that act, and that somebody on the Democratic side lifted his voice in support of the Senator from Tennessee and those who joined with him on this side to have that 5-cent fare amendment adopted. I want to mention this fact, that not a Republican in the Senate, I believe, voted for the 5-cent fare, except the progressive Republicans, who really belong in the Democratic Party.

RURAL CREDIT FACILITIES.

The Senate, as in the Committee of the Whole, resumed the consideration of the bill (S. 4287) to provide credit facilities for the agricultural and live-stock industries of the United States; to amend the Federal farm loan act; to amend the Federal reserve act; and for other purposes.

Mr. SWANSON. Mr. President, the pending measure is one introduced by the junior Senator from Wisconsin [Mr. LENROOT] regarding farm and rural credits. I am very anxious to hear him; I know many other Senators are very desirous of hearing the Senator deliver his able and clarifying address on this subject, and I make the point of no quorum, so that Senators may have an opportunity to hear the Senator on this very interesting question.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Senator from Virginia 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	George	Lodge	Robinson
Ball	Glass	McCormick	Sheppard
Bayard	Hale	McCumber	Shortridge
Borah	Harris	McKellar	Smith
Brookhart	Harrison	McKinley	Smoot
Calder	Heflin	McLean	Stanfield
Cameron	Hitchcock	McNary	Sterling
Capper	Johnson	Nelson	Swanson
Caraway	Jones, Wash.	New	Wadsworth
Couzens	Kellogg	Norbeck	Walsh, Mont.
Culberson	Kendrick	Norris	Warren
Curtis	Keyes	Oddie	Watson
Dial	King	Pepper	Willis
Ernst	Ladd	Phipps	
Fletcher	La Follette	Poindexter	
Frelinghuysen	Lenroot	Ransdell	

Mr. SWANSON. I desire to state that the senior Senator from North Carolina [Mr. SIMMONS] is detained at his home in North Carolina on account of illness. I ask that this announcement may stand for the week.

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

Mr. LENROOT. I ask unanimous consent that the formal reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

Mr. FLETCHER. Did the Senator's request include the consideration of the committee amendments first?

Mr. LENROOT. There is only one amendment, so I will not insist upon that.

Mr. FLETCHER. Very well.

Mr. LENROOT. Mr. President, before proceeding to a discussion of this bill, I want to say just one word with reference to the tirade of my friend from Alabama [Mr. HEFLIN] upon the action of the majority this morning in voting that the amendment proposed by the Senator from Tennessee [Mr. MCKELLAR] was not in order. The Senator from Alabama very truly said that if the amendment of the Senator from Tennessee had been adopted, it would have had the effect of legislating a 5-cent fare in the District of Columbia, if I correctly understood him. That was exactly the position the majority on this side took with reference to that amendment. My position with reference to it was that it was legislation, that it did seek to have Congress fix the rate of fare in the District of Columbia.

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

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

Mr. LENROOT. Certainly.

Mr. McKELLAR. Am I to understand the Senator to say that he is not in favor of a 5-cent fare in the District of Columbia?

Mr. LENROOT. I am in favor of a 5-cent fare if a 5-cent fare can constitutionally be imposed in the District of Columbia, but the Senator from Tennessee does not know nor do I know whether that can be done.

Mr. President, the only point I wish to make is that the entire speech of the Senator from Alabama [Mr. HEFLIN] sustained the position taken by the majority, because we have a rule in this body that legislation can not be placed upon an appropriation bill. That is all I care to say with reference to it. The Senator from Alabama in his speech fully sustained, although he did not realize it, the position taken by the majority.

Mr. President, with reference now to the pending bill I desire, if I may, to make a general statement concerning it, without interruption. When I come to the details of the bill I shall be very glad to answer any questions that may be propounded.

A few days ago the Senate passed what is known as the Capper bill, a bill in some quarters at least which is very generally misunderstood as to its purpose and effect. I am afraid that in some quarters there has been a deliberate purpose to misrepresent the bill to the country. The Capper bill did not pretend and does not purport to afford for the agricultural interests of the country the credit facilities they are entitled to have.

It was recognized by the Senator who introduced the bill [Mr. CAPPER], it was recognized by the members of the committee, and I think it was recognized by every Member of the Senate that practically the only effect of the Capper bill would be to enable the large live-stock interests of the country to get better credit facilities through the organization of corporations with a minimum capital of $250,000 under Federal supervision. The sole point of the measure was to create greater confidence in the private corporations by reason of Federal supervision—nothing more.

So far as the Middle West is concerned, so far as the South is concerned, it was not claimed that the average farmer of the country would be able to take advantage of the provisions of the Capper bill and form or secure the formation of the corporations which are permitted or provided for in that measure. And, yet, we find in some newspapers the claim that the Capper bill is all the credit legislation that the agricultural interests of the country need expect from Congress. Why, Mr. President, if I had thought that the Capper bill was the only agricultural legislation with reference to the subject of credits that was to be enacted at this session, I would have been very strongly disposed to oppose it, because there was only one interest, and that the largest live-stock interest in the country, that could be served by that bill, and because if discrimination is to be made those interests with large resources are better able to take care of themselves than is the average farmer.

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

The PRESIDING OFFICER. The Chair desires to remind the Senator from Oregon that the Senator from Wisconsin asked not to be interrupted.

Mr. LENROOT. I will stop for a question, yet I would like to repeat the request. I am aware that the Senator from Oregon took the position that the Capper bill would not even serve the interests I speak of.

Mr. STANFIELD. The Capper bill does not liberalize credits. It simply restricts credits to the idea of making them more accessible to bankers buying live-stock paper.

Mr. LENROOT. I am aware that is the position of the Senator from Oregon. The only point I wish to make in connection with the Capper bill is that it does not serve nor does it pretend to serve the needs of the average farmer of the United States. It will be helpful, I hope, to the large live-stock interests of the United States in the way of Federal supervision of the corporations.

Now, Mr. President, what is the need for any agricultural legislation affording greater facilities for credit to the farmers of the United States? There are two kinds of credit that we now have in the country, both of them available to a greater or less extent to the farmers. One is usually known as commercial credit, which is taken care of by the Federal reserve system and the State banks of the country. That credit is limited under our Federal reserve law, so far as members of the Federal reserve system are concerned, to three and six months' paper. We have our Federal land bank system, which provides for credit based upon real security with long-time loans.

But there is a gap in between, running from six months to three years, as to which there is no credit facility at all, so far as any governmental agency is concerned. That credit facility, a credit facility running from six months to three years, is just as necessary for the farmers of the country as is a three months' or six months' credit to the merchants and commercial interests of the country. The merchants or the commercial interests have their short-time credits based upon the probable turnover of their business, and that is what originally determined the length of the paper; but the turnover of the farmers can not be secured in six months; it can not, except so far as marketing is concerned, and that only to a limited degree, be secured in nine months, as is provided by an amendment to the Federal reserve act extending the eligiblity of agricultural paper for discount from six months to nine months. The farmers' turnover runs anywhere from nine months to three years.

The farmer, if he borrows money, we will say, to prepare his crop, can not pay off that indebtedness until he receives the proceeds of that crop. That very rarely is less than nine months—yes, it is very rarely less than a year, and in the case of live stock and dairying it is very often as long as three years.

There is no such facility to-day for the farmer. If he goes to the bank and attempts to borrow money to plant his crop, the bank will give him a credit for not exceeding six months. The farmer in securing that credit takes the chance, because he does not know but before the end of that six months, before he has realized at all upon the proceeds of his crop, that the bank may call upon him to repay his loan and he will have nothing with which to pay it.

Now the farmers of the country do not seek to become objects of charity. They do not ask, as some bills provide, that the Federal Treasury shall be opened to an unlimited extent to furnish credit for them; but they do ask, and they have the right to ask, that they shall be treated as other business men are treated, and that the farming business of the country shall be treated as a business and be put upon a business basis. They ask, and they have the right to ask, that they have such credit facilities that where they are of the same financial responsibility, of the same industry and of the same character as a merchant, they shall be entitled to the same kind of credit that the merchant receives. That they do not have to-day, and that is what the pending bill is designed to secure for them.

Mr. President, the origin of the bill now before the Senate is familiar to most Senators. In June, 1921, a joint resolution was passed by both Houses creating what was known as the Joint Commission of Agricultural Inquiry, with certain directions to the commission, among them being an "investigation into the banking and financial resources and credits of the country, especially as affecting agricultural credits." The commission spent nearly a year in the investigation of practically every phase of the agricultural problem. On the commission there were from the Senate Messrs. CAPPER, MCNARY, ROBINSON, HARRISON, and myself. From the House side there were Messrs. ANDERSON, OGDEN, MILLS, FUNK, of Illinois, SUMNER of Texas, and TEN EYCK, of New York.

The commission made a most thorough and comprehensive investigation. I doubt if there was ever conducted by any committee or commission of Congress a more thorough investigation of the subject of agriculture generally than was conducted by that commission.

The results of its investigation were embodied in four separate reports. One of them dealt solely with the question of credits. The report is available to every Senator, if he has not already had it. One of the principal recommendations of the commission was the creation of a system of intermediate credits, such as I have been describing. As a result of the investigation made by the commission there was recommended to both Houses of Congress the enactment of a law substantially such as contemplated by the bill now before the Senate. It was originally introduced by me something over a year ago in exactly the form recommended by the commission.

May I say in passing that I never knew a committee or a commission of Senators and Representatives to work harder or give more or closer attention to any matter than was given by the members of the commission to the subject under discussion. Mr. ANDERSON, the chairman, prepared a draft of a bill, and night after night we met and worked upon it. Messrs. ROBINSON and HARRISON, representing the Democratic side, were just as active as were Republicans. There was no partisanship in it. There was a sincere desire upon the part of every member of the commission to recommend something to the Congress of the United States that would be substantial in the way of relief to the farmers of the country and yet would stand every test of good, businesslike legislation.

As I said, I introduced the bill in the Senate and Mr. ANDERSON, chairman of the commission, introduced it in the House about a year ago. After the bill was introduced Chairman

ANDERSON and other members of the commission gave further study to the subject. After such study and many conferences, particularly with the Department of Agriculture, they proposed certain amendments, and last December I introduced in the Senate the original bill with the amendments which had been suggested to us.

Mr. President, as I said a moment ago, this bill has but one purpose, and that is to afford the farmers of the United States a credit facility not based upon charity, not based upon generosity, but a credit facility based upon sound business principles that will give the farmers of the country that intermediate credit running from six months to three years which they do not have to-day.

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

The PRESIDING OFFICER. The Chair desires to remind the Senator from Illinois that the Senator from Wisconsin requested not to be interrupted.

Mr. McCORMICK. I was called from the Chamber at the time the Senator made that request.

Mr. LENROOT. I yield to the Senator.

Mr. McCORMICK. I was merely going to ask if the Senator had pointed out during the time when I was absent from the Chamber why it is that private banks do not afford to farmers the intermediate credit to which he refers?

Mr. LENROOT. I have not done so, but I shall be very glad to do so. I had intended to discuss that matter when I came to a consideration of the details of the bill, but I shall be very glad to refer to it now. Private bankers do not now extend a credit of from six months to three years to farmers for just one reason. Sometimes we hear the banks severely criticized for not doing so, but in refusing to do it they are simply following plain business principles. Mr. President, the first duty of a bank is the protection of its depositors, and a bank is not going to extend long-term loans to its customers unless that bank knows that in case of stringency or emergency or the sudden call upon it for its deposits there is some avenue or some facility by which it may discount its paper and pay off its depositors. As I have said, in pursuing that system, we have no right to blame the banks for not extending credit for a longer term than six months.

In that connection I wish to say just a word with reference to what has been so often repeated upon the floor in debate upon the so-called Capper bill and in the Committee on Banking and Currency, of which I am not a member. It has been repeatedly stated that the farmers of the country have furnished 40 per cent of the deposits of the member banks of the Federal reserve system and that the implication therefore follows, or it is tried to have it follow, that because of that fact the farmers were entitled to 40 per cent of the total available credit. Mr. President, a farmer who deposits money in a bank is just as anxious for the protection of that deposit as is a merchant or anyone else. The farmer who deposits money in a bank is just as interested as any other depositor in having loans of that bank either liquid or of such character that should he want his deposit back he is going to be sure to get it. So, when an attempt is made to create a distinction between the farmers' deposits and other deposits, it is simply absurd. The interest of both classes of depositors is exactly the same in that connection.

In reference to the indorsements of this bill, Mr. President, I ask unanimous consent to append at the end of my remarks in full various indorsements to which I shall refer.

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

Mr. LENROOT. I shall quote from some of those indorsements now. The first indorsement which I desire to place in the RECORD is that of the conference of the National Council of Farmers' Cooperative Marketing Associations, which was held here in the city of Washington last month, when they expressly indorsed all of the essential provisions of the bill. I shall read only one paragraph of their indorsement:

> That a farm-credits department in the Federal land banks be set up in each of the land banks with a capital of $5,000,000, making a total of $60,000,000 capitalized, against which credits may be issued to the extent of approximately $600,000,000; and that these farm-credits departments of the Federal farm banks be authorized to discount or purchase agricultural paper in a broad sense and to make loans or advance directly to cooperative marketing associations and agricultural cooperative credit organizations.

The conference at which that indorsement was made, Mr. President, represented more than 100,000 farmers who are members of cooperative agricultural associations.

I next wish to offer the resolution of the Texas and Southwestern Cattle Raisers' Association, expressly indorsing the provisions of this bill.

I am referring to these indorsements of the bill because, as I shall show later from the views of the minority of the committee, the claim is made that this bill is not supported or indorsed by certain organizations therein indicated. The first hearing had upon the bill which I introduced, which was Senate bill 3051, was held on March 10 last. At that time Mr. Atkeson, the legislative representative of the National Grange, appeared before the committee and used this language:

> I have read every bill, I think, that has been introduced in Congress during all these years—

And, as Senators know, Mr. Atkeson has represented the National Grange here in Washington for many years—

> and I read the enormous amount of data furnished by the commission that went to Europe, and I have been somewhat of a student of economics, especially with relation to agriculture; and I want to say for Senator LENROOT'S bill that up to this time and down to this place it comes nearer meeting the requirements—the nearest to meeting requirements—than any bill that has ever been introduced in Congress.

Mr. President, in view of Mr. Atkeson's denomination of the bill as the "Lenroot bill," I again wish to say and to emphasize that the credit, if credit there be, for this bill is to be divided among many people.

Then Secretary of Agriculture Wallace appeared before the Committee on Banking and Currency and indorsed the bill. Secretary Hoover appeared before the committee and indorsed the bill. The Federal Reserve Board indorses the bill in this language:

> The board has studied these bills—

Referring to the various agricultural credit bills—

> very carefully and desires to express its approval of the general purpose of both of them—

Referring to the Capper bill and the pending bill.

> Senator LENROOT'S bill, S. 4103, appears to be a redraft of his earlier bill, S. 3051, the enactment of which was recommended in the report of the Joint Commission of Agricultural Inquiry, and which received the approval of the Federal Reserve Board in a letter addressed to you by Governor Harding, on behalf of the board, under date of January 26, 1922.

The Federal Farm Loan Board also indorses this bill, notwithstanding the statements of some to the contrary. They have only one suggestion to make with regard to it, and that suggestion does not at all affect the plan or scheme of the bill, but only the agency through which it shall be administered. I now read from the testimony of Judge Lobdell, of the Federal Farm Loan Board:

> The Farm Loan Board feels that the Lenroot bill, speaking broadly, is well worked out and proposes a practical and workable plan of meeting this situation, reserving judgment on the wisdom of putting $60,000,000 of Government money into the enterprise, which is again an academic problem.

The American Farm Bureau Federation, Mr. President, also indorses this bill, with the exception that they seek to set up an independent supervising agency in lieu of the Federal Farm Loan Board. That question I shall discuss later on when we come to consider the details of the bill.

Mr. President, what does the bill seek to do? Very briefly, the bill sets up in each of the 12 Federal land banks of the country a separate department of agricultural personal credits, each of the banks so set up having an initial capital of $5,000,000, or a total of $60,000,000, subscribed by the Government of the United States.

The bill provides further that in case any farm land bank shall find that the needs of agricultural credit in the territory served by that bank are greater than the capital so subscribed will afford, then, upon application of the Federal Farm Loan Board, approved by the President, an additional $5,000,000 may be subscribed to that bank.

It is provided that the assets and liabilities of the farm-credit departments of the land banks shall be segregated and kept separate and apart from the assets and liabilities of the present farm land banks, so that the real estate side of the land banks as it now exists will have nothing to do, so far as assets and liabilities are concerned, with the credit side. Both are, however, to be managed by the same board of directors so long as the board continues as at present under temporary organization, but if the time shall come when the permanent organization shall be carried out as now provided by law, the bill provides that, in that event, the credit department of the bank shall be managed by the district directors; or, in other words, by directors appointed by the Federal Farm Loan Board, so that at all times the members of the farm-credit department of each bank will be under the direct control, management, and supervision of the Federal Farm Loan Board.

The reason for this is perfectly plain. If the existing law should be put into effect with reference to local control of the farm land banks by a majority control of directors elected by farm loan associations, it is plain to be seen that a majority

control would be had of the farm credits side of these banks by directors who have no interest or concern in the management of the farm credit side, because they represent the real estate loans only of the system. So we have very wisely provided, as I am sure all Senators will agree, that in the event of permanent organization the management of the farm credits side shall devolve upon the directors appointed by the Farm Loan Board.

It is then provided that each farm land bank shall have authority to issue its debentures and sell them to the general public to an amount not exceeding ten times the amount of the capital of the bank; that is to say, each land bank will be authorized to issue debentures to the extent of $50,000,000, making an available capital and borrowing capacity for the purpose of meeting the credit needs of the farmer of $55,000,000 for each bank, or $660,000,000 in all.

It is provided that the rate of discount fixed by the Federal land banks shall never exceed by more than 1 per cent the rate that is fixed in the last preceding issue of debentures that are issued by it; and these debentures may, I say, be issued by the bank for a term not exceeding five years.

The bill provides that the money thus obtained may be used in discounting the notes or paper of banks, incorporated livestock companies, trust companies, rural credit corporations, savings institutions, cooperative banks, and so on, and to agricultural cooperative associations where the loan has been advanced for agricultural purposes by the institution seeking the discount.

It is provided that in no case shall the Federal land bank discount any paper that bears rate of interest in excess of 1½ per cent higher than the discount rate fixed by the land banks.

Then, Mr. President, it is provided, too, that each Federal land bank shall establish, as I have said, a rate of discount, and that rate can not exceed by more than 1 per cent the rate borne by the last preceding issue of debentures.

It is provided that while the credit department in each bank is separate from and has nothing to do with the other departments of the bank, and while each bank is separate in other respects from other land banks, the farm-credit department of each land bank shall be ultimately liable for all of like obligations of every other bank, which is the same in that respect as the liability of our present farm-loan banks upon real estate mortgages.

It is provided that so far as interest coupons are concerned, a bank shall be required to cash those coupons upon presentation if the issuing bank is in default. As to the principal of any debenture, it is provided that after the assets of the issuing bank have been exhausted, then in that case the assets of the other land banks, so far as the farm-credit side is concerned, shall be liable in the proportion named in the bill to take care of that; all this for the purpose of giving greater security and making these debentures more attractive to the general public.

May I say in this connection that what the commission and the committee had in mind with reference to these debentures was that they would prove an attractive security, that they would tap a reservoir of investment capital that would be very glad to enter into the field; but it can not be done and is not being done to-day because there is no opportunity to bring that kind of invested capital to the agricultural paper that is covered by the bill.

Mr. President, I am not attempting now to discuss the bill in detail. I am only attempting to give a very general outline of the bill. When we come to consider it section by section I shall expect, of course, to discuss the several provisions in greater detail.

I think I have covered the essential features of the scheme or plan of the bill.

It is provided that these debentures shall be exempt from taxation. I know that there is some objection to that. I think my own position upon the subject of tax-exempt securities is well known. I wish there were not a tax-exempt security in the United States. I shall cheerfully vote for a constitutional amendment on the subject, and I hope we may pass the joint resolution that passed the House two days ago amending the Constitution in that respect, so that tax-exempt securities will not be issued in the future; but so long as they do exist, and in view of the present need of the farmers of this country, this is not the time or place, it seems to me, for us to stop issuing tax-exempt securities. Unlike most other tax-exempt securities, that have anywhere from 20 to 40 years to run, it must be remembered that this security has only 5 years to run, and whenever the constitutional amendment is adopted preventing the issue of tax-exempt securities it will operate upon this class of debentures quicker than upon any other class existing in the United States to-day.

Mr. President, the other portions of this bill are identical, or will be made identical, I presume, with the like provisions of the Capper bill amending the Federal reserve act, except in one or two particulars to which I shall refer later, where they had no place in the Capper bill but do have a very proper place in this bill. They are, in short, the extension of the eligibility of agricultural paper for rediscount in the Federal reserve bank from six months to nine months, and the provision with reference to making it more attractive for State banks to enter the system, both by reducing the capital requirements and by providing under certain conditions for a larger distribution of earnings.

Now, Mr. President, I want to take up very briefly the minority report that has been made by my good friend the Senator from South Dakota [Mr. NORBECK] with reference to this bill.

In the minority report, the Senator states:

> The inadequacy of Senate bill 4287 is apparent. It provides for setting aside $60,000,000 from the Treasury (which money is not to be used for loans, but only for paying losses, if any).

Mr. President, I am astonished that the Senator from South Dakota should give any such construction to the bill. If this report had been drawn merely from reading the majority committee report, by one who had not read the bill, I would not have been surprised, because there happens to be a typographical error in the committee report. The phrase in the report is "obligations from losses," while the bill reads, as any one can see, "obligations and losses." When the language is that the capital shall be used solely for the purpose of paying obligations and losses, how anyone could so construe this bill that it will not permit the capital to be used as a working capital I am utterly unable to understand. Whether it be a discount, whether it be paying the salary of the manager or cashier of the bank, in every case before a dollar can be paid out of course there must be an obligation to pay it out; and so the word "obligations" covers every possible purpose that could be had in considering this $5,000,000 as working capital of the bank.

Mr. WALSH of Montana. Mr. President, will the Senator call our attention to the provision in the bill to which he adverts?

Mr. LENROOT. Yes; page 7, lines 6 and 7.

I think where my friend perhaps got misled was through the use of the word "solely," although I confess that I can not quite understand it then; but this provision has just one purpose. Here was the farm land bank. A new activity is to be added to it—a farm-credits department. The purpose of this was to make it clear that there should be complete segregation of the business of the real-estate side of a land bank with the business of the farm-credit side, and so we provide:

> Capital so allocated to a farm-credits department, and the surplus earnings of such department, shall be applied solely to meet obligations and losses, if any, incurred in the operation of that department; and the capital subscribed, together with the reserve and accumulations from earnings under Title I—

That is the present law—

> shall not be applied to meeting obligations or losses, if any, incurred in the operation of any farm-credits department.

That is to say that none of its capital and none of its surplus can be used to pay any obligation of the real-estate side of a bank upon the one hand, and, in case of the real-estate side, none of its capital or surplus shall be used for the payment of obligations on this side; but inasmuch as the very able Senator from South Dakota has raised this question, at the proper time I shall offer an amendment making it so clear that there can be no possible question about it.

Mr. WALSH of Montana. Mr. President, I think the purpose is quite clear as indicated by the Senator from Wisconsin; but, inasmuch as he suggests an amendment, I should like to inquire of him whether the whole purpose would not be met by taking out all of line 7 to the word "of," so that it will read "shall be applied solely to meet obligations of that department"? Why mention any losses?

Mr. LENROOT. I think that would cover it.

Mr. WALSH of Montana. That would remove, it seems to me, all question on the subject.

Mr. LENROOT. I think that is true.

With reference to the inadequacy of the capital of $60,000,000, I appreciate that there are many bills pending before the Senate and in the House that propose that the Government shall furnish all the capital for the credit needs of the farmers of this country. Some of them propose to furnish as much as $500,000,000. As I said in the beginning, the farmers are not asking—although sometimes those who purport to represent them do ask—generosity upon the part of the Government, the paying out to them of money that can not be sustained upon business principles; but

it is my observation and belief that the farmers of the United States are asking nothing more of the Government of the United States than to be considered as business men, and that any credit that they may receive through the instrumentality of the Government shall be given them based upon business principles.

It is readily understood, of course, that if the Government is to ladle out money from the Treasury we are not very likely to have very sound business principles applied to such loans; but if the Government is to provide only the working capital, as is provided in this bill, and the main part of the credit coming to the farmers is to come through the proceeds of debentures sold to the general public, it necessarily means that in the management of each bank there must be that care and application of business principles that would be applied in private business. Otherwise the debentures will not be attractive; they will not be sold to the general public. That is the way it ought to be, unless the Congress of the United States wishes to take the position that we are going to treat the farmers of this country as a privileged class, grant them special privileges that we do not grant to any other class of people, and say to them: "Here is the Treasury of the United States open to you to a practically unlimited amount."

Mr. President, if there is any one thing the farmer of this country has made it plain he is against it is special privilege generally to anybody, and he is not asking for himself that which he would deny to anybody else.

Now, to go on with the criticism of this bill, the minority report states:

> While it is proposed that each bank may borrow ten times the amount of its guaranty fund, no witness before the committee suggested the possibility of such an amount being available.

Mr. KENDRICK. Mr. President——

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

Mr. LENROOT. I yield.

Mr. KENDRICK. I wanted to ask the Senator if he knew of any reason why the entire amount of capital invested by the Government should not finally be retired and paid back to the Government, as I believe is the provision of law under the Federal farm loan act?

Mr. LENROOT. There is only one reason, and I am frank to say that that million dollars might well be reduced. But the Senator will remember this distinction, that under the present system the capital stock of the Government is retired and farm-loan associations own the stock, while no such thing exists with reference to the farm credit side of the institution. It being a stock institution, if all the stock were retired, there would be no capital stock at all; it would be surplus only. But I am frank to say that I do not know why that might not be reduced to a nominal amount rather than fixed at a million dollars.

Mr. KENDRICK. Does the Senator believe it would be an impracticable plan to have those institutions which rediscount paper with the banks or with the Federal farm loan credit system participate in the purchase of stock, the same as is provided under the Federal reserve system?

Mr. LENROOT. The committee very fully investigated that very question; and in our first draft of the bill, as members of the committee who were present know, we did provide for credit loan associations on subscriptions of stock very similar to the present system. We sent out questionnaires all over the country; we got the most expert advice we could get; and we came to the conclusion that, inasmuch as this is not intended in any way to be a profit-making institution, inasmuch as necessarily the profit can not be any substantial sum, or should not be any substantial sum over expenses, there would not be any attraction, in all probability, for any person or institution to become a stockholder in this institution.

The minority report states that—

> No witness before the committee suggested the possibility of such an amount being available.

I am not going to take the time now to go through the testimony adduced before the committee, but certainly my friend from South Dakota [Mr. NORBECK] has not read the testimony, or he would not make that statement. I was a witness before that committee. I stated very frankly to the committee the source of the information which led me to form an opinion as to whether these debentures should be available, and I am glad to state the source of my information to the Senate.

In the first place, the Joint Commission of Agricultural Inquiry got the advice of representatives of bond houses and other financial institutions of New York and elsewhere and asked them whether, if such a scheme as we proposed should go through, in their opinion such debentures would be readily salable, and the opinion was nearly unanimous that they would prove a most attractive investment, provided there was sound management of the land banks. Of course, we must all admit that unless there be such management not only would the debenture part of the scheme fail but it would be only a little while before the whole thing would fail. This, like any other financial institution, depends for its success upon management on business principles.

But more than that, Mr. President, there is what is known as the administrative committee of the American Bankers' Association, consisting of some 25 members, I believe. They held a meeting here in Washington recently, and they are representative of the bankers and financial institutions of different parts of the country. At their invitation I spent an evening with them here and went over this bill. I took very special pains to get their opinion as to whether the debentures provided for in this bill would be an attractive investment. Out of those 25 men, there was only one, I believe, who expressed any doubt concerning that question, provided always there was sound, efficient management of the banks, so that they could rely upon the business judgment of the directors and officers of the farm-credit departments of the banks.

The minority report further states that—

> The plan is to purchase agricultural paper from the banks; in other words, it is a plan to assist the banks to extend credit to the farmers. It is the banks that the board has to deal with.
>
> * * * * * * *
>
> It is not proposed under this bill to make any loans to farmers.

Of course, it is not proposed to make loans to farmers, Mr. President; and, if anybody seriously proposes that the Government make loans direct to farmers, he may think he is a friend of the farmer, but he is not, in so proposing, because if the Government ever goes into the business of making loans to farmers directly, unless it is to consider the farmer an object of charity, and therefore willing to sustain enormous losses in the transaction of his business, it will be necessary for the Government then to exercise the same care, the same supervision over each individual loan to the farmer, that a careful banker or sound credit institution in the locality would exercise, and what would it cost to exercise that kind of supervision? If some official, or some central bank, as proposed by some Senators, or farm land bank, as proposed in this bill, is to make individual loans to farmers, and send its agents to ascertain the financial responsibility and the character and industry of each individual farmer borrower, what is it going to cost in overhead? Who is going to pay the cost? Perhaps these gentlemen think the Government will pay it. It may be; but the Government ought not to pay that kind of a cost; and, if the farmer is to pay it, it would result in an increase of at least 1 per cent in his interest rate.

Mr. KENDRICK. Mr. President, does not the Senator believe that even under the operation of this bill the ordinary course of banking will continue, and that the majority of loans to the farmers will be made by the banks, and that the length of loans only will be affected by this bill? That is to say, the banks will largely make the loans, as they have in the past, for a longer time, because they have assurance of rediscount without any question in case they find it necessary to realize on the loan.

Mr. LENROOT. I agree absolutely with the Senator upon that; and in this connection I want to read the first paragraph of the report of the national convention of cooperative associations upon that very point. They use this language:

> That this national council announces as a general policy that the primary reliance of the farmer for credits for production or for marketing should be upon the local banker, and that under normal conditions the local banker is likely to meet the greater part of such needs.

Mr. KENDRICK. That is, that potential credits to the bank will govern the situation. They will be free to lend their funds, even though their funds are those of depositors, because they can realize on the loans, and in the meantime they will keep the loans in their vaults as much as is consistent.

Mr. LENROOT. That is true; but in case they should not do that, in case for any reason a bank in any locality would be unfair to the farmer and seek to use its funds for speculative purposes, the bill does provide that institutions other than banks will be recognized. They may be cooperative institutions, they may be cooperative banks, they may be credit associations, but it furnishes direct incentive to the bank to take care of the needs of its own locality and community on business principles.

In this connection, I understand, of course, the feeling that is attempted to be aroused against all of the banks of this country. I hold no brief for the banks; but in so far as this agricultural need is concerned, it is the small bank, comparatively speaking, that is affected. The great banks of New

York City are not expected to extend any very large amount of agricultural credits, but it is the little bank in the farming communities of this country that will be affected by this bill, and I deny that those banks, generally speaking, are enemies of the farmer. They are absolutely dependent upon the farmer for their own prosperity, and it is to the direct interest of the little banks of this country to serve the needs of the farmers.

I do not question, of course, that the banker tries to make money, and he has his own selfish interests, just as every other man engaged in business has; but in this bill we provide that the bank which seeks to charge a higher rate than 1½ per cent in excess of the discount rate shall not have its paper discounted by the Federal land bank at all.

Mr. CALDER. Mr. President, I am a member of the Committee on Banking and Currency, and I have made some study of this measure. Addressing myself to the Senator from Wisconsin, I have heard the statement made that there was a very great danger in this measure; that it might affect injuriously the smaller banks in the agricultural sections of the country. Has the Senator thought of that or has he heard that statement made?

Mr. LENROOT. I would be glad if the Senator would suggest in what way there could be any danger.

Mr. CALDER. Through competition of a Government institution with those banks.

Mr. LENROOT. I am very frank to say to the Senator from New York that the great difficulty with reference to the small banks of the country to-day is not undue competition with any possible outside institution in dealing with the farmers but the lack of funds in the bank to take care of the needs of the farmers.

Mr. CALDER. I have no information to lead me to believe the statement I made was correct, but it has been made to me, and I wanted to be certain that the Senator had thought of it.

Mr. LENROOT. I do not think there is anything to that.

Mr. GLASS. I think it would be interesting to the Senate if the Senator from Wisconsin would indicate what he thinks of the principle of taking the Government's money and loaning it directly to any class of people, aside from the question of overhead charge and the difficulties of effectively conducting a system of that sort.

Mr. LENROOT. I can not imagine any activity of the Government that could lead to greater abuse, to greater discrimination, and to greater losses to the taxpayers than a system such as is suggested by some of our good friends.

Mr. DIAL. Mr. President——

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

Mr. LENROOT. I yield.

Mr. DIAL. As a matter of fact, the stockholders of small banks are usually the farmers of the community. They are the principal stockholders really. The Senator states there are not sufficient funds in the small banks. I would suggest, as a remedy for that, that we eliminate some of the small banks. We have too many small banks. They ought to increase their capital, and then they ought to join the Federal reserve system.

Mr. LENROOT. That is undoubtedly true. What our small banks are suffering from is lack of capital, lack of loaning power. I think there are a great many communities in the United States where it would be to the interest of the customers of the banks and of the banks themselves if they would combine, and cut out a great deal of overhead that serves no possible good useful purpose to anybody.

Mr. DIAL. Furthermore, they do not avail themselves of the credit they would get by being members of the Federal reserve system.

Mr. BROOKHART and Mr. NORBECK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. LENROOT. I will yield first to the Senator from Iowa, and then I shall be glad to yield to the Senator from South Dakota.

Mr. BROOKHART. I would like to ask the Senator from Wisconsin, on the theory that the banks ought to be united or combined, should not the bill provide some method whereby farmers might accomplish the purpose by cooperative banking direct?

Mr. LENROOT. That can be done by State law, and if done under a State law, they are recognized by the bill.

Mr. BROOKHART. But about half of our banks, perhaps not quite half, are national banks.

Mr. LENROOT. About one-third.

Mr. BROOKHART. Well, say about one-third are national banks. That portion of the banking business should have the same rights among the farmers that the banks have under the State laws, it seems to me, and yet no such provision is made in the bill.

Mr. LENROOT. There is no such provision.

Mr. BROOKHART. Would there be objection to incorporating such a permissive provision in the bill, which would give the farmers that opportunity?

Mr. LENROOT. I am very frank to say that, as far as amendments to the bill are concerned, I certainly hope that the Senator will not press such an amendment, because he realizes quite as well as I do that, although he and I might fully agree, any attempt to thrash out that question of national cooperative banking upon the pending bill means there would be no bill passed at this session.

Mr. BROOKHART. I could not agree with that conclusion. Of course, the Senate ought seriously to take up the question. It is the most important of all.

Mr. LENROOT. I hope it will not be pressed where it would mean the defeat of the pending bill.

Mr. BROOKHART. It seems to me if we merely adopt a piecemeal policy that does not really comprehend the farmers' question, we will live to regret it very seriously.

Mr. LENROOT. Highly as I value the judgment of the Senator from Iowa, I would rather take the judgment of the farm organizations of the country upon that question than I would his.

Mr. BROOKHART. I have talked to representatives of most of the farm organizations from which the Senator has read, and I find they are in a state of mind that they are glad to have any little help whatever, but I have not talked to any of them who regard the bill as adequate for the situation.

Mr. LENROOT. Not one of them has suggested to any committee or to the agricultural commission the amendment which the Senator now suggests. The Senator knows it is a matter that can not be put upon a bill of this kind in a day. Of course, if the Senator desires to defeat the pending legislation, I suppose he could attempt it.

Mr. BROOKHART. It seems to me the farmers have a right to more than a day's consideration of that proposition. There are other matters here which are not so urgent as that and which could easily be laid aside to give the necessary time to fully consider it.

Mr. LENROOT. Of course, if the Senator desires to take such time upon this bill as will open up a question of that kind, and thus possibly defeat the bill, he will take that responsibility, but I shall not be a party to it.

Mr. BROOKHART. I am not particularly afraid of the responsibility for it, if it is on the theory that in the end it is going to accomplish the right thing.

Mr. LENROOT. Of course, it has always been the case that some friends of the farmer, because they can not get something they think they ought to have in addition to what is proposed, would rather see the farmers get nothing at all.

Mr. BROOKHART. The result of all the piecemeal policy has been that the farmers have not only got nothing but worse than nothing. They have been set back about every time we have gone ahead with such inadequate legislation.

Mr. LENROOT. Of course, the Senator thinks that the salvation of the farmer is cooperative banking. He has a right to that opinion, of course, but it is rather curious that the farm organizations of the country have not taken that up and pressed it upon Congress. The Senator is the only one who has suggested it.

Mr. BROOKHART. I will say to the Senator that the National Farmers' Union have pressed it very strongly, and they have been longer studying the cooperative question than any farm organization in the country. The National Farm Equity Society have been doing the same thing. They adopted it in their national convention. The Iowa Farm Bureau Federation did the same thing, and the president of the State organization called on me the other day. It is the biggest farm bureau organization in the United States by many thousands. So I know something of what those people want to do.

Mr. LENROOT. I have referred, as the Senator well knows, to the different farm organizations which have made certain requests of Congress for legislation at this session of Congress, and I have never heard of one of them, nor have I read anything from any of them, making the request which the Senator now proposes.

Mr. FLETCHER. Mr. President——

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

Mr. LENROOT. I promised to yield to the Senator from South Dakota.

Mr. NORBECK. I will wait.

Mr. LENROOT. Then I yield to the Senator from Florida.

Mr. FLETCHER. The bill provides for a capital of $5,000,000 for each of the Federal land banks, with a possible increase of $5,000,000 more; that is, the Government may put up, to begin with, $60,000,000, and may possibly increase it to $120,000,000. I take it the Senator can only justify the Government furnishing the capital to do this business, and continuing it as a permanent, going concern, upon the theory that the Government is eventually to get back its capital. Am I correct in that understanding?

Mr. LENROOT. Yes; it will get back most of it.

Mr. FLETCHER. The bill provides for the retirement of that capital down to $1,000,000 for each bank. Why does the Senator believe that it is necessary to retain the $1,000,000?

Mr. LENROOT. The same question has been asked and I have replied, just a little while ago.

Mr. FLETCHER. I was not present at the time.

Mr. LENROOT. I have stated the distinction between the Government's subscription to this capital and the subscription to the present system is that eventually other stockholders take the place of the Government as a stockholder under the present system, while under the pending bill there are no stockholders except the Government. It is in the form of a corporation, of course, but, as I said before, I see no reason why we should not reduce it to a mere nominal amount.

Mr. FLETCHER. I did not know that question had been raised before, but it occurred to me in reading the bill that there was some reason for retaining the capital of $1,000,000 which I could not quite understand. I know under the farm loan act the Government contributed $750,000 to the capital of each bank, but that will all come back to the Government. Some of the banks have already been taken over by the national farm loan associations.

With reference to the use of the capital, at page 7 the bill provides——

Mr. GLASS. The Senator from Wisconsin has already explained that feature.

Mr. FLETCHER. I was not aware of that. I would like to get an answer now for my own information. I was not aware the Senator had already answered as to the use of the capital.

Mr. LENROOT. Yes; I had. I would prefer to discuss the matter when we come to reading the bill for amendments. Of course, that is to be used for working capital.

Mr. FLETCHER. I would like to ask the Senator whether any of the capital is to be used in furnishing money for discount of paper?

Mr. LENROOT. Certainly. That is to be used as working capital, of course.

Mr. FLETCHER. It seems to me the word "solely" perhaps ought to be stricken out.

Mr. LENROOT. The Senator again has fallen into the same error that the Senator from South Dakota did. The word "solely" is there only for the purpose of making it clear that none of the capital shall be used to pay obligations of the farm land real estate side on the one hand, and that the obligations of the real estate side shall not be paid out of the capital on the other side. I am perfectly willing to make that clear, in order that there shall be no question about it, and I shall at the proper time offer an amendment to clarify it.

Mr. FLETCHER. It seems to me it is very ambiguous, to say the least, and it ought to be made more clear.

Mr. LENROOT. Let me ask the Senator a question. The Senator does not think we can pay out any money by this bank or any other bank unless it is in payment of some obligation, does he?

Mr. FLETCHER. There would be no obligation unless it was allowed to use the money.

Mr. LENROOT. They are allowed to agree to discount the paper, are they not? They are allowed to agree to pay the salary of the manager, are they not? Do not those then become obligations?

Mr. FLETCHER. I think that is the trouble. I think the salaries and the actual running expenses of the institution would be obligations.

Mr. LENROOT. If they agree to discount paper, does it not become an obligation?

Mr. FLETCHER. After it is discounted.

Mr. LENROOT. If they agree to discount it, they contract to discount it.

Mr. FLETCHER. Yes; but I think——

Mr. LENROOT. But there is no use spending time upon it, because I am going to offer an amendment to make it perfectly clear.

Mr. FLETCHER. Very well.

Mr. LENROOT. I would like to proceed, because I wish to conclude. The Senator from Wyoming [Mr. WARREN] desires to bring up the legislative appropriation bill.

The minority report goes on to say that—

> Most of the expert witnesses considered the Lenroot bill impractical.

I would ask my friend from South Dakota what witnesses expressed any such view except Secretary Mellon, Mr. Leffingwell, Judge Lobdell, and the distinguished Senator himself?

Mr. NORBECK. I have been quite patient since the Chair announced that the Senator from Wisconsin did not want to be interrupted, otherwise I should not have let some of his statements go unchallenged.

I recall, for instance, that when Judge Lobdell was asked whether the debentures were salable and if it would work out unless they were salable he said in substance: "I have heard a more competent man than myself dodge that question." Lobdell went on to intimate that though four times as much could be sold it would be possible to conduct it, but he never suggested ten times. He did not say four times could be sold. But I do not care to go into that at this time. Read Hoover's testimony and see if he does not suggest a more radical change in order to make the system operative.

Mr. LENROOT. I have read Judge Lobdell's testimony. The language of the minority report is:

> Most of the expert witnesses considered the Lenroot bill impractical.

For the benefit of the Senator I will read again:

> The Farm Loan Board feels that the Lenroot bill, speaking broadly, is well worked out and proposes a practical and workable plan of meeting the situation.

Judge Lobdell made just one suggestion to the committee, and that was that the administration be placed in the Federal reserve bank and that the words "Federal reserve bank" be substituted for the words "Farm Loan Board" in every case.

Mr. NORBECK. I have taken the position that the Senator from Wisconsin was entitled to get his bill in the best form possible. I supported many of his amendments in the committee. I have no disposition to-day to inject myself unduly into his presentation of the matter. He is entitled to a fair chance to present the matter to the Senate in the best way possible, but since the questions were asked me I want to answer them. What was the particular question?

Mr. LENROOT. The statement was made in the minority report:

> Most of the expert witnesses considered the Lenroot bill impractical.

Mr. NORBECK. Yes. For instance, the Senator from Wisconsin has said the farmer needs three years' credit. Under the system proposed in the bill he is proposing to put the matter in charge of men who do not believe in three years' credit.

Mr. LENROOT. I have just read to the Senate Judge Lobdell's opinion of it.

Mr. NORBECK. But did he not also say he would not make a three-year loan if it were put under him?

Mr. LENROOT. That might be, but Judge Lobdell testified, and I have read it twice to the Senate, that the Farm Loan Board considered it a workable and practical scheme.

Of course, I admit that it may be difficult to sell three-year paper; but the Senator well knows that the bill provides for classifying paper, and it may be classified both as to term and as to purpose. It may be difficult; I am not guaranteeing that we can sell $50,000,000 of three-year paper under this scheme; no, but, so far as one can judge in advance from the opinions of men who ought to know, they do, without exception, save such as I shall refer to in a moment, express the opinion that it is a workable and practical scheme. Secretary of the Treasury Mellon, however, says it is not. I wonder if the Senator from South Dakota agrees with Mr. Mellon? What is Mr. Mellon's objection? His objection is to the Government furnishing any capital at all, as the Senator well knows.

Mr. NORBECK. I beg pardon. Secretary Mellon suggested that if the land banks should conduct this kind of personal credit business there would need to be a reorganization of the system. That was one of the things he said.

Mr. LENROOT. My statement still stands, that Mr. Mellon has objected to the Government furnishing any of the capital. So has Mr. Leffingwell. Those are the only two experts who appeared before the committee, so far as I remember or of whom I have read, who condemn the bill; and I am sure my friend from South Dakota would not care to follow the leadership of either of those gentlemen upon farm-credit legislation.

Mr. NORBECK. If I were to follow the leadership of Judge Lobdell I might easily conclude that there might not be any debentures that were salable at all, and we considered him an expert witness.

Mr. LENROOT. I again wish to say that I put against the Senator's statement the testimony of Judge Lobdell, that he considers the system practicable and workable.

Mr. NORBECK. That is another part of the testimony, and the Senator proposes to take only one part of the testimony. I propose to take it all.

Mr. LENROOT. When we come to discuss the details of the bill I shall be very glad to read Judge Lobdell's testimony with respect to the sale of debentures generally. He expressed his doubt as to the long-term three-year debentures, as the Senator from South Dakota well knows.

Mr. President, the views of the minority of the committee state that—

> Some provision should be made in rural-credit legislation whereby farmers, who are financially responsible, can conveniently associate themselves into groups for the purpose of securing loans for individuals upon the indorsement of the members of the group.

As I have said, the agricultural commission carefully considered that; it inserted such a provision in the bill at one time; but witnesses appeared before us, and experts and representatives of the farm organizations, I think, were unanimously in agreement that the farmers would not indorse accommodation paper one for the other under the system of personal liability; and I have found no one since who for a moment believes that the farmers of this country will agree to organize into groups of 20 or 30 and each become liable for all of the obligations of the other members of the group. That is why we left that provision out of the bill. It was because there was no use putting something in the bill which we knew in advance would not be workable.

Then, there is the question of separate agencies. Of course, I understand that the proposition is advanced that the War Finance Corporation should be the agency employed; but, Mr. President, I am opposed, as a proposition for permanent law, to having the War Finance Corporation or any other central agency deal with this question. So far as it can be, without excessive cost in the way of interest rates, it should be brought to the locality. I am sorry that we can not go still further into the locality; that we can not go nearer each individual farmer. The only reason we have not provided for doing so in this bill is because of the overhead expense that would be involved, resulting in an increased rate of interest to the farmer.

I do not remember whether or not the minority views contain the statement, but I have seen it stated that a reduction of one-half per cent in the interest rate is equivalent to a 20 per cent reduction of freight rates to the farmer. I do not know whether or not that is contained in the views of the minority, but I have seen it somewhere.

Mr. NORBECK. That is the testimony of Secretary Wallace.

Mr. LENROOT. That being so, Mr. President, would not the farmers at this moment welcome as a godsend to them a reduction of 20 per cent in their freight rates, but ought it not to be our very grave concern to see to it that the expense of the administration of a rural-credit system, whatever it might be, shall be brought down to the lowest point possible, and the farmer get the benefit in the interest rate?

Mr. President, with reference to the need of a separate agency, the American Farm Bureau Federation indorses this bill, except it does ask for—and I expect an amendment will be proposed to create—a separate agency here in Washington to take the place of the Farm Loan Board for the purposes of supervision. In all other respects the American Farm Bureau Federation indorses the bill. I think, perhaps, they would like to have a flat capital of $10,000,000 for each bank instead of making it conditional, as we propose.

With reference to their proposal for a separate agency, I shall reserve the discussion of that until the amendment to which I have referred is proposed. I will only say now in passing that it would be a very anomalous thing to create a supervising agency over a bank over the directors of which that supervising agency would have no control so far as policy is concerned. Under the amendment which is proposed the directors would still be appointed by the Farm Loan Board, and all that the separate agency would have the power to do would be to administer the restrictions, limitations, and conditions which are provided for in the bill.

Mr. President, I shall not undertake to go into any further details at this time, but before concluding I wish to say that the benefit to the farmer by reason of this proposed legislation is not to be measured either by the capital which is to be provided by the Government or by the amount of the debentures which may be issued, making a maximum of loans and capital of $660,000,000. To my mind the chief benefit to the farmer will consist in the liberality of his local bank, whether it be State or National, in extending to him loans running from six months to three years, which those banks do not extend at all at this time, and can not be expected to extend, because they do not know, in case of stress or call upon their deposits, where they could turn in order to realize upon the paper upon which they have advanced money. So, in my opinion, what will actually happen under this bill will be that the banks of the country in the agricultural communities will extend credit running from six months to three years to the full extent of their resources. They will do so knowing that if there should be any sudden call upon them they may rediscount that agricultural paper with a Federal land bank; but, in the absence of that emergency or call, they will keep that farm-loan paper in their vaults; it never will reach the Federal land bank at all. So we can not measure the amount of credit that will be afforded to the farmer by reason of the passage of this bill. We do know that it will be very much more than the maximum of the $660,000,000 that is provided.

Mr. REED of Pennsylvania. Does not the Senator mean $60,000,000?

Mr. LENROOT. Sixty million dollars capital and $600,000,000 debentures is the maximum that may be allowed.

Mr. President, in conclusion I wish to repeat that this bill had the consideration and is the product of the Joint Commission of Agricultural Inquiry, composed of both Republicans and Democrats. It has had the consideration of the Committee on Banking and Currency, and is supported by both Republicans and Democrats. I believe that it embodies a workable scheme, one which may be defended on business methods, and it will give to the farmer what he has a right to ask, namely, credit based upon business principles. If, peradventure, the time should come when the limitations of this bill as to capital or debentures are such as not to provide sufficient credit to meet the needs of the farmer, it will then be time to consider amendments. As I understand, the position of its opponents is that they desire to have a larger amount of money out of the Treasury used for the purpose contemplated. I submit, Mr. President, that if we provide a possible $120,000,000, with an additional possibility of $1,200,000,000 for this purpose, we have well served the needs of agriculture for the intermediate credit of which to-day it is sadly in need.

Mr. FLETCHER. Mr. President, before the Senator concludes I should like to ask him a question regarding the practical operation of the bill. For instance, at page 4 the bill provides:

> (b) Subject to the approval of the Farm Loan Board to issue and to sell collateral trust debentures or other such obligations with a maturity—

And so forth.

Does the Senator in considering how the bill will be put into operation hold that applications for loans, for instance, will be made to the Federal land banks and when they will have approached a certain amount then the Federal land bank must submit the applications and the data regarding them to the Farm Loan Board and obtain permission of the Farm Loan Board to issue debentures? Will that be the process, or how will the consent of the Farm Loan Board in the actual operation of this plan be obtained for the issuing of debentures?

Mr. LENROOT. I would expect, Mr. President, in the same way that the consent of the Farm Loan Board is now obtained with reference to the issuing of farm loan bonds. What will actually happen, I think, will be that a portion of the $5,000,000 will be actually used for the purpose of making advances as provided in the bill, and after they have accumulated two or three million dollars they will make a proposal to issue debentures. They would show to the Farm Loan Board the paper they had on hand; and the Farm Loan Board unquestionably, being competent in the management of the affairs of the system, and having full control over the directorship, without passing upon each piece of paper, for they will expect the farm land banks to do that, will give approval to the issuing, we will say, of $3,000,000 of debentures upon the showing that the land banks had loaned already out of their capital $3,000,000.

Mr. FLETCHER. The Senator does not believe that that will bring about delays that will hinder the operation of the system?

Mr. LENROOT. No; I do not think so at all.

APPENDIX.

NATIONAL COUNCIL OF FARMERS' COOPERATIVE MARKETING ASSOCIATIONS,
Dallas, Tex., December 19, 1922.

MY DEAR SIR: The National Council of Farmers' Cooperative Marketing Associations, held in Washington, December 14, 15, and 16, was attended by delegates representing more than 100,000 farmers, grouped

in 80 of the largest associations, doing an active business of more than $1,000,000,000 per year in the marketing of farm crops.

These business organizations are the groups which, above all others, will be specifically affected by any rural credits legislation which Congress may pass at this session; therefore their interest in the matter is acute.

You will find inclosed herewith the report of the rural credits committee, unanimously adopted by the council, and also the report of the committee on resolutions, which was similarly adopted.

We sincerely hope that the suggestions contained therein may be of some value to you in your deliberations on these various measures.

Sincerely yours,

NATIONAL COUNCIL OF FARMERS' COOPERATIVE MARKETING ASSOCIATIONS.
CARL WILLIAMS, *Acting Chairman.*

To Hon. ROBERT W. BINGHAM.
Chairman Conference National Council of Farmers' Cooperative Marketing Association.

Your committee on rural credits beg leave to submit the following report:

The committee on rural credits of the National Council of Farmers' Cooperative Marketing Association has made a survey of the subject of farmers' credits and the legislation proposed on such rural credits.

Your committee recommends as follows:

1. That this national council announces as a general policy that the primary reliance of the farmer for credits for production or for marketing should be upon the local banker, and that under normal conditions the local banker is likely to meet the greater part of such needs.

2. That the Federal reserve system should be modified so as to meet the special requirements of farm credits and to permit the financing of farmers and farmers' cooperative marketing associations conveniently and efficiently through normal banking channels.

That such modification involves primarily the extension of the maturity of agricultural paper to a maximum limit of nine months, with the fixing of cooperative marketing for loans on such agricultural paper to any one cooperative marketing association to be fixed as 50 per cent of the capital and surplus of banks, members of the Federal reserve system, subject to the State laws wherever applicable, and that encouragement and inducement be made to have more State banks exercise the privilege of membership in the Federal reserve system.

4. That adequate opportunity be presented for the creation of agricultural credit corporations with sufficient minimum capital to purchase or discount ordinary agricultural paper with a maximum maturity paper of nine months and live-stock paper with a maturity of not more than three years, with rediscount corporations adequately capitalized to purchase such paper from agricultural credit corporations, with the privilege of rediscounting any such paper, without indorsement, through the Federal reserve system.

5. That the maximum basis of loans from farm-land banks be raised from $10,000 to $25,000.

5. That a farm credits department in the Federal land banks be set up in each of the land banks with a capital of $5,000,000, making a total of $60,000,000 capitalized, against which credits may be issued to the extent of approximately $600,000,000; and that these farm credits departments of the Federal farm banks be authorized to discount or purchase agricultural paper in a broad sense and to make loans or advance directly to cooperative marketing associations and agricultural credit organizations.

6. That the right of the Federal land bank to purchase production credits shall be limited to production credits where the note of the individual is indorsed by the cooperative credit association, or is secured by a chattel mortgage on implements or animals, or both, and indorsed by the local banks, or where the note or draft itself is made by a cooperative credit association or producers, and that any Federal land bank may exercise any of the power herein granted in any section or district of the United States.

And your committee further recommends that the Committee on Banking and Currency of the House and Senate be requested to consider these suggestions and to combine them if possible into a rural credits act, to be introduced in such way as the committee may deem advisable.

Your committee recommends that the council announce as its policy that the cooperative marketing associations do not ask anything from the Federal Government, except that legislation be enacted to permit farmers and farmers' organizations to have the same access to the Federal credits system, adapted to its needs, that all other industries now possess; and to make provision for unforeseen emergencies by setting up a last reserve in such a manner as is above suggested in the farm credits department of the farm land banks.

Your committee further recommends that this council take action through every individual member representing every cooperative association to make immediate personal contact with the Senators and Congressmen from each State to urge that a rule be secured setting aside consideration of other bills until this legislation is secured; and that all of the farm organizations be asked to unite in support of legislation as generally outlined above.

Respectfully submitted.

JAMES C STONE, *Chairman.*

LIVE-STOCK CREDITS.

TEXAS AND SOUTHWESTERN CATTLE RAISERS' ASSOCIATION,
Fort Worth, Tex., January 15, 1923.

DEAR SIR: We ask your earnest consideration of the accompanying resolution outlining the views of members of the executive committee of this association on the subject of live-stock credits.

Live-stock producers need loans for periods commensurate with the turnover of their business and at low interest rates. Banks and loan companies can not now extend credit for such periods, for the reason there is no dependable credit reservoir where the notes may be discounted in times of stress. Stockmen and farmers are frequently forced to sacrifice immature live stock and valuable breeding herds on a declining market to meet maturing obligations and expenses. The ones often hit hardest are the owners of breeding herds—the very foundation of the business.

Timely aid by the War Finance Corporation a few months ago helped prevent the collapse of the live-stock industry. Even before that, in 1918, it was necessary for the corporation to make loans on the breeding herds of the Southwest. Many worthy producers have not been able to meet the collateral requirements of the corporation, but millions have been loaned for periods commensurate with the turnover of the business and at low interest rates. These loans, coupled with the knowledge that an agency existed where such loans could be discounted, helped restore confidence in the business and stabilize values.

The corporation is only a temporary agency. The importance of our industry justifies a permanent reservoir of credit, which can be depended upon in times of stress to do for the live-stock producers what the Federal reserve system does for other branches of commerce.

We urge you to support the Lenroot-Anderson bills.

Yours very truly,

C. B. LUCAS, *President.*

Mr. A. C. Williams will file with the Committee on Banking and Currency a statement further outlining our views on this subject.

Resolution by executive committee of Texas & Southwestern Cattle Raisers' Association, indorsing the Lenroot-Anderson bills.

Whereas banks of deposit are primarily adapted to the extension of credit to industries having a rapid turnover and requiring only short-time loans, and banks and other existing agencies are not capable of extending necessary credit to farmers and stockmen for periods commensurate with the turnover of their business; and

Whereas agriculture and live-stock production have been and are now being retarded and millions of dollars of wealth produced by hard labor destroyed because of an inadequate credit system; and

Whereas public interest, by reason of the important part of agriculture and live-stock production in the commerce of the Nation, demands that there be provided a credit system which meets the needs of farmers and stockmen to the extent that existing agencies meet the needs of other branches of commerce: Therefore be it

Resolved, That the executive committee of the Texas & Southwestern Cattle Raisers' Association, in session at Fort Worth, Tex., December 19, 1922, recommends and urges the speedy enactment of the Lenroot and Anderson bills. This committee wishes to emphasize the necessity of a permanent reservoir of credit which live-stock producers can depend upon in times of stress, and which gives assurance of reasonable rates of interest, and to particularly urge the following provisions of pending bills:

1. The establishment of farm-credit departments in Federal land banks, each such department to have not less than $5,000,000 Government capital and authority to issue properly secured debentures. These funds to be available for the purchase or discount through banks, trust companies, incorporated loan companies, and cooperative associations of producers of notes which have a maturity of not less than six months and not more than three years and are properly secured by live stock or agricultural products.

2. Amendment of the Federal farm loan act increasing the loan limit of Federal land banks on land from $10,000 to $25,000.

3. Amendment of the Federal reserve act to permit rediscount by member banks of live stock and agricultural paper having a maturity of nine months.

4. Amendment of the Federal reserve act to authorize Federal reserve banks to buy and sell debentures issued by farm-credit departments of Federal land banks: Be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Secretary of the Treasury, the Secretary of Agriculture, and all Members of Congress from Texas and adjoining States.

LEGISLATIVE APPROPRIATIONS.

Mr. WARREN. Mr. President——

Mr. DIAL. I should like to ask the Senator one question, please.

Mr. WARREN. Will the Senator wait until I get up the appropriation bill?

Mr. DIAL. Very well.

Mr. WARREN. With the permission of the Senator, I ask unanimous consent that the Senate proceed to the consideration of House bill 13926, the legislative appropriation bill.

The VICE PRESIDENT. Is there objection?

Mr. FLETCHER. Mr. President, the bill was reported only this morning.

Mr. WARREN. It was.

Mr. FLETCHER. I do not want to raise an objection to considering appropriation bills, but I have not been able to get a print of the bill.

Mr. WARREN. It is right here.

Mr. FLETCHER. Under the rules, of course, it would have to lie over until to-morrow; and I suggest to the Senator whether it would not be better to bring it up to-morrow.

Mr. WARREN. Mr. President, if the Senator will permit me, I want to say this:

In the first place, there are very few changes in the bill on the part of the Senate committee—none of great consequence. The bill has an increase altogether of $101,000. Three items, amounting to over $100,000, are for the Architect of the Capitol for doing over to some extent this Chamber and for providing other conveniences of two or three natures in the Senate Office Building. Aside from that, there is a little matter of doing away with one or two employments and adding a trifle to the pay of three or four more. That is about all there is in the bill except what comes over from the House—the regular appropriations for the clerks of committees and employees of the Senate, and so forth.

Mr. FLETCHER. I have not any doubt about the merits of the bill and the merits of the amendments that have been offered to it. It is just a question in my own mind as to whether we ought not to wait until to-morrow morning to take it up.

Mr. WARREN. The Senator would accommodate the committee very much if he would let the bill be taken up now,

notwithstanding it was only reported to-day. I realize that this is the first time that I have asked for such action in this session. It is a matter of small moment in one way, but it is quite important to us because there are so many conferences that are yet uncompleted.

Mr. FLETCHER. So far as I am concerned, then, I shall not raise the objection. I do think that these bills ought at least to be presented so as to let us have a print of the bill before we take it up.

Mr. WARREN. I ask that the Senator may be furnished a copy of the bill, or any other Senator that wishes it. They are here.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13926) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask unanimous consent that the formal reading of the bill be dispensed with and that it may be read for amendment, the committee amendments to be first considered.

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

FIVE-CENT STREET-CAR FARES IN THE DISTRICT OF COLUMBIA.

Mr. HEFLIN. Mr. President, just after I had addressed the Senate briefly to-day upon the amendment of the Senator from Tennessee [Mr. McKELLAR] to establish a 5-cent fare on the street cars in the District of Columbia, and had gone down to lunch, the Senator from Wisconsin [Mr. LENROOT] said:

> The Senator from Alabama very truly said that if the amendment of the Senator from Tennessee had been adopted it would have had the effect of legislating a 5-cent fare in the District of Columbia, if I correctly understood him. That was exactly the position the majority on this side took with reference to that amendment. My position with reference to it was that it was legislation, that it did seek to have Congress fix the rate of fare in the District of Columbia.
>
> Mr. McKELLAR. Mr. President, will the Senator yield?
>
> The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Tennessee?
>
> Mr. LENROOT. Certainly.
>
> Mr. McKELLAR. Am I to understand the Senator to say that he is not in favor of a 5-cent fare in the District of Columbia?
>
> Mr. LENROOT. I am in favor of a 5-cent fare if a 5-cent fare can constitutionally be imposed in the District of Columbia, but the Senator from Tennessee does not know, nor do I know, whether that can be done.
>
> Mr. President, the only point I wish to make is that the entire speech of the Senator from Alabama [Mr. HEFLIN] sustained the position taken by the majority, because we have a rule in this body that legislation can not be placed upon an appropriation bill. That is all I care to say with reference to it. The Senator from Alabama in his speech fully sustained, although he did not realize it, the position taken by the majority.

Mr. President, two years ago, I believe, the Senator from Mississippi [Mr. HARRISON] offered practically the same amendment, having in view the same purpose of obtaining for the people of the District of Columbia a 5-cent fare. The Senator from New York [Mr. WADSWORTH], the same Senator who made the point of order to-day, made a point of order against that amendment. The Senator from Wisconsin [Mr. LENROOT] defended the position taken by the Senator from Mississippi, and here is what the Senator then said about legislation on an appropriation bill:

> I think the Senator is mistaken—

He was referring to the Senator from Washington [Mr. JONES]—

> There is no such rule in the House. The limitation rule applies upon general principles, that a limitation does not change existing law, that a limitation upon an appropriation is not either new or general legislation.

So the position of the Senator from Wisconsin to-day is directly opposed to the position of the Senator from Wisconsin two years ago. The position that the Senator took two years ago is diametrically opposed to the position the Senator takes here to-day.

The Senator says that he is in favor of a 5-cent fare, and to-day he had the opportunity to vote for a 5-cent fare and he did not do it. The Chair ruled to-day exactly in keeping with the Senator's position two years ago. If the Senator had wanted to give a 5-cent fare to the people of the District of Columbia, what an easy thing it would have been to be consistent, stand by the position he occupied then, give the people of the District of Columbia the benefit of his great service, and vote to give a 5-cent fare to them. Here was the opportunity. Here was the amendment, the same kind of an amendment that was pending then, when he said it was in order. He says he favors it now, and yet he voted against putting it into the law when the Republican Vice President threw open the door and gave him the opportunity to vote to put it into the law.

Mr. President, I believe I find here, if my eyes do not deceive me, that he voted against a 5-cent fare two years ago. Here is a record vote that was about to escape me. Now the Senator says he is in favor of a 5-cent fare, but he voted against it then, although sustaining the position of the Senator from Mississippi that the matter was in order upon that occasion.

I want to bring to the attention of the Senate a proposition under this amendment that we tried to put on here to-day. The people of the District of Columbia, thousands of them, can ill afford to pay an 8-cent fare. Under the amendment proposed by a Democrat, the Senator from Tennessee [Mr. McKELLAR], the same kind of an amendment that was proposed by the Senator from Mississippi [Mr. HARRISON] two years ago, any person could buy 24 tickets for a dollar and ride 24 times in the District of Columbia under the fair and just provision that we undertook to put into the law to-day; but under the law as the majority of the Senate decreed to-day it shall be, any person riding 24 times and paying a cash fare each time will pay $1.92. So that is the effect of the vote cast by the Senator from Wisconsin and the others who voted with him. I called attention this morning to the fact that some of our good friends who are going out of the Senate defeated a 5-cent fare for the people of the District of Columbia—six of them—the Senator from New York [Mr. CALDER], the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from Minnesota [Mr. KELLOGG], the Senator from North Dakota [Mr. McCUMBER], the Senator from Indiana [Mr. NEW], and the Senator from Washington [Mr. POINDEXTER].

Mr. President, we are treated to this sort of a situation: Nearly everyone admits that an 8-cent fare is too much.

I want to see justice done to the people of the District, and it is wrong for these capitalists to come here from the outside States, buy stock in these street car companies, and hold the fares up on the people of this District. Congress should not permit it. But here we are to-day, desiring to reduce the fares, which nearly everybody says ought to be reduced, and the Republican Senators, with the opportunity given them by the Republican Vice President to reduce these fares to 5 cents, or six tickets for a quarter, did not do it. They defeated it. They had the opportunity to put that amendment on the bill. Then they stand up and say, "We were just voting to sustain the rule."

Mr. President, how many times have I seen both parties turn down a rule because an emergency had arisen, and the exigencies of the occasion demanded that the rule be set aside temporarily? The same body that makes a rule can temporarily suspend it or lay it aside by its vote, and that is what we do when we do not sustain a rule. When a majority of the Senate wants to do a thing, and thinks it is right to do it, it frequently turns down the ruling of the Chair, if he rules against the position the Senate takes in its desire to accomplish a certain thing. So Senators can not hide behind that. The issue is straight. The street car companies and those who own stock in them did not want the 8-cent fare reduced, and they triumphed in the vote here this morning. Those who wanted 5-cent fares, six tickets for a quarter, were defeated under the vote here this morning. Let the record speak the truth.

Senators can not say they are for 5-cent fares and then vote against a provision that gives 5-cent fares. It is inconsistent. If I am for 5-cent fares I will vote for 5-cent fares. If I am told that such an amendment ought not to be put on this bill and I see that it is the only chance I have to make it the law, I will vote to put it on the bill. Such things have been done hundreds and hundreds of times in both branches of Congress during my service in them.

Mr. President, the statement of Senators will not hold water that they are in favor of bringing down this high fare in the Capital of the Nation when at the same time they vote against the opportunity to bring it down. It is simply ridiculous.

Mr. WILLIS. Mr. President, I rise simply to call attention to the fact that the junior Senator from Wisconsin [Mr. LENROOT] happens at the moment not to be in his seat, having been called from the Chamber. I do not wish to appear to inject myself into any controversy between him and the distinguished and able Senator from Alabama, because the Senator from Wisconsin if he were here would be amply able to take care of himself.

Mr. HEFLIN. Will the Senator yield?

Mr. WILLIS. Certainly.

Mr. HEFLIN. The Senator is aware of the fact that the Senator from Wisconsin replied to my speech when I was not in the Chamber.

Mr. WILLIS. I was not aware of that fact.

Mr. HEFLIN. That is a fact.

Mr. WILLIS. It is not a matter of criticism on either side, so far as that is concerned. It is not the business of a Senator to see that somebody else is present. I am not criticizing the Senator from Alabama. I am simply calling attention to the fact, and also to this fact: Notwithstanding the two eloquent addresses made by my friend from Alabama, he knows, and every other Member of the Senate knows, that the question he has been talking about was not before the Senate this morning and was not acted upon by the Senate.

The rule is perfectly clear. It was not a question of 5-cent fares that we passed upon. The rule reads:

No amendment which proposes general legislation shall be received to any general appropriation bill.

That is a rule of the Senate, and all the Senate did was to say that it would stand by its rule. I do not know how Senators would vote if the question of 5-cent fares were before them, but I simply want the country to understand that which the Senator from Alabama perfectly well understands, that that question was not before the Senate, but it was simply a question as to whether or not the Senate would stand by the rules which it has made.

Mr. HEFLIN. Mr. President, this morning the amendment of the Senator from Tennessee was pending. The Chair ruled that it was in order. That proposed amendment reads:

Provided, That the appropriation in this section shall not become available until the Public Utilities Commission shall fix rates of fare for the street railway companies in the District of Columbia at rates not in excess of the rate of fare fixed in existing charters or contracts heretofore entered into between said companies and the Congress, and on and after February 1, 1923, said companies shall receive a rate of fare not exceeding 5 cents per passenger, and six tickets shall be sold for 25 cents.

The latter part, the last three lines, were stricken out upon his request, but the other part refers to the same thing which was in the law as it existed heretofore, when they had 5-cent fares.

The eloquent and distinguished Senator from the State of Ohio, my good friend Mr. WILLIS, says this question was not up. Oh, Mr. President, how hair-splitting is the distinguished Senator from Ohio. This question not up? Here is the amendment providing for this very thing. The question was, Is the amendment in order? The Vice President said, "It is in order. It puts a limitation on an appropriation bill." Is it to be said that we can not limit appropriations and say specifically what shall or shall not be done with the people's money—under what conditions it shall be expended? That is an indefensible proposition. No such position as that can be defended from any standpoint.

The Senate can say that so much of the money "is appropriated to build a street car track down Pennsylvania Avenue to a certain point, provided the street car company will build the street car line from the Avenue to F Street; and unless the street car company does build such line, none of this money appropriated by the Government shall be used in building the track down the Avenue."

Does anybody mean to say that that can not be done, that we could not put a limitation like that in a law? I venture to say that no good parliamentarian will say so. This amendment said, in effect, here are appropriations made for the District of Columbia. The street car companies are part of the District of Columbia, and this money shall not be used until the Public Utilities Commission brings the fare down from the ridiculously high point which it has reached to 5 cents, as it was in the better and brighter days of the District.

Then they undertake to say that is not in order, that you can not put that sort of limitation upon an appropriation bill. The precedents show it can be done. The Senator from Mississippi pointed out the precedents to-day. The Vice President properly ruled, under the precedents of the Senate, that it could be done; but Senators on the other side voted to override the precedents of the Senate, to deny the Senate the right to vote as to whether or not we should have 5-cent fares.

Of course that was the question up for consideration. What else was under consideration in the Senate? We were not trying to remove the Capitol. We were not trying to remove the Union Depot. We were trying to reduce the fares on the street car lines. That was up for consideration in the Senate.

The Senator from Ohio says "Why, we did not even have that question up." Mr. President, that 5-cent fare question was standing here looking at us, and so were some of the stockholders of the street car companies, and so were some of the poor people who have to ride on the street cars in this city looking down on this Chamber, anxiously hoping street car fares would be reduced, so that it would be a little help to their slender purses. But those who have stock in the railroad companies of this city triumphed, and those who have to ride and pay, with nobody to speak for them, lost on the vote.

That is the issue. There was nothing else up but that. Some Senators may now begin to see how this issue is going to look at home, when they had an opportunity to vote to bring down the street car fares of this city, this city beautiful, the Capital City of the Nation, where, when our people come from the various States, they are entitled to ride over it at a fair fee to the street car companies. We had an opportunity to bring the fare down to 5 cents, which is the fare paid in New York City, but the Senator from New York [Mr. WADSWORTH] made a point of order against it before, and he made it this time; and his colleague, my good friend Mr. CALDER, who is going out, with others who are going out, by their votes denied the people of the District of Columbia to-day the right to enjoy a 5-cent fare, or six tickets for a quarter.

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

Mr. HEFLIN. Just a moment.

Mr. SMOOT. I just want to ask the Senator a question.

Mr. HEFLIN. I find by the RECORD that when this question was held in order my good friend from Ohio voted against 5-cent fares, and no wonder he now comes to the rescue of the Senator from Wisconsin. The Bible says, "By their fruits ye shall know them." They were both against 5-cent fares. They were for these high rates. They so voted then, and they so voted to-day. So there is no use trying to camouflage. They can not get around the issue. I yield to the Senator from Utah.

Mr. SMOOT. I was just going to ask the Senator whether the street car fare in Alabama is 5 cents, or is it higher?

Mr. HEFLIN. In New York City it is 5 cents.

Mr. SMOOT. I am speaking of the Senator's State—Alabama. Is the street car fare in Alabama 5 cents to-day?

Mr. HEFLIN. I do not know what it is.

Mr. SMOOT. The Senator does not think it is 5 cents, does he?

Mr. HEFLIN. I guess it is about 5.

Mr. SMOOT. I guess it is more than 5, I want to say to the Senator.

Mr. HEFLIN. We will set them a good example if we will vote here to-day to make the fare 5 cents.

Mr. SMOOT. Mr. President, I would be perfectly willing to vote for a 5-cent fare if that would be just compensation. The Senator knows very well that when the 5-cent fare was in force salaries were lower than they are to-day, all expenses were lower, everything was lower. Not only that, but the fare in the District is not 8 cents; it is 6⅔ cents.

Mr. HEFLIN. Where is that?

Mr. SMOOT. The fare is 6⅔ cents.

Mr. HEFLIN. Where?

Mr. SMOOT. In the District of Columbia.

Mr. HEFLIN. I have many a time seen a boy or girl, a man or a woman, get on the street car and not have the money to buy 40 cents' worth of tokens, and have to pay 8 cents.

Mr. SMOOT. Not 1 out of 5,000 pays the fare that way.

Mr. HEFLIN. The Senator is mistaken.

Mr. SMOOT. I will ask the Senator to look at the record and see what it shows.

Mr. McKELLAR. Mr. President, I want to ask the Senator from Utah a question, if the Senator from Alabama will yield.

Mr. HEFLIN. I yield.

Mr. McKELLAR. Can the Senator lay his finger on any statute that authorizes the Public Utilities Commission of Washington to fix a fare bringing a reasonable income to the street car companies? I believe I asked the Senator that question before. I know it has been stated frequently that that is the law. I have just looked up the public utilities act, and that act in no place authorizes the Public Utilities Commission to fix a fare that will bring a reasonable income to the street car companies. Unless some amendment to that act has been passed, which has not been brought to my attention, apparently they are acting wholly without authority. It was acquiesced in simply, as I apprehend, because of war conditions. Now that the war conditions are over they ought to discontinue acting without authority.

Mr. SMOOT. I have not the act with me, and I do not know what the particular wording of the act is, but I am quite sure if there was an increase by the Public Utilities Commission of the District of Columbia and it did not meet the approval of

the public generally there would have been some action at least to prevent them from putting the increase into effect.

Mr. McKELLAR. We are trying to get some action now.

Mr. SMOOT. I am speaking of court action, not congressional action.

Mr. McKELLAR. Sometimes the people object very strenuously to bringing court action when the public authorities act in that regard.

Mr. SMOOT. I have not any doubt but what the commission had the authority.

Mr. McKELLAR. If the Senator can refer me to the authority—and I know if anybody knows where it is to be found the Senator from Utah does—I would be very glad to submit it to the Senate. I can not find any such authority. It may be I have not examined with sufficient care, but up to date I have been unable to find it.

Mr. HEFLIN. I believe the Senator from Utah was against the proposition this morning. I would like to ask the Senator from Utah if he believes in a 5-cent fare in the District of Columbia?

Mr. SMOOT. Not if it will not pay the expenses of running the street car company. I know in my own city they are charging 7 cents and making nothing.

Mr. HEFLIN. I want the street car companies treated fairly. What about the poor fellow who has to ride on the street car? Does not the Senator give consideration to his purse?

Mr. SMOOT. The consideration given him is that if the company does not pay the expenses of operation, then the poor fellow will not have anything to ride on very long.

Mr. HEFLIN. The poor fellow who is not able to pay 8 cents fare would be just as well off if we had no street cars.

Mr. SMOOT. That is true. So he would be just as well off in the one case as the other.

Mr. McKELLAR. Mr. President——

Mr. HEFLIN. It is apparent that the Senator is trying——

Mr. SMOOT. Mr. President——

Mr. WARREN. Will all of the Senators yield to me a moment?

Mr. McKELLAR. I want to ask the Senator from Utah a question before he leaves the Chamber.

Mr. WARREN. All of these discussions are very illuminating, but I was wondering whether we should indulge in them when we have an appropriation bill before the Senate?

Mr. McKELLAR. I am doing it for the simple reason, if the Senator addresses his inquiry to me, that so far as I am concerned I regard a 5-cent fare in the District of Columbia as quite important, sufficiently important for the Members of this body to discuss it.

Mr. WARREN. Has the Senator from Tennessee made a motion to put such a provision in the pending appropriation bill?

Mr. McKELLAR. No; there is no motion, and under the rules of the Senate there does not have to be a motion on it.

Mr. WARREN. I understand the rules of the Senate allow the Senator to stand here for four days and talk if he has the strength to do it. I understand that perfectly well.

Mr. McKELLAR. Of course, where it is a matter of such importance we ought to stand here and talk about it. When the law is violated in behalf of the street car companies, somebody ought to stand here and talk about it. The Senator from Utah [Mr. SMOOT] stated he was in favor of a 5-cent fare, provided a reasonable return was given the street car companies. I called the attention of the Senator to the fact this morning, and I do it again now, and I have no doubt the Senator knows it, that the Capital Traction Co., which was allowed to charge these high fares in the city of Washington, last year paid a dividend of 7 per cent and had a surplus of in the neighborhood of $700,000, almost enough to pay 6 per cent more. Surely the Senator has no doubt about that being even more than a fair return, has he?

Mr. SMOOT. The Senator has no doubt that the 1⅔ cents off of every fare, which the Senator proposes to deduct in order to reduce the fares to 5 cents, would amount to more than the $700,000, and perhaps three or four times that amount.

Mr. McKELLAR. That is not what I am asking.

Mr. SMOOT. That is exactly the fact. The Senator from Tennessee has not studied the question to understand what it means.

Mr. McKELLAR. I am asking if the Senator does not think that any concern able to pay a dividend of 7 per cent is making a very fair return on its money?

Mr. SMOOT. I should consider that a very fair return.

Mr. McKELLAR. The Senator would not fix 7 per cent as an unfair return if he were fixing it, would he?

Mr. SMOOT. He is not fixing it at 7 cents. Six and two-thirds cents is the rate at which it is fixed now.

Mr. McKELLAR. But I am not talking about the fare. I am talking about the amount earned on the capital stock of the company. They paid a dividend of 7 per cent last year, and 7 per cent the year before, and, as I understand it, they said they did not care for the increased rates. Is the Senator in favor of granting them an increased rate whether they want it or not, and regardless of the fair return on the capital?

Mr. SMOOT. No; the Senator is not in favor of that. I think the Senator from Tennessee will find that the other company in Washington has not made any money at all on the rates of fare it has charged.

Mr. McKELLAR. Yes; and the Senator will find that there are people in Washington who do not make money, of course; but we can not fix rates for those who are unable to make money on their property. We can not overcome their delinquencies. I understand that the Washington Railway & Electric Co. is largely a speculative concern; that they have been engaged in getting corporations together at small prices wherever they could and then issuing large blocks of stock with nothing to represent it but pure water. Of course we ought not to be required to tax the people in the city of Washington in order to give that company even what might be called a fair return upon money that they have not got invested in the business.

Mr. SMOOT. Let me ask the Senator a question. Suppose a reduction of 1⅔ cents in every fare received by the Capital Traction Co. should result in decreasing the revenues of the company by an amount greater than that required to pay the 7 per cent dividend and create the $700,000 surplus, would the Senator then want a 5-cent fare?

Mr. McKELLAR. That is a supposition that we need not go into, for the reason——

Mr. SMOOT. Oh, yes; that ought to be taken into consideration.

Mr. McKELLAR. That is not the criterion by which the matter should be judged at all. We judge by what they are earning to-day. They are earning in the neighborhood of 13 per cent. That is too much to tax the people in the District of Columbia to give to the street car companies.

Mr. SMOOT. But the 1⅔ cents which the Senator wants to take off of the rate of fare in the District of Columbia would amount to more than the dividend and the surplus he is talking about.

Mr. McKELLAR. The Senator is entirely mistaken about that.

Mr. SMOOT. Oh, no; I am not.

Mr. McKELLAR. Because before the fare was increased the companies earned good return upon their stock and as much as they were entitled to earn under the contract they had with the city. So it is proved that the Senator's figures are absolutely wrong.

Mr. SMOOT. I do not desire to discuss the matter any further with the Senator.

Mr. HEFLIN. Mr. President, it has been hinted that the street car companies have a good deal of watered stock. When they used to sell six tickets for a quarter they made money. The Senator from Tennessee [Mr. McKELLAR] has pointed out that they are making about 13 per cent on their investment with the tremendous earning power they have under the present law. They used to get along with a 5-cent fare, and the people used to get along fairly well under it; but they have been increased until they pay now, as I said a moment ago, every time they pay a cash fare—not 40 cents' worth of tickets—8 cents for every ride they take. It is wrong. The fares ought to be reduced to 5 cents.

I simply rose to reply to the Senator from Wisconsin [Mr. LENROOT], who said that Senators voted against the 5-cent rate, but I think he voted at that time to sustain the Chair in his ruling that the amendment would be in order. The position he occupied to-day with regard to that is at cross-purposes with the position he occupied then; but his vote to-day, I repeat in conclusion, is in accord with the vote he cast then, because he voted against the 5-cent fare on that occasion. All Senators on the other side of the Chamber who voted to-day to override the ruling of the Chair can not get away from the fact that they voted in that situation to defeat a 5-cent fare for the District of Columbia. The street car companies carry many more passengers now than they did when they used to make 6 and 6½ per cent. I understand there is a lot of watered stock in the business now.

LEGISLATIVE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13926) making appropriations for the legislative branches of the Government for the fiscal year ending June 30, 1924, and for other purposes.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head "Senate, office of the Secretary," on page 2, line 16, to increase the salary of the Assistant Secretary, Henry M. Rose, from "$5,000" to "$5,500."

The amendment was agreed to.

The next amendment was, on page 2, line 18, to increase the salary of the minute and Journal clerk from "$3,000" to "$3,600."

The amendment was agreed to.

The next amendment was, on page 3, in the items for office of Secretary of the Senate, at the beginning of line 2, to strike out "messenger, $1,440."

The amendment was agreed to.

The next amendment was, on page 3, at the end of line 4, to reduce the appropriation for salaries in the office of the Secretary of the Senate from "$89,850" to "$89,510."

The amendment was agreed to.

The reading was continued to line 15 on page 3.

Mr. WARREN. At this point I wish to offer an amendment. On page 3, line 14, the committee proposes to amend by striking out "$1,500" and inserting "$1,800."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 3, line 14, strike out "$1,500" and insert "$1,800," so as to read:

Three assistant clerks, at $1,800 each.

Mr. FLETCHER. Was that estimated for?

Mr. WARREN. There is no estimate necessary so far as this bill is concerned.

The amendment was agreed to.

Mr. WARREN. On page 3, line 15, I propose another amendment, to strike out "$900" and insert "$1,200."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 3, line 15, strike out "$900" and insert "$1,200," so as to read:

Messenger, $1,200.

The amendment was agreed to.

Mr. WARREN. Before going further I ask unanimous consent that the clerks at the desk may change all totals to correspond with the amendments when we are through with the bill.

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

The reading of the bill was continued to page 4, line 1.

Mr. WARREN. On page 4, line 1, I move to amend by striking out "$1,800" and inserting "$2,220."

The VICE PRESIDENT. The amendmend will be stated.

The ASSISTANT SECRETARY. On page 4, line 1, strike out "$1,800" and insert "$2,220," so as to read:

Assistant clerk, $2,220.

The amendmend was agreed to.

Mr. WARREN. On the same page, in line 17, I move to amend by striking out $2,500" and inserting "$3,000."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 4, line 17, strike out "$2,500" and insert "$3,000," so as to read:

Interstate Commerce—clerk, $3,000.

The amendment was agreed to.

The next amendment was, under the subhead "Clerical assistance to Senators," on page 6, after line 12, to insert:

Senators elected, whose term of office begins on the 4th day of March, and whose credentials in due form of law shall have been presented to the Senate, or filed with the Secretary thereof, are authorized to appoint the same number of clerical assistants, not to exceed four, at the same annual salaries, to which qualified Senators, not chairmen of committees, are entitled, whose compensation shall be paid out of the appropriation for clerical assistance to Senators.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Sergeant at Arms and Doorkeeper," on page 6, at the beginning of line 26, to strike out "Assistant Sergeant at Arms, $2,500."

Mr. CALDER. Mr. President, the position referred to in the amendment is filled by a man recommended by me. He is most efficient. He has held the position for the past four years. Of course, I have no notion as to what may happen to him in the future. He has, however, been very helpful in many ways. I do not know the reason why the committee has recommended that the position be abolished. It has existed to my knowledge for the past eight years.

Mr. WARREN. Mr. President, will the Senator from New York allow me to interrupt him?

Mr. CALDER. Yes.

Mr. WARREN. Without entering into the merits of the officer or clerk referred to, for I do not know him personally nor am I familiar with his duties, the office was created at the time when Sergeant at Arms Ransdell was very ill and not able to attend to his duties. There was then a man who had been here a long time, by the name of Cornelius, for whom the office was created for the time being, and has been perpetuated since. The position was continued during the time when Mr. Higgins was Sergeant at Arms of the Senate and was filled subsequently on the recommendation of the Senator from New York, as he has stated.

Mr. CALDER. At any rate, I know the office has been filled for eight years, and for the past four years it has been very efficiently filled. The man who has held the position has been exceedingly useful to many Members of the Senate, and I am confident it would be a distinct loss to the permanent staff of the Senate if the position should be abolished. Of course, after I leave the Senate I do not know whether or not the present incumbent will be retained, but my judgment is that the office should not be abolished.

Mr. WARREN. I will say to the Senator from New York that in any event the office will remain in existence until the 1st of July next.

Mr. CALDER. I understand that even if the amendment shall be agreed to the man who holds the office will continue in office until the 1st of July next.

Mr. HARRISON. May I ask the Senator from New York if the office which is now sought to be abolished is the one held by Mr. Woodworth?

Mr. CALDER. It is.

Mr. HARRISON. My observation of Mr. Woodworth is that he is a most efficient and capable employee.

Mr. CALDER. I know that he is, and I therefore hope the committee amendment may not prevail.

Mr. McKELLAR. I wish to make the same statement in reference to Mr. Woodworth as has been made by the Senator from Mississippi [Mr. HARRISON]. I know Mr. Woodworth well. He is an efficient employee, and I hope the Senate will retain him.

Mr. CURTIS. Mr. President, I do not wish to enter into a discussion of this matter, but, as has been stated by the chairman of the Committee on Appropriations, the Senator from Wyoming [Mr. WARREN], this office was created a number of years ago in an emergency. We are advised, however, that the office of the Sergeant at Arms may be conducted very well without this additional help. I know the officer who at present occupies the place, and I know he has been capable and efficient, but if the office of the Sergeant at Arms may be run without the additional help, if we have an office here which is not needed, as has been ascertained in this instance, we, inasmuch as we are making an effort to reduce expenses, ought to be willing to begin to reduce them here in the Senate. So the committee have stricken the item from the bill, and I think the Senate ought to stand by the committee and reduce expenses to that extent in our own body.

Mr. FLETCHER. Mr. President, I think the Senator from Kansas is entirely right. It is not a question of our personal friendship at all; it is a question of reducing appropriations because the salary heretofore paid for the place has become unnecessary. I think the amendment should be adopted.

Mr. CALDER. Just another word. I know of no more useful place in the staff of this body than the one occupied by Mr. Woodworth, and I hope that the committee amendment will not prevail.

Mr. HARRISON. Mr. President, there is one thought which occurs to me, and that is if the effort is to be made to pass a ship subsidy bill and to keep Senators here to do it and they are to be forced to vote for such an obnoxious measure and it shall fail at this session and an extraordinary session be called, there will not only have to be a Sergeant at Arms but two or three Assistant Sergeants at Arms to bring Senators here in order to pass such a bill.

Mr. CURTIS. We shall take our chances on that, Mr. President.

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

Mr. CALDER. I ask for a division, Mr. President.

The question being put, on a division the amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 7, line 4, to increase the number of messengers at $1,800 each under the office of Sergeant at Arms and Doorkeeper from "37" to "38."

Mr. ASHURST. Mr. President, on page 7, line 4, of the bill I notice the words "including one for minority."

Mr. WARREN. May I say to the Senator from Arizona that there are two of those messengers for the minority, one having a certain salary and the other a somewhat lower salary.

Mr. ASHURST. Mr. President, I received a letter from a constituent about a month ago stating that he desired me to procure a position about the Senate as messenger or page or elevator operator for one of his relatives, who was a worthy young man. I wrote him in reply that in 1919, when the Republicans took charge of the Senate, they, of course, also took all the positions commonly called "patronage" and that such patronage was at the disposal of the Republican Senators but not at the disposal of Democratic Senators. However, I am advised that 10 places or positions have been allotted as "patronage" to certain Democratic Senators. I had expected to introduce a resolution in the Democratic caucus asking who on this side of the Chamber has received patronage at the hands of the Republican Senators. I now ask to be informed as to what particular Democratic Senators have been given the right to appoint persons to positions about the Senate?

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. I yield.

Mr. CURTIS. It is impossible for me to give the names, but it has been the custom in the Senate ever since I have been a Member of it to allow the minority certain patronage. That patronage is assigned to the minority side, and the patronage committee of the minority, I presume, disposes of it just as it is distributed on the majority side.

Mr. ASHURST. Who make the appointments? I desire the names. I expect ultimately to find out and I shall not be deflected in my pursuit of this information.

Mr. CURTIS. I can give the Senator the names of the employees, but, of course, not being a member of the Democratic Party and not attending their conferences and not being on their committees, I can not tell him who make the selections.

Mr. ASHURST. I am advised that a patronage committee has made the appointments and we desire a list of the names.

Mr. McKELLAR. Mr. President——

Mr. ASHURST. I yield to the Senator.

Mr. McKELLAR. The Senator looks around at me, and so I want to tell him that I am not one of them.

Mr. ASHURST. Very well. There is the first admission.

Mr. SMITH. What does the Senator want especially to know?

Mr. ASHURST. I have been informed that places or positions have been assigned to the Democratic minority. The Senator from South Carolina says he knows nothing about it.

I shall content myself for the present with what I have said. If the Democratic leader will submit to me the list of names I shall be content. I hope that those who have been frequently in the public eye denouncing the Republicans are not also those who have been receiving patronage at the hands of the Republicans.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 7, line 10, to increase the number of skilled laborers under the office of Sergeant at Arms and Doorkeeper from four to five.

The amendment was agreed to.

The next amendment was, on page 7, line 13, to increase the compensation of three female attendants in charge of ladies' retiring rooms from $720 to $1,000 each.

The amendment was agreed to.

The next amendment was, on page 7, line 17, after the figures "$650," to strike out "attendant for service in old library portion of the Capitol, $1,500."

The amendment was agreed to.

The next amendment was, on page 7, at the end of line 24, to reduce the total appropriation for the office of Sergeant at Arms and Doorkeeper from "$158,300" to $157,580."

The amendment was agreed to.

The next amendment was, on page 8, line 22, after the words "Vice President," to insert "to be immediately available," so as to read:

For driving, maintenance, and operation of an automobile for the Vice President, to be immediately available, $3,000.

The amendment was agreed to.

The next amendment was, on page 21, line 10, after the word "third," to strike out "session" and insert "and fourth sessions," so as to read:

For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the third and fourth sessions of the Sixty-seventh Congress, showing appropriations made, new offices created, offices the salaries of which have been omitted, increased, or reduced, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills, as required by law, $4,000, to be paid to the persons designated by the chairmen of said committees to do the work.

The amendment was agreed to.

The next amendment was, under the subhead "Capitol Buildings and Grounds," on page 22, after line 17, to insert:

For special repairs to the Senate Chamber, including extension of ceiling skylight, painting, reconstruction of air chamber under floor, and for new flooring, to be immediately available, $31,385.

The amendment was agreed to.

The next amendment was, on page 23, after line 14, to insert:

For painting and renovating Senate Office Building, and for all purposes connected therewith, to be immediately available, $55,370.

The amendment was agreed to.

The next amendment was, on page 23, after line 17, to insert:

For 100 woven-iron storeroom cages, attic floor, Senate Office Building, to be immediately available, $16,180.

The amendment was agreed to.

Mr. FLETCHER. May I inquire of the Senator what are contemplated by those two amendments, the first being for painting and renovating the Senate Office Building? Does that mean the outside of the building?

Mr. WARREN. Mr. President, the chairman of the Committee on Rules is present, and I will ask him to explain that item.

Mr. CURTIS. As the Senator from Florida knows, the Senate Office Building has not been painted since it was erected. A number of Senators have come to me, as chairman of the Committee on Rules, and requested that I take such steps as might be necessary to have the rooms painted inside and such other painting done as could be done within the amount proposed to be appropriated. I asked for an estimate and received it, and the committee put in an appropriation to cover the amount. With that appropriation we want to have done as much painting as possibly can be done, and we hope to be able to finish the entire building, but the rooms will be painted inside first, so that the rooms of Senators will be repainted for the first time in 12 or 14 years.

Mr. FLETCHER. What is the meaning of the "woven-iron cages"?

Mr. CURTIS. I suppose the Senator knows that a great many of the Senators desire to keep their old letter files, and they desire space in which to put them. They now are in rooms from which we may be able to remove them to make additional rooms for Senators; and by putting steel cages in the attic we can have one for each Senator. That has been done in the House Office Building, and has proven very satisfactory. The Members of the House are greatly pleased with the accommodations that have been given them, and we thought we would give the Senators the same accommodations. There will be one for each Senator and four extra.

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

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Library Building," on page 33, line 17, after the word "one," where it occurs the first time, to strike out "$2,000" and insert "$2,250"; in line 24, before the word "each," to strike out "$480" and insert "$720"; and, on page 34, at the end of line 3, to strike out "$72,465" and insert "$73,195," so as to make the paragraph read:

Salaries: Administrative assistant and disbursing officer, $3,000; clerks—1 $2,250, 1 $1,600, 1 $1,400, 1 $1,000; property clerk, $900; messenger, $840; assistant messenger, $720; 3 telephone switchboard operators, at $720 each; captain of the watch, $1,400; 2 lieutenants of the watch, at $1,000 each; 22 watchmen, at $900 each; foremen of laborers, $900; 16 laborers, at $660 each; 2 book cleaners, at $720 each; laundress, $660; 2 attendants in ladies' room, at $720 each; 4 check boys, at $360 each; mistress of charwomen, $425; assistant mistress of charwomen, $300; 58 charwomen, at $240 each; 4 elevator conductors, at $720 each; 3 skilled laborers, at $720 each; in all, $73,195.

The amendment was agreed to.

Mr. WARREN. Mr. President, I have an amendment on the part of the committee to add to the language which appears on page 34, lines 15 and 16.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 34, lines 15 and 16, it is proposed to strike out "Cashier and paymaster, $2,500" and to insert in lieu thereof the following:

disbursing clerk, $2,500: *Provided*, That the disbursing clerk of the Government Printing Office hereafter shall be charged with the receipt and disbursement of all moneys for said office in accordance with the provisions of law relating to the Public Printer and other disbursing officers of the Government, under such bond and rules as the Secretary of the Treasury shall prescribe; and thereafter the Public Printer shall give a bond in the sum of $25,000 for the faithful performance of his duties.

The amendment was agreed to.

Mr. SMOOT. Mr. President, on page 34, line 11, following "Government Printing Office," I offer on behalf of the committee the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 34, after line 12, subhead "Office of Public Printer," it is proposed to insert the following:

The Public Printer may hereafter employ such number of apprentices as in his judgment will be consistent with the economical service of the office.

Mr. McKELLAR. Mr. President, my attention was temporarily distracted a minute ago. Will the Senator state what that amendment is? I beg his pardon for asking him to repeat it.

Mr. SMOOT. Yes; I will read the amendment to the Senator and then explain briefly what it is for.

The amendment reads:

The Public Printer may hereafter employ such number of apprentices as in his judgment will be consistent with the economical service of the office.

The provision of the printing act of 1895, Twenty-eighth Statutes, page 608, reads as follows:

The Public Printer may employ such number of apprentices, not to exceed 25 at any one time, as in his judgment will be consistent with the economical service of the office.

Mr. McKELLAR. Is there a limitation put upon this provision?

Mr. SMOOT. There is no limitation put upon this.

Mr. McKELLAR. Are they to be under the civil service?

Mr. SMOOT. They are all under the civil service.

Mr. McKELLAR. Are they required to be under the civil service?

Mr. SMOOT. Yes.

Mr. McKELLAR. Would it not be better for the Senator to put some limitation upon them?

Mr. SMOOT. All of the employees of the Government Printing Office are under the civil service.

Mr. McKELLAR. But would it not be better to put a limitation on the number, instead of just giving the Public Printer an unrestricted right to appoint as many as he wants?

Mr. SMOOT. No. I will say to the Senator that if the Government Printing Office had the same proportion of apprentices that the labor organizations of the country allow in all of the work in which they have an interest there would be over 400 of them now in the Government Printing Office. This limit of 25 was made at a time when the number was very much smaller. I thought the statement of the Public Printer stated the exact number, but he says:

At that time—

That is, at the time of the passage of the law to which I have referred, in 1895—

there were a comparatively small number of employees in the Printing Office, a few hundred, as compared with the 4,000 and over now.

Mr. McKELLAR. And how many apprentices are there—only 25?

Mr. SMOOT. There is a limit of 25. I want to state to the Senator that they have the training of apprentices in the Government Printing Office, and they have complete four-year courses. The first period of the printing course is one month and the second period is so many months. There are 12 periods covering the four-year course. Then they have the pressman's course there, and the next course is the platemaker's course, and the bookbinder's course, and the machinist's course.

Mr. McKELLAR. What rate of pay do they get?

Mr. SMOOT. It is right in the office itself. They take the boys that have come in there and worked around and made themselves proficient and want to learn the trade, and they have that course to educate them, so that they go right in and take places in the office as they become vacant.

Mr. FLETCHER. May I ask the Senator a question? Does he not give an opportunity for some of the ex-service men to be trained here?

Mr. SMOOT. Yes.

Mr. FLETCHER. So that it relieves the vocational training work?

Mr. SMOOT. Yes. There is not a better place in the world to train any of the ex-soldiers than right in that office, and that is what we want to do.

Mr. FLETCHER. In reference to the amount of pay, I think usually they get about 25 cents an hour, which is, of course, very much less than the full pay.

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

The amendment was agreed to.

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

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

The bill was read the third time and passed.

INTERALLIED DEBTS AND GERMAN REPARATIONS.

Mr. HARRISON. Mr. President, I ask unanimous consent to have printed in the RECORD some very interesting information. Here is a letter which I have received from the president of the Southern Commercial Congress which explains the matter. The letter states that—

The Southern Commercial Congress organized an International Trade Commission, representative of all sections of the United States.

Investigations were made in France, Belgium, Holland, Germany, Switzerland, Italy, and Great Britain.

The commission was nonpartisan, its membership being about evenly divided between our two great political parties.

Herewith I am sending you a copy of the preliminary report; the complete report with a digest of the conditions in the various countries visited by the commission; a set of amortization tables given as a suggested basis for the settlement of the interallied debts and the German reparations, together with letters from members of the American and British commissions and a copy of the resolutions adopted by the Southern Commercial Congress at the fifteenth annual convention held at Chicago, Ill., December 20–22, 1922.

This material is respectfully submitted for the information of the public, and is delivered to you, with the request that you present it for publication in the RECORD or as a separate congressional document for the information of the American people.

I have here a letter from the Secretary of the Treasury, one from the Secretary of State, and one from Hon. Stanley Baldwin, British debt commissioner. The matter is not very long. It is information which this commission procured in Europe. I do not vouch for it; I would not offer it except I know the character of the men who obtained the information; and the public is entitled to read it for what it is worth. So I ask unanimous consent to have it inserted in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

(Letter from Hon. A. W. Mellon, Secretary of the Treasury.)

NOVEMBER 4, 1922.

CLARENCE J. OWENS, Esq.,
President the Southern Commercial Congress,
Southern Building, Washington, D. C.

DEAR SIR: I beg to acknowledge your letter of October 31 inclosing copy of the preliminary report of the International Trade Commission which was assembled by the Southern Commercial Congress.

I note that a copy of the final report will be sent immediately after November 20, when it is to be released.

I also note your offer to send a complete report as to a plan of amortization, and beg to say that I should be glad to receive the same.

Thanking you, believe me, yours very truly.

A. W. MELLON, *Secretary.*

—

(Letter from Hon. Charles E. Hughes, Secretary of State.)

NOVEMBER 14, 1922.

Mr. CLARENCE J. OWENS,
President the Southern Commercial Congress,
Southern Building, Washington, D. C.

MY DEAR MR. OWENS: I regret that on account of the pressure of work in the department I have been unable before this to acknowledge the receipt of your letter of October 31, inclosing a copy of the preliminary report of the International Trade Commission assembled by the Southern Commercial Congress. I am deeply interested in the important subjects to which this report refers, and I appreciate your courtesy in sending me a copy.

Sincerely yours,

CHARLES E. HUGHES.

—

(Letter from the Hon. Stanley Baldwin, Chancellor of the Exchequer and chairman of the British mission of Great Britain to the United States.)

SHOREHAM HOTEL,
Washington, January 15, 1923.

Mr. CLARENCE J. OWENS.

DEAR MR. OWENS: I am very grateful to you for being so good as to furnish me with a copy of the preliminary report of the International Trade Commission of the Southern Commercial Congress, together with amortization tables for the payment of the debts of nations, including German reparations.

I should like at once to express my admiration of the careful research and mature thought which have been brought to bear upon questions of great intricacy and difficulty.

It was a great pleasure to me to have the honor of a conference with you and the advantage of being favored with the impressions you have derived as a result of your extended tour in the Continent of Europe.

Yours sincerely,

STANLEY BALDWIN.

—

PRELIMINARY REPORT OF THE INTERNATIONAL TRADE COMMISSION.

The International Trade Commission assembled by the Southern Commercial Congress has returned to the United States after an extended tour of inspection in Great Britain, France, Belgium, Holland, Germany, Switzerland, and Italy.

Courtesies were invoked for the commission by the State Department and the Department of Commerce of the United States, and every facility was granted for the successful prosecution of the work by the agencies of the United States in the countries visited and by the governmental and business organizations and offices of these countries.

The commission is preparing a comprehensive report for presentation to the Fifteenth Annual Convention of the Southern Commercial Congress, to be held in Chicago, November 20 to 22, and for presentation to the Congress of the United States in December. The report will be offered for publication by Congress for the information of the American people.

The American commission assembled by the Southern Commercial Congress in 1913 submitted a report on which was based the Federal farm loan act, and the commission will in the present report submit clear-cut recommendations, the result of first-hand observations, on the fundamental problems in the international relations that react as barriers to direct trade and financial intercourse.

The commission has divorced its work absolutely from national and international politics, and without fear or favor has sought to view the problems and suggest the remedies with an eye single to the economic betterment of the world, the extension of American business, and the sane reconstruction of the stricken nations of Europe.

As a preliminary statement the commission has authorized a brief announcement of conclusions on the fundamental problems that in each country was found to be the absolute barrier that must be removed before the minor questions will admit of solution. The statement, adopted unanimously, is as follows:

"Notwithstanding the treaty of Versailles and the low economic stature of European nations, Europe is more nearly on the verge of military conflict than at any period immediately preceding the World War.

"The Belgian compromise is purely temporary, and unless some solution of the problems is reached prior to the expiration of the six months' period the conditions in Europe will be infinitely worse.

"The fundamental problem is that of the settlement of the war debts and reparations. The settlement can not be handled piecemeal, but must include all the nations parties to international financial obligations. America, as a creditor nation to the amount of $10,000,000,000 plus accrued interest, must see that its interests are protected in the contract of settlement.

"France and Belgium base their entire program of reconstruction and rehabilitation and the return of exchange to an approximate normal status upon German reparation payments. They say, 'Germany must pay.'

"Germany, with its gold and securities of value out of the country, with apparent financial collapse but with an almost frenzied agricultural and industrial activity in production, boldly claims that the treaty of Versailles must be amended that Germany may be free to compete economically and commercially with other countries of the world, and claims that 'Germany can not pay anything like the sum demanded nor at all until she is free to export.'

"Holland, as a neutral observer, agrees that Germany can not pay, and plainly says that the economic future of Holland is bound up with the fate of Germany. They say if Germany succeeds, Holland will prosper; if Germany fails, Holland will suffer.

"Italy has more nearly balanced her budget and England has balanced hers. These nations do not maintain that their economic future is dependent upon German reparations. However, both nations have their heavy exterior debts and both expect Germany to pay an adequate amount.

"If a settlement is reached, and a settlement must be reached if the peace of the world is to be restored and guaranteed, then two basic considerations must be understood and accepted, viz:

"1. America can not cancel the debts of the nations, but all nations must ultimately pay their obligations with dignity and honor.

"2. The World War is ended, and while hate and anger is still in the hearts of many, the settlements between nations formerly belligerent must be on a basis of mutual respect and consideration.

"Two words contain the solution of the world's problems in the international settlement in this hour of unhappy and chaotic uncertainty. They are 'moratorium' and 'amortization.' Let no nation ask for its debts to be forgiven, but only for time and patient consideration. The former Allies must pay the United States. Germany must pay reparations obligations, but amendments to the treaty of Versailles must be agreed upon giving Germany the opportunity of free competition economically with all nations, and France and Germany must have guaranties of freedom from molestation and military attack.

"If there was adequate reason for a six months' moratorium, there will be greater reason for a longer extension at the expiration of the period. A moratorium of a longer and absolutely definite period must be accepted. If America as a creditor nation attempts to force payments from the nations of Europe, the result would be disastrous, and if the former Allies attempt to force the defeated nations beyond the ability to pay, it would be equally disastrous and would inevitably lead to armed conflict.

"The nations must agree around the table to an amortization scheme of settlement. America might generously agree to reduce the interest rate lower than 4½ per cent and permit one-half of 1 per cent of the interest agreed upon to go to amortize the loan of $10,000,000,000, and thus with the payment of the interest and the amortization annually the debts would be eventually paid. It is evident that 25 years is altogether too brief a period to amortize the debts.

"The American farmer who under the Federal farm loan act gets his loan for 34½ years understands this principle, and Germany, the country that achieved most in building internal economic power prior to the World War, accomplished the result by the application of the amortization principle. Germany should be given the same opportunity to amortize the reparations as is extended to the countries of Europe by the United States and England in the settlement of the interallied war debts. Close study of European finances indicates the need for a long amortization period and a low annual payment. It is the principle and not the rate that offers the solution.

"A standardized plan should be adopted speedily by all nations in conference. The plan should be based upon common sense and even justice. The program of disarmament with guaranties of peace would naturally be a vital element in the contract of settlement."

CLARENCE J. OWENS, *Washington, D. C., Chairman.*
EMMETT W. GANS, *Hagerstown, Md., Vice Chairman.*
RALPH METCALF, *Tacoma, Wash., Secretary.*

—

REPORT OF THE INTERNATIONAL TRADE COMMISSION.

At a conference in September in Berlin, where the American Trade Commission was studying economic and financial conditions, Doctor Bucher, managing director of the Great Federation of German Industries, said:

"Germany and England must export manufactures and import food and raw material. The United States has within itself all food and raw material that is needed."

Doctor Bucher spoke the truth but not all of the truth. The United States produces a surplus of agricultural products as well as manufactured goods which must find a foreign market. This surplus is comparatively small, but it figures in billions, and its economic effect must be considered.

The inability of many American farmers during the past two years to market their crops at a satisfactory profit, or even to secure a return covering the actual cost of production, is due to lack of a foreign market for our surplus products.

Upon applying to the Federal Government for comparative figures of exports of manufactures and agricultural products to total production the commission was advised as follows:

Unfortunately figures for production and foreign trade are not compiled on a comparable basis, and no figures are immediately available. One of the most carefully worked-out estimates, published by the Harvard Review of Economic Statistics, finds a percentage of exports to total production of exportable goods in 1909 of 7.9 per cent, 1914 of 8.5 per cent, and 1919 of 13.4 per cent. Another estimate made by Dr. B. M. Anderson shows figures of 9.3, 9.7, and 16.01 for the three years, respectively. These two estimates are supposed to include all commodities. A third estimate made by the Federal Reserve Bank of New York, based on 101 representative commodities, shows 4.07, 6, and 7.9 per cent, respectively. It can not be said that there is any one absolutely accurate ratio between domestic and foreign trade. The Harvard Review further figures that in the fiscal year 1920 we exported 45.6 per cent of our tobacco production, 39.3 per cent of copper, 32 per cent of cotton, 21.1 per cent of wheat, 17.5 per cent of pork, 10.6 per cent of beef, 5.7 per cent of anthracite coal, and 5.1 per cent of commercial automobiles. The value, in billions, of products, exports, and imports in 1909, 1914, and 1919 is as follows:

	1909	1914	1919
Agricultural crops	5.49	6.11	15.87
Animals and animal products	3.01	3.78	8.96
Minerals	1.89	2.12	4.65
Manufactured products	8.53	9.88	23.90
Exports	1.70	2.07	7.75
Imports	1.48	1.79	3.90

The Federal Reserve Bank of New York states that "despite the tremendous drop in both value and volume of our exports in 1921 the ratio to total production was actually greater not only than the notoriously 'boom' year previous, but also greater than any other year during the past generation. We did a better foreign business in 1921, a calamity year, than in any previous recent year—better probably than in any previous year." The bank shows a steadily increasing per cent of exports to production, from 4.47 per cent in 1910 to 6.10 in 1913, 6.52 in 1916, 7.91 in 1919, and 8.40 in 1920, with an increase of almost double in 1921.

These statistics also disprove the startling warning of James J. Hill, when he said in an address at Tacoma, Wash., in 1908:

"In 10 years there will not be a ship sail out of this harbor to cross the ocean. We shall have no flour and grain to ship; we shall be importing wheat; and in 25 years we shall face a nation-wide famine."

Although this address was declared by Sir Horace Plunkett, one of the leaders of agricultural thought among English-speaking people, "one of the most important speeches ever delivered by a public man upon a great public issue," it is obvious that world conditions and improvement in the methods of production and agricultural finance in the United States have very materially affected Mr. Hill's prophecy, or at least have deferred its realization. So far from facing a famine, the problem of the United States to-day is to find a satisfactory market for its surplus products.

The initial step, to follow recognition of a condition, is a first-hand, accurate collection of the facts, to be followed by a scientific study of the facts collected and all conditions at home and abroad that enter into the problem, in the certainty that out of it will come knowledge, and in the light of knowledge better conditions should follow.

Because of our failure to grasp trade opportunities to the South, Europe is the greatest available market for our surplus, and to make the necessary collection of the facts about European conditions by personal study the International Trade Commission was assembled by the Southern Commercial Congress.

The Southern Commercial Congress was organized in 1837 and for the past 14 years has maintained permanent headquarters at Washington. The slogan of the Congress is, "For a greater Nation through a greater South." Its activities have been nation-wide, and upon its invitation the governors and representative men in all branches of American business in the States of the North, East, and West have cooperated cordially.

In 1913 the Southern Commercial Congress organized an American commission on rural credit and agricultural organization, which at that time was the great problem the United States was facing and refusing to consider, composed of 118 men, 60 of them official delegates commissioned by governors of 29 States and premiers of 4 Canadian

Provinces. This commission studied in every country in Europe except Portugal and the Balkan States, where war was then raging. Based upon its investigation and report there have been enacted many State laws for the benefit of the farmer, and the Federal farm loan act, under which there are in operation 12 great regional banks and more than 4,000 farm-loan associations, with loans of more than $800,000,000 to farmers on long time and low rate of interest on the amortization plan. This law has established in America the principle that 1 per cent added to the rate of interest will cancel the debt in 69 semiannual payments, or 34½ years.

General Pershing is responsible for the statement that when America entered the World War emergency legislation was required for the Army and Navy, for shipping, for practically every governmental activity, but the Federal farm loan act was already in operation and needed no further legislation to enable our farmers to produce food for our Army and Navy, for our country, and, to a large extent, the Allies. There have been other nation-wide achievements by the Southern Commercial Congress of less magnitude, but also of great importance.

The International Trade Commission assembled at New York on August 18 last and sailed on the following day on the steamer *Homeric*. Every part of the country, from the Pacific coast to New England and from Ohio to Alabama, was represented. The members held appointments from the Governors of Tennessee, Missouri, Ohio, Maryland, Virginia, Pennsylvania, Alabama, Washington, North Carolina, New Hampshire, Georgia, and from the Southern Commercial Congress.

The commission included growers, manufacturers, exporters, bankers, executives of commercial organizations, and other fields of industry. There were several ladies, who were commissioned by the governors of various States because of their activity in women's clubs and public affairs. The commission was about evenly divided between the two great political parties, and its investigation and findings have been absolutely without consideration of national or international politics.

The commission studied the European problems and ventures to suggest remedies, with an eye single to bringing order out of existing chaos, that the enormous debts due to America from Europe may be paid and increased markets may be developed for the extension of American business through the economic betterment of the world, sane reconstruction of the stricken nations, and stabilization of their currency and finances.

The commission landed at Cherbourg and studied in Paris, France; Brussels, Belgium; The Hague, Amsterdam, Rotterdam, Holland; Berlin, Germany; Lucerne, Zurich, Switzerland; Milan, Venice, Rome, Italy; returning to Paris and thence to London.

Investigation was attempted to be made in the following fields:

Europe's needs as to raw material and manufactured products.

Europe's ability to pay and Europe's need of American credit.

Export information.

Import information.

The sources of information consulted were:

Diplomatic and consular officers of the United States.

Trade commissioners of the United States Department of Commerce.

Ministries of commerce of European countries.

International chambers of commerce in European countries.

American Express Co., European offices.

Independent agencies of information, including (a) individuals, (b) organizations.

Courtesies were invoked for the commission by the State Department and the Department of Commerce of the United States and every facility was granted for the successful prosecution of the work by the agencies of the United States in the countries visited and by the governmental and business organizations and interested individuals in these countries.

Conferences were held in every city visited and the officials and agencies heretofore enumerated called to testify before juries of inquiry. The commission met with no refusal nor hesitation to testify, but in every country with a full and frank statement of facts and conditions from the viewpoint of the witness.

A number of valuable reports and documents prepared by the United States Diplomatic and Commercial Service and by officials and economists of the various European countries was received by the commission and incorporated in its records.

In seeking to learn existing trade and financial conditions and any barriers to extension of American trade that may exist, in every country except Italy the answer both of foreign officials and financiers and of American diplomatic and commercial representatives and of Americans in business, there resident, invariably led back to the German reparations and the allied debts to the United States.

Before leaving France, the first country visited, it became evident that these problems were fundamental and must be settled before the question of trade extension can be intelligently considered.

Another startling fact impressed itself, the psychological aspect of the situation. It is difficult for Americans to understand that notwithstanding the Versailles treaty, Europe is more nearly on the verge of war than at any period immediately preceding the World War. In France the dominant feeling, permeating everything and every man, woman, and child, in the air, in conversation, in business, even in the press, is fear—fear of another attack by Germany, a Germany whose soil war did not touch, a Germany with every factory in frenzied operation, the great Krupp works running full shifts, and scientists in their elaborate laboratories designing or already preparing new devilish gas or chemical, which dropped from above will doom to instant death an army or a city full or a countryside. And Germany, a far greater and more powerful nation than France, emphasized by memories of the debacle of 1870. That is the unquestioned situation in France to-day notwithstanding the treaty provision limiting Germany to an army of 100,000 men and equipment and munitions for no more, while France has 800,000 men under arms. It is not good for the morale of the nation or the world; it is not conducive to peace nor to a reasonable consideration of the great problems that must be faced and solved to-day and upon a just solution of which the welfare—to say the least—of the world, including the United States, depends.

Not only that she needs the money, because she already has spent it, lavishly, extravagantly, relying upon payment in the immediate future of money that by no physical possibility can be paid for years and never in the sum fixed by the Reparation Commission, but also and more emphatically because of this fear which demands that Germany shall be crippled and dismembered and prevented from reestablishing herself, France declares that Germany must pay and shall pay the entire 132 billion gold marks and shall make the payment specified when the present temporary moratorium, resultant from the Belgian compromise, expires. France even suggests that it is the duty of the United States to aid in forcing Germany to make this payment, for if this payment fails, then France will fall, and with France, civilization. But before the crash comes, a million French soldiers will march into the Ruhr district. There are wise heads in France who realize the futility of this threat and the impossibility of Germany meeting the requirements.

One representative of the French Government has even whispered that the hope of France in insisting upon the letter of the treaty is not to force payment in full but to compel a dissolution of the former great German Empire into its constituent, free-from-military federation. This is a secret of the innermost circle, but the statement has been made on very high authority.

There are some who are optimistic enough to believe that there is a forlorn hope that, without German reparations, the indomitable spirit and wonderful thrift of France may pull her through; but we have not exaggerated the attitude of France, as impressed upon the commission by officials, financiers, representatives of commerce and industry, and quite "out Frenching" the French, to paraphrase one of the clever epigrams of Poincare, by American diplomats and officers and directors of the American and International Chambers of Commerce. And, of course, America must give up all thought of expecting any payment of the allied debts. This latter is not expressed by official France but is the overwhelming sentiment. No provision for such payment is given consideration in preparing the budget.

The attitude of Belgium—Government, industry, finance, people—is a simple ditto. If Germany fails to pay the last mark named in the reparations demand, and at the appointed time, then France and Belgium fall, and civilization goes back to the Dark Ages—and civilization includes the United States.

Holland says these demands can not be met; Germany must be given a chance to get back on her feet; for Germany is Holland's hinterland, and if Germany falls—and fall she must, and soon unless given a breathing spell—then Holland falls, too, and with them all Europe.

The commission was assured by the United States ambassador at Berlin that it was idle to ask for the attitude of Germany, for there were as many different attitudes as there are German people—about 60,000,000. Still, the attitude of Germany is sufficiently clear. Germany, with its gold and securities of value safe in neutral lands, with worthless paper currency and apparent financial collapse, but with a frenzied agricultural and industrial activity in production, declares that the treaty of Versailles must be revised so that Germany may be free to compete in the world's markets—that Germany can not pay anything like the preposterous sum demanded, nor at all until she is free to import raw material and to export manufactured goods. Germany can live and gradually rebuild her shattered economic structure and pay a reasonable reparation in due time, but only if she be allowed to export. Germany must keep her factories running and her workers employed or the Russian revolution looms near. She has a short crop and raises only food enough to feed her people for seven months. She must import food for five months. She has left 1,000,000,000 gold marks. If she pays this into Belgium, as demanded, she can no longer buy raw materials abroad, for her paper currency is of no value except within her borders. Nor can she buy food next spring to avert threatening famine when her own production is exhausted. Without raw material, with her hundreds of thousands out of work and starving, no power can prevent a bloody revolution and Bolshevism. The Versailles treaty makes it impossible for Germany to build up foreign trade, upon which payment of reparations depends. The treaty must therefore be revised. You can not take away a man's tools and the material upon which he works and expect him to go on with production, from the sale of which he must pay his bills. He can not.

If France marches an army into the Ruhr district, Germany will fight; there is no other alternative; it is for life. If the Allies prevent Germany from doing business with the West, she will look to the East. There is a great storehouse of raw material and food; there is an army in the making that can overwhelm Europe under veteran German commanders; Russian industry in trained German hands. This is whispered; aloud it is emphatically declared: "Germany will look to the East."

Hugo Stinnes, the head of German finance and industry, closed a contract while the commission was in Germany to expend 13,000,000,000 francs in reconstruction in the devastated area in France, to apply on reparations. This proposition was gladly approved by France. It was only a day or two before it was whispered in Berlin that the hidden political purpose of this move overshadowed its surface intent. It is no secret that Stinnes has his agents all over Russia. It is true that they have failed in some of their efforts, and this has been played up in the newspaper press; but it is also true that Germans, directed by Stinnes, are gradually getting into control or at least into direct contact with Russian industry and commerce. Had Stinnes proposed to go into Russia on so tremendous a scale as he has in the devastated regions in France, France would have shouted an emphatic "No." But France has very cordially approved the Stinnes contract; how can she even criticize a contract in Russia, a Russia that owes France a billion dollars of borrowed money and other billions on investments now worthless? And what does a German-Russian military alliance mean to the peace of Europe—and that unquestionably includes the peace of the world.

This summary of the attitude of Germany is accurate, so far as the judgment of the commission may go. What keeps Germany stirred up and resentful is the occupation by French colored troops, who, it is emphatically declared, were at the outset, but are not at the present time, guilty of outrages. This attitude is not good for the morale of Germany nor of the world; it is not conducive to peace nor to a reasonable consideration of the great world problems that must be solved without further futile dalliance.

Switzerland, or a considerable part of it, sympathizes with Germany. The hotel or tourist industry is actually the principal industry of Switzerland. Germany furnished a good percentage of the Swiss tourists, and now practically none, because the Germans who were formerly wealthy are now bankrupt. Germans can not pay foreign hotel bills in paper marks. The hotels were in such bad condition financially that they were about to close. To prevent this the Government stepped in and saved its leading industry by dipping into the treasury and handing out a sufficient bonus to make up the deficit. And so Switzerland very generally and very naturally wants Germany to be given a breathing spell and a chance for new life.

There is, of course, no question of the ability of the British Empire to pay its debts. The four billions the United States loaned England

is an absolutely sound investment so long as the American Government keeps its head. England can pay and will pay. The payment of $50,000,000 of interest this month guarantees this. The British Government maintains an absolutely impeccable position. "Hands across the sea" really guarantees the peace of the world. And still the British press and the British public rather more than hints that the United States made billions out of the war and now has most of the gold of the world; that America was quite as vitally interested in quelling the world-dominion ambition of Germany as Britain or France; and that the billions loaned to Europe were for America's defense and should be wiped off the slate, or very materially reduced. A very high authority said to the officers of the commission in London—an authority so high that it can not be quoted: "This payment of $50,000,000 interest is merely a gesture. England says that, of course, she can pay and will pay to the uttermost farthing. But poor France, poor Belgium, poor Italy, they can not pay a dollar and never will be able to. America must remember that France and Belgium and Great Britain fought her fight for her and saved her from the Hun. England will pay, but France and Belgium and Italy, they can not pay one dollar. America must cancel these debts and charge it to national protection. And then what? England knows that if the United States cancels the debts of France and Belgium and Italy it must accord to Britain exactly the same treatment. If you know your Bible, you will remember Uriah. Britain has had centuries of training in the intricacies of diplomacy. With full consideration of and sympathy with "Hands across the sea," it is the judgment of the commission that the basic principle of England is "England first and always," and that there is some foundation for the statement of the very high authority above quoted.

Whether the cause for its attitude upon German reparations, diametrically opposed to that of France, be selfish or merely wise, Great Britain's position that Germany can not pay the sum demanded and must be given a chance to recuperate is sound. The declaration made in France that Britain is merely pursuing her time-honored policy of dividing the continent so as to prevent the development of too strong a rival, and is encouraging Germany to make no attempt to pay, in order to cripple France, is hysteria merely.

London has been the center of world finance for generations and economic principles are understood. Despite rivalry and suspicion, prior to the World War Germany and Britain were each the largest customer of the other. The severe depression in British agriculture is ascribed by every authority consulted to a glut resultant from the shutting off of the German market. England realizes that a return to normalcy in Europe is dependent upon the restoration of sound economical and financial conditions in Germany. Here, as elsewhere, these problems are fundamental.

Italy was the only country where we found a different viewpoint. Italy has cleaned house. The assumption of political power by the Fascisti since the commission left Italy does not at all affect the situation. The Fascisti rather overdo it, but the Fascisti stand for loyalty to Italy, loyalty to the King—who is democratic and clear thinking—and for law and order.

Italy has handled the threat of communism and socialism boldly and forcefully through the Fascisti and has demonstrated to the local I. W. W.'s, to paraphrase the deathless words of Garfield, "God reigns and the government at Rome still lives." Italy has molded her financial policy upon close economy and progressively high and yet higher taxation. In Italy alone of all the European countries visited, the fundamental problems of German reparations and of the allied debts were not referred to in any conference with Government officials and financial and commercial representatives.

These are the problems upon which the peace and welfare of the world depend—the German reparations, the allied debts. The International Trade Commission has not attempted to evade these fundamental questions. It has endeavored to study them from the standpoint of every country visited, and with a clean mental slate to grasp the situation, and has even assumed to suggest the remedy. It is very clear that the extension of American trade with Europe—the object of the commission—hinges, as does every world question, upon a right solution.

Just before leaving London for the home voyage, the officers of the commission, in conference with perhaps the leading representative of American financial interests in Europe, said, "It is, of course, presumptuous for a score of everyday Americans to come over here for a few weeks and take upon themselves the troubles of the world." The answer was this: "Not at all. That is the wrong viewpoint. These people have been muddling along for four years. Nobody has suggested a way out, and nobody has thought of it. They are simply preparing for the next war. A solution must come, and it must come now. A constructive plan is needed; you have offered it. Your recommendation is sane, feasible, and practicable and should be promptly acted upon by the Congress."

Restoration of normal trade conditions and increased market for America undoubtedly depend upon a sane settlement of German reparations and the allied debts. Germany must pay a reasonable sum for reparations—as great a sum as is within her economic possibility. To demand a sum that could not conceivably be paid by any nation, more money than there is in the world, and at the same time to impose conditions that prevent Germany from paying, does not evade the question; it makes an answer impossible. The sum demanded from Germany—a sum incomprehensible before the World War changed our computations from thousands to billions—must be reduced to a figure that Germany can conceivably pay in time. No figure of billions upon billions could possibly make reparation for the moral as well as physical loss to the world caused by the World War, which must be laid at the door of Germany. If Germany could be forced to and could work out and pay unlimited billions, there would be no serious problem. If the United States could build a wall around its boundaries and live unto itself, ignoring the rest of the world, these problems would have only a passing interest for us. Germany can not pay the sum demanded; the United States can not live unto itself without an economic readjustment that is utterly unnecessary and that would entail years of financial loss and unemployment.

A few weeks ago President Harding said:

"The first duty is to protect our national interests, but in many ways real protection comes from cooperation with other nations. The best intelligence of the day recognizes the need to encourage intimacy and understanding in the social, economic, and political family of nations, and it recognizes that thus inaugurating a plan which looks to intimate consideration of the facts we are offering a means of true unification and solidarity among the interests which make up our industrial civilization and we are taking a step toward the solution of some of the most perplexing economic problems which confront the nations.

"The last thing in our thoughts is aloofness from the rest of the world. We wish to be helpful, neighborly, useful. To protect ourselves first and then to use the strength accruing through that policy for the welfare of mankind is our sincere purpose."

Following this declaration of the attitude of the American Government toward world problems the International Trade Commission has ventured to "inaugurate a plan which looks to intimate consideration of the facts" upon which the peace and welfare of the world depend and "offers a means of true unification and solidarity among the interests which make up civilization and is a step toward the solution of the most perplexing problems which confront the nations. We wish America to be helpful, neighborly, useful. To protect ourselves first and then to use the strength accruing through that policy for the general welfare of mankind."

In an address at Boston, October 30, Secretary Hughes declared the foreign policy of the administration to be a policy of helpfulness and good understanding, without entanglements which would fetter American independence. He characterized the arms conference as meaning the rescue of the world from despair. He closed by saying: "There is no reason why we should fritter away our helpful influence by becoming a partisan of another party to a conference, much less make the fatal mistake of attempting to assume the rôle of a dictator."

This is sound principle. Just as the United States rescued the world from despair by calling the Washington conference, so it can save the peace of Europe and of the world and bring sane reconstruction out of chaos by inviting the allied nations and Germany to another like conference of Government officials and leading financiers and economists, which shall solve the problems of German reparations and allied debts, shall pave the way for reduction of armaments, insure payments of reparations and of the debts, give America increased markets in Europe, stabilize exchange to some degree, and reduce the burden of taxation that now hangs heavy over the American people.

On October 16, in an address at Toledo, Secretary Hoover said:

"Our loans to the Allies, now amounting to $11,500,000,000, are in fact debts to our taxpayers. I do not believe any public official, either of the United States or any other country, could or should approve their cancellation. With the exception of minor amounts, I am convinced that these debts can be repaid in a reasonable period without realization of the oft-expressed undue strain on the debtor countries or the threat of a flood of goods that would endanger employment in the United States.

"The shipment of European manufactured goods that might compete in our home market to the Tropics, and in turn the shipment to us of tropical goods that will not interfere with our domestic manufacture or employment, not only is possible but is going on all the time. These tropical products are a type of goods which we can not produce sufficiently—rubber, coffee, woods, etc. They do not affect employment in the United States, and they are constantly increasing in ratio to our total imports. In the last seven years our imports from the Tropics have increased from 35 to 53 per cent of our total imports. The expenditures of American tourists abroad, remittances of immigrants in the United States to relatives, the growing volume of investments made by our citizens in foreign countries, and other items of so-called invisible exchange give Europe a large supply of American money with which Europe may in turn pay interest on debts or for the purchase of goods from us.

"There is no need for despair in the future of Europe if Europe can maintain peace. Its hard-working population, its tremendous intelligence, its fabulous development of skill and scientific knowledge are vital forces that must win if they have half a chance. These economic problems we must vision over years and decades. Europe's troubles to-day are solely in the fiscal and political fields. Her social organization, her agriculture, industry, transportation, and commerce have found extraordinary recuperative powers from the depths of disorganization and famine in 1919."

The commission is glad to find these views of the leading economist in the Government of the United States coincident with its own findings. It believes its recommendation of a solution of the problems to be entirely in harmony with the declarations of the President and of the Secretaries of State and of Commerce above quoted. The United States can not hold aloof, as the President has said. It must take the initiative in aiding in a settlement. The allied debts to the United States must be paid. No nation should ask for its debts to be forgiven, but only for time and for patient consideration. These debts were the security offered to the American people and to the people of the world—for our Liberty and Victory bonds were sold all over the world—and no American Government will ever repudiate or annul the security for its obligations. Ambassador Harvey said to the commission in London: "There is no vicious circle; there is no circle. It is a straight line, leading directly from Germany to the people of the United States. The United States will not take upon itself the cost of the war. The Congress can not annul these debts. They are debts to the American people and to foreign people who bought the bonds, not to the Government." While hate and anger are still in the hearts of many, the settlement between the nations formerly belligerent must be on a basis of even justice and of international respect and consideration.

Congressman—former Senator—THEODORE E. BURTON is an economist, a financier, and a statesman who has made a close study of European conditions for many years. He has recently returned from a two months' investigation, as a member of the United States Foreign Debt Funding Commission, and his judgment is likely to carry weight with the Congress and with the people of the United States. In an address at Cleveland on October 17 Congressman BURTON said:

"Most of the difficulty in Europe, I must say frankly, is due to the treaties. It was impossible in view of the attitude of Paris to consider the subject dispassionately. The crime of the Hohenzollern dynasty was unspeakable, but it is not desirable to reduce the German people to the condition of serfs and impose upon them a burden so staggering that they are unable to carry it. It is not merely not best for them; it is not best for the rest of the world.

"In France there are three phases of public opinion. One would impose reprisals on Germany so heavy as to destroy her economic life, her position as a nation, and that Germany be practically ruined. The second is based on the opinion that Germany is merely pretending that she can not pay the enormous bill rendered against her. The third phase, and the one I think is growing, is that the taking away of Ger-

many from the economic life of Europe would be similar in effect to depriving Ohio of intercourse with Indiana, Illinois, Michigan, and Wisconsin; her prosperity is essential not only for the upbuilding of her own people but for the rest of the world.

"The reparation is fixed at 132,000,000,000 gold marks, about $30,000,000,000, to be paid in three installments of twelve, thirty-eight, and eighty-two billions. That burden upon a country with $70,000,000,000 of wealth is clearly altogether beyond her ability to pay. The attempt to collect these reparations is an injury to the economic, social, and political life of the world.

"The task of fixing the boundaries was certainly not well performed. Natural boundaries were disregarded, alien peoples were mingled. The treaties were framed in haste, with regard for political consideration, with entire disregard of race, old-time associations, or economic considerations.

"The probability is that the vast paper currency of Germany will be repudiated. No permanent prosperity can be attained while there is such a currency. The paralysis which rests on Europe is not limited to the countries which were engaged in war. It rests with similar weight upon Holland, Sweden, Norway, Denmark, Switzerland; for the whole life of trade is out of gear.

"What is the remedy? There must be a reconsideration of those treaties. They were framed in terms of severity and punishment; they must be revised in the interest of more normal relations. They will have to cut out their feeling of animosity. There must be a better feeling, a readiness to enter into treaties or agreements for trade and other things which will promote friendliness in place of the present asperity.

"We are vitally interested. Now, what ought we to do? We must give our charity without limit in this troubled world. Let us be helpful so far as we may, by diplomatic negotiations or otherwise, in the troubled state of Europe. Let, however, our chiefest aims be along the lines which have been our glory in the past, the absence of selfish motives, no hankering for territory, none for great indemnities; let America stand before all nations for peace, good will, for that spirit of altruism and regard for humanity, the lack of which is responsible for the unrest and for the threat of war which is now so prevalent in the world."

It is evident that the reaction of existing European conditions upon the trained mind of Congressman BURTON is identical with that upon the minds of the International Trade Commission. The necessity of America's participation in the settlement that must be found without delay is obvious.

Two words contain the solution of the world problems in this hour of unhappy and chaotic uncertainty. They are moratorium and amortization. England could pay its debts, Belgium might make a small payment. France and Italy can not pay at this time; Germany can not pay until she is given a breathing spell. She must pay to her utmost ability, of course, but the Versailles treaty must be revised to give Germany the opportunity to manufacture and export, and from the sale of exports meet the reparations. If there was adequate reason for a six months' moratorium, as provided by the Belgian compromise, there will be greater reason for a longer extension at the end of that period. A moratorium of a longer and definite period must be accepted, three to five years. It would be idle for America to attempt to force payment of its debts now, where no country but England can balance its budget. If the Allies attempt to force the defeated nations beyond physical ability to pay, the result would be disastrous and armed conflict could hardly be averted. With a reasonable breathing spell, and upon the basis we are about to suggest, all can pay their obligations with dignity and honor. Hence the necessity of a moratorium of several years.

The simple way for payment of these great sums is by amortization. This word is used, not as frequently in this country, but in the specific meaning it is used as the basis of the Federal farm loan act, under which in the last six years the American farmer has learned that the payment of 1 per cent added to the rate of interest pays off his mortgage in 69 equal semiannual payments.

Close study of European finance indicates the need of a long amortization period and a low rate of interest. No country, excepting England, could make annual payments of any considerable percentage of the debt. Some American financiers urge that Europe be freed from interest charges, arguing that the more the United States will lighten and take over the burden the better it will be for us in the end. This view is not likely to meet the approval of the American people. There is this to be considered: There is some foundation for the claim that this is not an ordinary debt, but that America was vitally interested in the defense against Germany. The moral effect of giving some consideration to this universal attitude of Europe carries weight. It is further to be considered that we can not exact the impossible any more than the Allies can from Germany and that if we insist on the immediate letter of the contract, we shall get very little or nothing. And the sooner Europe is placed on a sane financial and economic basis the sooner we can extend our foreign trade.

The commission suggests that the United States generously, and doubtless wisely, agree to reduce the rate of interest to 3 per cent, which, with one-half of 1 per cent amortization, will pay off the entire loan in 66 years. The figures of the allied debts are, in round numbers, Great Britain $4,000,000,000, France $3,000,000,000, Italy $1,700,000,000, and Belgium $350,000,000. On the amortization plan suggested, Great Britain will pay annually $140,000,000, France $105,000,000, Italy $59,500,000, and Belgium $12,250,000. The unpaid interest to date is not considered in this suggestion. That would be provided for in the contract of settlement. Great Britain could assume this obligation to-day, no other of the debtor nations. That they will be able to after a three to five year moratorium is demonstrated in the chapters discussing the financial and economic condition of the several countries, hereinafter set forth.

The German reparation is, of course, the basic question of world peace and economic readjustment. The commission enters upon this discussion without hesitancy. There is demanded from Germany by the Reparation Commission 132,000,000,000 gold marks and a very considerable amount of coal, other payments in kind, and a 26 per cent charge upon the value of exports, something over $800,000,000 annually. One of the leading economists who was present at the Versailles conference said to the officers of this commission, "Nobody above the status of an economic adviser gave the slightest thought to economic considerations. All decisions were based upon politics and religion." In England it is realized clearly that Germany can not pay anything like the sum demanded. In fact, English economists have asserted that even Great Britain could not pay a third of this sum. Germany can pay a reasonable reparation in time, if given a breathing spell and a chance to export. There is no attempt on the part of German officials or financiers to deny or evade this responsibility.

What should be the sum required? The figures of the American economists who made a careful study of Germany's wealth at the Versailles conference, were $12,000,000,000. These figures were not considered for a minute by "anybody above the status of an economic adviser." J. M. Keynes, representative of the British Treasury at the conference, declared that the limit of Germany's ability was 2,000,000,000 marks a year, or approximately $500,000,000, and that the total sum to be expected was 40,000,000,000 marks or $10,000,000,000. These estimates were based on conditions at the time of the armistice and not upon present conditions. Doctor Bucher, managing director of the Federation of German Industries, expressed the prevailing willingness to pay reparation and estimated the present ability of Germany to pay, if the treaty is revised and she is allowed to export, at 1,000,000,000 gold marks, or $250,000,000 a year. It is not difficult to get at Germany's ability to pay—which must be the basis of the reparations—if a conference be held and the cards are laid on the table. Just this must be done.

The International Trade Commission suggests as a basis for discussion the figures $12,000,000,000. This is based not only upon study of existing German conditions and the tremendously increased income which will, or would, result from a revision of the Versailles treaty, but also upon the judgment of the American economists in 1919 and upon that of Mr. Keynes, who was recalled by the British Government because he ventured to speak out. On the basis of $12,000,000,000 Germany would pay annually $420,000,000, which would clean up the entire payment in 66 years. This total is that of the American economists, it is $80,000,000 a year less than Mr. Keynes's estimate, while the total sum paid in 66 years is $2,000,000,000 more than Mr. Keynes estimated. It is also about 50 per cent more than Doctor Bucher declared they could pay.

How much of this amount is to be paid in gold and how much in kind is contingent upon the estimated effect upon the economy of the world of German exports when the present frenzied production is directed into foreign channels. This whole problem might have been settled and economic stability restored had the suggestion of American economists at Versailles been considered—a reasonable reparation figure, to be paid very largely in manufactures of brick, tile, structural iron, and other building material for reconstruction in the devastated regions of France and Belgium. Since not economic but political considerations were the motif at Versailles, it is now necessary to make the best of a bad situation.

That the working out of this amortization plan may be clearly understood, the commission herewith presents a table showing the amortization of $1,000,000,000 in 66 pears at 3 per cent interest and one-half of 1 per cent amortization, which may be used as a basis for figuring the reparations. There are also offered tables showing the amortization of the reparations on the basis suggested, $12,000,000,000, and of the allied debts at the same rate of interest and amortization. The amount for Germany and the rate of interest and time of payment for Germany and the Allies must be within their ability to pay. These tables have been worked out carefully. They have been checked by accountants under the direction of Mr. Guy Huston, president of the first joint-stock land bank, who figured the amortization tables of the Federal farm loan system. They were transmitted through Hon. Jacob M. Dickinson, chairman of the Chicago Committee of One Hundred, to President Harry Pratt Judson, of the University of Chicago, and pronounced mathematically correct by the mathematical department of that institution, as indicated by the accompanying letter:

THE UNIVERSITY OF CHICAGO,
OFFICE OF THE PRESIDENT,
Chicago, Ill., November 9, 1922.

MY DEAR DOCTOR OWENS: I am inclosing the official report to me on the proposed financial payments by the head of our department of mathematics, Prof. Eliakim H. Moore. Professor Moore is one of the eminent mathematicians of the country.

Very truly yours,

HARRY PRATT JUDSON.

THE UNIVERSITY OF CHICAGO,
DEPARTMENT OF MATHEMATICS,
November 8, 1922.

To the PRESIDENT.

MY DEAR DOCTOR JUDSON: In response to the question recently submitted to me on behalf of President Clarence J. Owens, of the Southern Commercial Congress, I report as follows:

The sum of $1,000,000,000, with interest at 3 per cent per annum, will be amortized by 65 annual payments of $35,000,000 each and a final payment at the end of the sixty-sixth year of $29,186,297.2295.

The residue at the end of 65 years, $28,836,210.9024, with interest for the sixty-fifth year, $850,086.3271, make the final payment stated.

These figures, which have been with care determined in cooperation with my colleague, Mr. W. D. MacMillan, an expert in the use of the calculating machine, may be relied upon as quite correct. They exceed the corresponding figures found in the table submitted by President Owens by—

$0.0132
$0.0127

$0.0005

These are the essential figures of that table.

Yours very truly,

ELIAKIM H. MOORE.

The tables are as follows:

The first table was carried out to four decimals, so that the error in the final figure would be infinitesimal. It is figured by the mathematical experts of the University of Chicago at five one-hundredths of a cent. The variation in the other tables also is fractions of a cent.

It is the judgment of the commission, after consultation with American representatives and with officials and financiers of European countries, that the initiative for a conference, from which an agreement as outlined above may result, must come from the United States. President Harding's initiative in calling the Washington conference "rescued the world from despair," in Secretary Hughes's words. This is undoubtedly true. Even more than that great accomplishment will result from another conference to be called by the President which may settle the problems of the world.

If a settlement of the German reparations and of payment of the allied debt be effected as we have ventured to suggest, the next step is an international loan, to be financed by the United States and Great Britain, to the Allies where needed and to Germany. It is unnecessary to discuss this; it must be done. The European nations can not get on their feet nor pay their debts without working capital. With it, and relieved of military expenditures, they can do it. This loan should not be made by the Governments, but by private financial interests, probably under Government direction and control to make exploitation impossible. The commission is advised by New York financiers to whom its proposal was outlined upon landing in New York, October 13, that they are ready to handle this loan if there is a sane settlement of German reparations and of the allied debts. In connection with this loan and as a contract obligation of the settlement to be agreed upon by the proposed conference, there must be a material reduction of armaments and of military expenses and guaranties against war. French expenditures for the national defense amount, for example, to 5,105,000,000 francs, or 18.7 per cent of the total appropriations for 1920; 5,821,000,000 for 1921, or 22 per cent; and 4,224,000,000, or 17.1 per cent, for 1922. With a guaranty of safety from attack, these expenditures can be reduced so as to balance the budget and at the end of the proposed moratorium to enable France to pay her amortization allotment. The same is true of the other countries.

The remaining problem is stabilization of exchange. There can be no international attempt to stabilize the paper currency of Germany and Russia until conditions return to normalcy in these countries. It may be done in the other countries considered, aside from Britain, which is already practically normal. The fluctuation of exchange, not the present rate, is the problem. If exchange were to remain at the present figure, if this could be guaranteed, America could do business with Europe on the basis of foreign exchange. But with the pre-war franc at 19⅓ cents and the franc when we were in France at something over 7, with the possibility of it being 5 or 12 in three months, it is obvious that Americans can not export to France upon the franc basis, and it is equally obvious that French merchants can not import from the United States upon the dollar basis. In either case profits might be wiped out.

It has been suggested that a supercurrency be established, to be guaranteed at par by a union of nations for foreign trade and to be accepted as a medium of exchange by those nations. So if a French merchant ordered American goods, he would buy in supercurrency and pay in it. The franc would remain the currency in France, the dollar in the United States, the pound sterling in Britain, the lira in Italy. This would enable Europe to get the goods she wants from us and that we want to sell her.

The suggestion of stabilization of exchange by a supercurrency or by a guaranty of an economic union of nations was presented to Lloyds at London by the international commission. Lloyds said that the suggestion was by no means unreasonable; that they were already insuring individual international transactions. This is offered without great confidence, but as possibly entitled to some consideration after the fundamental problems have been solved.

While everywhere in Europe the American representatives of the State and Commerce Departments and of commercial organizations received the commission with all courtesy and tendered all assistance, one could not fail to be impressed by the entire lack of harmony and agreement among them as to viewpoint on European problems. In France, American representatives voiced the French view very emphatically; in Germany, the German. This may be diplomatic policy and practice; but if America is to maintain its traditional policy of "shirt-sleeve diplomacy" European problems should be viewed as a whole from the American standpoint, not from the exaggerated view of unfriendly nations. It is suggested that a periodic conference of American representatives in all European countries and a free discussion might be of benefit.

There is need of a policy to coordinate present agencies and do away with apparent interlapping. For instance, Consul General Skinner, at London, has a staff of 60. There are independent agencies covering more or less the same ground in the office of the trade commissioner, who is under the Department of Commerce, and other officials covering economic and commercial fields attached to the embassy but holding appointment and reporting to either the State or Commerce Department. The Department of Agriculture, the Department of the Treasury, and the Shipping Board also have representatives. Reports from these various representatives go to the department from which each holds authority. Some coordination would seem practicable.

It was stated by representatives of the Consular Service that any suggestions that might seem to criticize existing laws or policies are prohibited. We venture to ask whether American officials abroad are not in a position at times to offer constructive criticism from which beneficial results may be obtained and whether it is not advisable that such be invited.

We have heretofore quoted the ringing words of President Harding. "The first duty is to protect our national interests, but in many ways real protection comes from cooperation with other nations." With the world at sea politically and economically, this is the appointed time for concert of action of all nations, including the United States, that threatened appeal to arms in Europe may be averted and that political and economic peace may be assured. Without discussing the League of Nations, which trenches upon the field of politics, from which the International Trade Commission has kept its skirts clear, there exists in Rome, through the instrumentality of that lamented son of California, David Lubin, with the active cooperation of King Victor Emanuel, a genuine economic league of nations which alone of all international agencies functioned throughout the World War, and which has been and is of incalculable value to its constituent nations. Some such union of nations as the International Institute of Agriculture, free from supergovernment and leaving each nation to govern itself under its own fundamental law, might be of like value in the field of international economy, finance, and interrelation. In this state of civilization the interdependence of nations and the moral unity of the world, through the inseparable ties of blood, of history, of literature, science, and art, of law, of religion, must be recognized.

America is not a new civilization; under the Constitution of the United States it maintains the oldest Government among the nations of the world. Because this Government of and by a free people has, through its principles of liberty and justice and right survived the overthrow and the changes that have come in all forms of government, because of the moral leadership conceded by all peoples, in this hour of world chaos, of threatened irreparable disaster, this is the appointed time. this is the moment for action that will become historic. When the World War deluged Europe with blood America waited, perhaps too long, but America responded to the call of liberty and right with every drop of blood and with every resource. When that danger was averted and the post-war conditions have gradually become worse and more threatening America has again waited; but as in 1917, America must respond, and when America again acts with wisdom and "uses its strength," as the President has said, "for the general welfare of mankind," every American and every clear-thinking European must have full faith in a second victory.

INTERNATIONAL TRADE COMMISSION.
CLARENCE J. OWENS, *Chairman.*
RALPH METCALF, *Secretary.*

CHICAGO, ILL., *November 20, 1922.*

CONDITIONS IN THE VARIOUS COUNTRIES VISITED BY THE COMMISSION.

GERMANY.

When the commission told Ambassador Houghton at the first conference with him at the embassy in Berlin that it had learned the viewpoint of France, Belgium, and Holland, and would like to get that of Germany, the ambassador replied: "There is no German viewpoint, or rather there are as many different opinions as there are Germans, and that is about 60,000,000. Can you hope to get it in a week?" It will be well to bear this in mind. The fact remains that the commission conferred with some of the leading men in Germany in the field of finance, industry, and commerce, and they outlined the attitude of Germany quite as clearly and frankly as previously had been that of France.

Two of the most informative sessions were with Herr Alfred Blinzig, director of the great Deutsche Bank, and with Doctor Bucher, managing director of the Federation of German Industries. Mr. Blinzig is a man well along in years, of great ability and logical mind. He said:

"It is difficult to see how credit and confidence can be restored so as to allow a renewal and increase of trade relations between the United States and Germany until the Versailles treaty is revised. No country can pay out billions a year without exports; even the United States could not do this. First the reparation problem must be definitely settled.

"You criticize us for printing unlimited paper money that has no purchasing value in other countries. We have had to do it; our capital is not sufficient to keep our industries in operation. It takes 300 of our paper marks to equal the foreign value of 1 gold mark. Please understand that in Germany the paper mark has a purchasing value of 100 to 1 gold mark. Because of the lack of capital and of a circulating medium, we have been forced to greatly increase our paper circulation. And still we have not near enough. Germany is in the throes of a credit crisis. The banks can not furnish enough currency to enable their clients to do business." (At this time, September 10, the banks were paying but 20 per cent of the face value of checks presented for payment.)

"Germany can not get credit in foreign countries because of the uncertainty. We have to pay cash. Confidence must be restored before international trade relations can be revived with your country or any country. It all comes back to the reparation problem, which must first be settled. We can pay and will pay only what we are able to pay. Germany is an industrial, not an agricultural country. We have very little raw material. Before the war the balance was on the wrong side, but this was met by our foreign investments and our merchant marine. Now, this is all gone, so that we can not pay for the raw material we must have to operate our industries. Why, it may surprise you, but I can not get enough money upon my checks here at my own bank to meet my daily needs.

"Our people are naturally industrious and willing to work, but there is no hope for Germany until the reparation problem is settled. Then we can secure the necessary capital from a foreign loan. It is impossible for the present generation to pay the war burden; it must be distributed over three generations. Germany must have a breathing space for a few years, and then take up the payment of reparation when the amount is adjusted. To meet this, to live, we must export our industrial products. We must use the largest part of the returns from our exports for raw material, to buy raw material to continue manufacturing. The surplus will be applied to the reparation fund, but it is impossible ever to pay anything like the sum demanded.

"Germany has no hope for the future without a foreign loan. Our inflated currency must be taken care of, and to stabilize the mark our budget must be balanced. It can not be balanced with the reparation now demanded. With a reasonable adjustment and a foreign loan we can restore normal conditions. A very serious difficulty is speculation in the market by foreigners. We must have sufficient funds to protect and ultimately restore it. When foreign speculators attempt to drive the value down by selling, we must have a fund to protect it by buying. When speculators attempt to buy, we must be able to protect it."

Asked by Chairman Owens if the situation could be stabilized by the amortization plan proposed by the commission, whereby Germany could pay her reparations and the Allies their debts to the United States, over a long term of years, at a low rate of interest, Director Blinzig said:

"It would not be well for the United States if this vast amount of gold should be paid her, but if the interest was reduced to, say, 1½ per cent with one-half per cent amortization, the plan seems sound, if the reparation be based on a reasonable figure. We are no longer actors on the world's stage; we are acted upon. As soon as Germany is permitted to sit at the conference table with the other nations everything can be arranged."

To a statement from the commission that it is the general belief that if debts were materially reduced Germany would start another war against France, Director Blinzig said very earnestly:

"We are perfectly willing to give any guaranty against this. The best guaranty would be the agreement of the United States and Great Britain to protect France in such case. I would not at all object to this; I would welcome it. Clemenceau asked for this. Great Britain agreed, contingent upon the assent of the United States, which was refused. If this alliance could be made, it should be much better for the world. It would remove the present fear of France and stabilize the situation. The army of occupation is costing millions, which Germany could better pay in reparation. Germany is ready to give any possible guaranty against any aggressive war. The best possible guaranty is an American-French alliance. I appreciate political conditions in the United States and know that this can not be done. Still it is the best guaranty.

"A word as to finances. We have now inflated our currency to 2,000,000,000 paper marks; it would be a thousand billions to furnish us the necessary medium of exchange at home. We have not nearly

enough. It is silly to charge that Germany is printing paper money to depreciate the mark. We must have it to keep our industries at work, we must keep on printing paper money to provide a medium of exchange for internal business. We will stabilize the mark when the reparation question is settled. Nine out of ten people in Germany would vote against war, except in the occupied districts, where they are indignant at outrages perpetrated by negro troops of the French Army."

This is the attitude of German finance; that of German industry is equally clear. The commission held a conference with the spokesman for industry, Doctor Bucher, managing director of the Federation of German Industries, which comprises all of the factories and plants in every line of industry—steel, lumber, electric, mines, railroads—its membership running up into many thousand companies and individuals. Doctor Bucher said:

"Present conditions are very different from those existing at the time of the visit of the American commission in 1913. Before the war Germany produced 90 per cent of its food requirements; now it produces only 60 per cent. Our food production is sufficient for seven months, and we must import for five months. This is due to the loss of great agricultural territory, such as Poland, and also because it will take 10 years to restore pre-war intensive cultivation. Our farmers can not afford to buy fertilizer, and the war cost us great quantities of live stock. It must be remembered that the soil of Germany is naturally one of the poorest in Europe, so the loss of fertilizer and live stock is evident. Another difficulty is that formerly we had an abundance of farm labor, temporarily imported from Russia and Poland, that is not now available. Machinery can not replace this labor as in the United States, because German farms are small, 10 to 15 acres. Only in the north, now given to Poland, had we farms of over 200 acres. Consequently our farmers do not produce a sufficient surplus beyond their own needs.

"Before the war German exports were 10,000,000,000 marks and imports 11,000,000,000, an adverse balance of trade of 1,000,000,000. Germany had 20,000,000,000 gold marks in foreign investments, the income from which and the merchant marine met this adverse balance. All of this has been confiscated. Now our exports are about two-thirds of the pre-war figure, while imports have so increased that the present adverse balance of trade is nearly 5,000,000,000. Germany has lost not only the income from foreign investments and her freights but also the money formerly sent home by Germans living abroad. There were so many Germans employed in it that one might say Russian industry was German industry. Because of the war these workers have all come home. Germans naturalized in the United States remained there, but a million not naturalized have been sent to Germany and can not go back.

"Before the war we had a gold reserve of a billion to a billion and a half gold marks. We still have a billion but have sent abroad a billion and a half, because during the war all of the gold in the country was taken by the Reichs Bank. The billion and a half sent abroad was partly for payment on foreign purchases in neutral countries and partly the result of the Versailles treaty."

Asked if the charge was true that Germany had sent her gold to foreign countries for safekeeping, he said this was true to a certain extent. The Government had forbidden the export of capital, but it was impossible to prevent individuals sending out their gold. The Versailles treaty provides that capital and goods of German citizens at home and in the allied countries can be confiscated if the Government does not fulfill its obligations. Therefore, Germans have placed it where they feel it is secure. The money is necessary to buy raw material. Raw material for German industry requires 250,000,000 marks a month, which, allowing six months for return, totals a billion and a half. Most of this gold is kept in Holland and Switzerland. Some Germans have sent their gold abroad for security, but most of it is to buy raw material. One electric company requires 2,000 tons of copper a month from America. German manufacturers are compelled to pay a 28 per cent tax on all their exports into the reparation fund. Foreign countries have also imposed prohibitive tariffs against German goods. For instance, an 80 per cent duty on dyes in the United States, where German steel is also shut out, except in razors, cutlery, and small steel products, which are a German specialty, and the tariff does not interfere materially.

"Trade relations," Doctor Bucher continued, "can not be reestablished until there is a revision of the Versailles treaty. Germany must have economic independence. It is absolutely necessary to import raw materials and foodstuffs, and Germany can pay for this only from her surplus production. She can not pay out of her capital and live. One important point is that farmers are prosperous; they have no foreign competition, because we can not import foreign products to any extent.

"It is not possible to stabilize finance until we first have reconstruction. It can not be done in a period of decreasing production. We can not accept foreign credit until we are sure that we can repay principal and interest. We can tell the German workman that he must work and economize for 10 or 15 years because we lost the war, but we can not tell him that he must grind for 50 years, which would be the consequence of the treaty of Versailles.

"It is not trade competition that hampers trade. Before the war there was great competition between England and Germany, and still those countries were each the greatest customer of the other. The Versailles treaty gives to the allied countries the advantage of the most favored nation, which is denied Germany. The other countries can make their own regulations, but Germany can not have a tariff policy, because if she grants a special tariff to any country it must apply to all of the Allies."

Asked as to the amortization plan suggested by the commission, Doctor Bucher said that it was possible from the financial point of view, but out of the question from the economic point of view. "During the war Europe paid to the United States its savings for 50 years. Europe has an overwhelming debt. If France is to pay on her three billion debt 5 per cent interest and 1 per cent amortization, she must pay $180,000,000 yearly. It is utterly impossible for her to make this payment. It must be remembered the French people lost 20,000,000,000 gold francs on Russian securities and other money in Turkey. She also has a deficit in her budget. She can not obtain much from Germany, and the only money Germany can pay must come from an international loan. It is impossible for Germany to pay on an amortization plan by increasing taxes, because Germany already has the highest taxes in the world. Taxes must necessarily accord with the standard of living. If Germany appears rich, as you say, it is not true. The Government has dispossessed all people owning capital. To-day nobody has any invested money; they live on what they can earn from day to day. The man who has no job, unless he is in the public service, is starving. Germany can not pay out this last billion of gold; because of the short crop, a period of famine will soon be at hand, and this billion must be used to buy food for the starving people.

"The first problem is to reestablish production. Germany can pay only through an international loan, and such a loan can be made only if German industries are active. England has a similar problem; she has a million and a half unemployed.

"This is much more serious than would be like conditions in the United States, for England, like Germany, must import food and raw material, while the United States has within itself all needed. For Great Britain this is an enormous economic loss. German workmen must work 10 hours instead of 8 to enable the country to pay its foreign obligation. It is not possible to undertake new obligations. Germany lost 4,000,000 men in the war, her most productive. Now there is too large a percentage of women. Germany must live economically, but she must export, otherwise she is dead.

"Germany has no unemployment, but she has a large number of Government employees who are unproductive. Also a large number of ex-army officers who have been given positions, but with very poor results, because of their lack of training. In four years Germany has set at work 4,000,000 men who were demobilized. Before the war we had no foreign debt. The present figure of reparation talked is 132,000,000,000 gold marks. Before the war the note circulation was 5,000,000,000, now it is 250,000,000,000. The principal difficulty is that Germany can not work to capacity and export her products; if she could she could pay. Germany could pay annually upon an amortization plan about a billion gold marks. But if the United States requires payment of her loans it will destroy the economics of Europe, because the debts are greater than the revenue. Payment can be made only by export of products, and by this influx of cheap goods the United States would lose much more than the total of the debts through shutting down of its factories and unemployment.

"Germany has paid no gold in reparation, but has lost 100,000,000,000 gold marks in 10,000,000,000 paid in kind, 8,000,000,000 in the lost mines, 3,000,000,000 to support the army of occupation, and all the investments in foreign countries, the colonies, and merchant marine. German industry will not place its signature on any paper unless it is to be protected. That is the difference betwen industry and the Government. German industry knows that first of all we must have food for our workmen, because if they are not fed they will become Bolshevist and the Government can not live. So our first problem is food and labor. Consequently Germany must export, otherwise she can not import the necessary food. The export problem is entirely different from that of the United States. The United States exports only 5 per cent of its production, but we must import all of our raw material, for Germany works on foreign material, so that if we can not export we can not import.

"Before the war there were 60,000,000 people in Austro-Hungary, who gave us one of our best markets. Now they can take nothing. American capital should be invested in these countries and in ours. The billions you loaned during the war went up in smoke. We need much American cotton, but can not pay for it. If Americans will invest in our manufacturing industries they can supply them with raw material. The United States has a great textile industry and produces three-fourths of the cotton manufactures of the world. But Germany has cheap labor. In cotton goods, where raw material costs 80 per cent and labor 20 per cent, we can not compete, but as labor percentage rises we can compete. What Germany needs is a favorable tariff and investment of American capital in our industries."

The deficit in the budget of Germany is hard to figure, as it is hard to figure any form of German finances, because of the constant fall of the mark. The 1922–23 budget shows total receipts of 225,289,000,000 million paper marks, expenditures 430,560,000,000, deficit 205,271,000,000. The expenditures consist of 100,654,000,000 for general administration, 137,374,000,000 for Government undertakings, and 192,532,000,000 for peace-treaty obligations. Germany has no foreign debt aside from reparations. The floating debt amounted to 50,000,000,000 marks while the commission was in Berlin. Currency inflation was increasing as fast as the printing presses could be operated. The value of the mark is to-day less than a quarter what it was then. And yet the ablest financiers insisted unlimited inflation was necessary to keep the wheels of industry turning and save the country from the Russian revolution. With revision of the treaty, a reasonable reparation figure, freedom to export and an international loan, it is quite likely that the gold and securities shipped abroad for safe-keeping will return and economic, financial, and industrial reconstruction take place. The affairs of the nations of Europe is so interdependent that Germany can not fall without shaking all Europe, and when Europe is shaken to its foundations America can not escape scot-free.

An entirely different and rather startling viewpoint upon reparations and allied debts was made known to the commission by an American official, who declined to be quoted.

"The average German workingman," he said, "obtains the food he requires. Government employees and professional men are not as well off. Whoever lived on the income of property has lost it. Divide your personal income by 300 and see what remains. That is the situation. German inflation has been a real confiscation of existing property. Germany is ruled by a socialist government, but leading financiers agree that inflation alone has prevented revolution. An immediate consequence has been that everybody now spends whatever money he gets, feeling that whatever he buys is worth more than constantly depreciating currency, whereas before the war the Germans were economical. Wages and salaries can not be increased to keep pace with the deterioration of the mark. The eight-hour day has decreased production, in the mines for instance, 13 to 15 per cent. The population of Europe has been multiplied by five since the eighteenth century. Each generation has been much larger and has lived much better, through great development of industrial and agricultural activity. Now, the whole machinery has gone to pieces and it is necessary to reconstruct it.

"The average German did not want the war but was influenced by propaganda. There is more bitterness and hate than before the war. Every country expects attack from its neighbors. France expects a new attack from Germany, has paid for protection the expenses of the armies of Poland, Serbia, and Rumania, and is on the verge of bankruptcy. In every country you find debt, heavy taxes, poverty. England is refusing credit, for she knows they can not pay. The United States can not remit the debts of Europe, for they would begin immediately upon new armaments. Debts can not be paid in anything but money, and Europe can not pay in money. These debts are a small thing to the money and lives the United States contributed to the war.

"If the nations of Europe would provide by law that no war could be declared for 10 years, and then only by vote of the people, permanent peace would be assured. If we could balance our debts by assuring this

result, we would be repaid every dollar. We must remember that the end for which our boys fought has not been reached, but it can be in a few weeks.

"A German manufacturer recently spoke of the wrong done by France to Germany, especially by the negro troops in the occupied regions, and told of the vengeance Germany will some day take against France. I told him to look out of the window and see people going to work under harsh conditions and the general unhappiness of the German people. And then instead of thinking of vengeance I asked him what would he think if the United States would give Germany the opportunity to regain its former prosperity under guaranteed peace. He burst into tears. If your commission's investigations bring the same result as mine you will be able to tell America that Germans are not devils. They have been the victims of propaganda, just as we have been. If Germany falls, France falls, too, and civilization will go back 100 years. Before the financial situation can be stabilized the political situation must be changed, otherwise Europe will spend all of the money it can obtain in armaments.

"I have been in touch with all classes of people and can find only one plan to improve the situation and solve the multitude of overlapping difficulties. The two principal problems are, first, the reparations, and nobody knows how that will be solved. It will be settled not because anybody knows how, but because it must be settled. The second is, European debts to the United States. These debts are enormous, and Europe can not pay them. They owe us $14,000,000,000, and heavy sums to Great Britain. Their taxes are at the breaking point. It is as if the United States had a debt of $150,000,000,000. The German people are great workers, but they can not work efficiently now, because their whole structure has been broken down by the war.

"Here is my plan: We ought to remit all of these debts on condition of limitation of armaments and an end to aggressive war. To do this we must appeal directly to the people over the governments. Not a government in Europe would accept the plan, but 8 out of 10 of every people would vote in favor of no war for 50 years. Under present conditions Europe can not receive credit from us, but if present conditions are removed it would benefit not only Europe but the United States. Your commission can say to the American people that they are entitled to payment, but since they can not be paid in money they must accept payment in the establishing of a state of affairs that will improve trade conditions tremendously. Fifty years of the conditions I propose will give the United States such prosperity as we have never known. Impress this view on the minds of the American people and your mission will be of great value to America.

"France fears Germany; Germany says France has always been her enemy; the more you put them together the worse the situation. Germany says France will attack her as she has done in the past, while Russia with her enormous hordes threatens on the east.

"As to the debts, England can pay, Belgium a little, France, Italy, and the other countries nothing. If England pays, the English people will always cherish a resentment that will create a grave situation and make an enemy out of a friend, because they feel that the war was ours as much as theirs. While the debts of the Allies are known, the German reparation is unsettled and must be modified to an amount she can pay. To determine this is extremely difficult. The only way America can handle and profit by the situation is to use her enormous power in the way I have suggested. I propose that Europe pay every cent of its debt to us, but since they can not pay in money let them pay by putting an end to war and establishing conditions we are anxious to obtain. The best thing for America to do is to create in Europe a large market and keep it without disturbance of war. Let me say to you, do not expect to find a reasonable state of mind in Europe. They are all crazy; shell shocked."

There is nothing new in this proposal. Mr. Frank Vanderlip has discussed it at some length in his "What Next in Europe?" published last spring. His conclusion is emphatic: "If we undertake to find ways in which we might direct European political policy under the threat of enforcing our financial claim, or under the bribe of relinquishing it, I believe we would find this whole field of exploration a fruitless one. Any attempt seriously to enter it would result in involving us in meddling with European political policy. To become so involved is opposed to every American national sentiment. I should abandon the theory that we might cancel the allied indebtedness in exchange for the privilege of imposing certain rules of political conduct upon our debtors. If we should through the cancellation of this indebtedness buy special privileges for our commerce and discriminatory treatment favorable to American business, we would buy something which we ought not to have and something which would in the end plague us infinitely more than it would ever prove to our advantage."

It is extremely difficult for an American, even while sojourning in Berlin, to comprehend the effect of the tremendous inflation upon prices of everyday necessities or luxuries. Some impressions may be informative; conclusions are impossible. Nobody may dare by the greatest flight of imagination to attempt to picture the future And impressions gained by a brief visit must of necessity be superficial.

A $10 bill purchased 12,658 marks when the commission was in Berlin. To-day, at the last available figures, it would purchase a good deal more. That $10 bill was worth about 400 marks when the American commission visited Berlin in 1913. On the other side of the picture, the 12,658 marks bought for $10 were worth $300 in 1913. The basket of marks secured to pay hotel bills and railroad fare for the commission would have been worth approximately a quarter of a million dollars in pre-war days.

The situation in Germany is a paradox; its like is not recorded in history. It is an invariable economic principle that continuous printing of paper money with nothing behind means financial and economic ruin. Yet the greatest financer in Germany has not only approved but actually encourages this policy of disastrous inflation, because it alone stands between Germany and Bolshevism, and he expresses the hope that so long as revolution can be averted and the workers employed, Germany may eventually, in some incomprehensible way, pull through.

The conditions described to the commission in France were not in evidence. The people are not expensively dressed, the gay night life, undertaken by order of the All Highest, which dominated Berlin in 1913, does not exist. Whatever extravagance there is along this line, whatever patronage is given to cabarets and the Palais du Danse, comes from the pockets of foreigners, not from formerly well-to-do Germans. Instead of the former universal evening dress, at the grand opera were not over a score of men and women in evening dress. Seats in the best loge were $1.30—to foreigners. This is, or was, one of the theaters subsidized by the Government. When the Allies decided that under the Versailles treaty subsidies to a theater were a luxury and this money should be used for reparations, prices were raised 400 per cent in order to keep the house open. That as much as possible of this increase might be paid by foreigners it is provided that every German, upon showing his card of identification, shall be rebated two-thirds of this price, so that they can hear grand opera at 5 cents for standing room or 44 cents for the best loge.

At one of the great music halls where the middle class takes its recreation—an enormous place, with hundreds of tables placed close together—admission was a fifth of a cent. One figures taxi rates by multiplying the indicated figure by 80. The charge for a victoria for two for the 2½ mile ride from the pension, where many of the commission were quartered, to the hotel, where were the headquarters, was 9 cents and for a taxi 19 cents. Formal dress suits, tailored, cost $13, silk scarfs and hose 10 cents. We were advised that the proper tip was 10 marks, or less than a cent. A member of the commission exchanged 5,620 marks for 17 Swiss francs and had to pay 300 marks for the 1-franc stamp on his passport. The streets are full of old women begging; when a 100-mark note is dropped in their box they try to fall on their knees in gratitude. It is 8 cents, or was; much less now. Americans are charged all the traffic will bear. At the three or four best hotels an American is charged New York prices. In the shops when an American is recognized at least 100 per cent is added. There are no price marks on goods displayed. They said they never could tell how much the price would be raised the next day.

All of the people who were comfortably situated, living on income from rents or investments, are absolutely ruined. A very capable young man, a high official, who furnished a good deal of information, gave a striking illustration. His father was wealthy. He had invested 200,000 gold marks in Government securities to provide his daughter a dowry and an income. This amounted to approximately $50,000, yielding $1,500 a year, which amply provided for the young lady in Germany. Now this $50,000 investment figures about $167 and yields an income of $5 a year. "I bought a hat like this," said this young man, "in October, 1920, for 250 marks. In April, 1922, I paid 170 marks to have it cleaned and 1,350 for a new one exactly like it. Six weeks later the price was 7,000 marks. In July I paid 80 marks for a pound of butter; to-day it is 380. The mark in 1920 was worth 8 cents; to-day it is worth eight-tenths of a cent. But prices have not gone up ten but thirty times. My salary is 189,000 marks, of which 18,000 is taken in taxes, leaving me 170,000 marks," which then was about $136, leaving him less than $12 a month.

Skilled and unskilled labor receives about the same wage, which is based on the estimated cost of living for a man, wife, and two children. The rate is fixed by a tribunal with one employer, one labor-union man, and a representative of the socialist government. The commission visited the great electric works of Siemens, Schuckert Co. They have 56,000 employees in the Berlin plant and 34,000 in another plant. Their skilled employees receive 20,000 marks a month—$16. The eight-hour day is in force and they are running three eight-hour shifts. Coal miners and skilled carpenters receive 25,000 to 30,000 marks—$20 to $24. It is generally accepted that an unmarried man can get along lavishly on this wage but that the man with a large family has to economize. Girl stenographers receive from 4,500 to 6,000 marks, $3.40 to $4.80, a month. The ordinary laborer has meat or fish once a week.

House rents have been raised 500 or 600 per cent. Then the Government prohibited a further raise, which has bankrupted owners of houses and apartment and business blocks. You can buy apartment houses for a fifth to a tenth of their cost. Nobody will buy; taxes and expenses make them a liability.

And still factories were working night and day, with equal activity in the fields, in shops, in banks. It is doubtful if one can find anywhere as prosperous appearing a country as that traversed all day long from The Hague to Berlin.

These are the impressions the Germany of to-day offers.

ENGLAND.

Great Britain has balanced her budget, of course. The ax has been swung lustily upon expenditures. The Geddes pruning committee provided a reduction of expenditures of $350,000,000 in the war and $305,000,000 in the civil list. The army was reduced from £106,665,000 in 1921 to £62,300,000 in 1922, the navy from £82,479,000 to £64,884,000, the air force from £18,411,000 to £10,895,000, and the civil service from £379,035,000 to £317,455,000. The commission was advised by treasury officials that instead of a deficit there was a balance of receipts above expenditures of £56,500,000, or $280,000,000, for the first six months of 1922, and that they were perfectly satisfied with the outlook.

Their optimism may be justified. England has accomplished wonders. One might venture to suggest that possibly the British officials do not attach sufficient importance to the great reduction of revenue. Yielding to an overwhelming demand from business interests for reduction of taxation, the income tax was reduced from 6s. to 5s. Upon the basis of the reduced taxation estimated receipts for the current year show the following tremendous decrease from the receipts of last year:

	1921–22	1922–23
Customs	$130,152,000	$112,250,000
Excise	194,291,000	160,750,000
Taxes	521,274,000	445,800,000
Postal Service	40,000,000	35,667,000
Special receipts	170,806,000	90,000,000
Total revenue	1,124,880,000	910,775,000

Estimated decrease in receipts, $214,105,000.

A decrease of a billion dollars in receipts offers a problem that "muddling through" will not handle. In the present state of public sentiment further reductions are likely to follow. Can the British Empire live on its constantly reducing income? Of course it can and will, but the task before its officials is a prodigious one. Corporations have paid less each year since the war. On the other hand, the 5 and 6 per cent war loans are being rapidly funded into long-term securities, some at 3½ per cent, the average 4½ per cent. The situation at present is exceedingly good; the danger, if danger there be, is in the future. The total debt in August, 1922, was £7,737,000,000. The floating debts were reduced during the year from £1,363,586,000 to £905,000,500, a reduction of more than a third. England, like Italy, is entirely ignoring any possible receipts from German reparations and working out her own salvation. There is a very general understanding that the

sum demanded of Germany is preposterous, and that the Versailles treaty must be materially changed to give Germany a chance. There is, too, a quite general feeling among bankers and manufacturers in favor of getting together with Germany, settling all controversies, and resuming close trade relations, for these two nations were each the other's largest customer in pre-war days.

Unemployment is a very serious problem in England; there were 1,307,000 unemployed in October receiving Government aid.

The Belgian compromise was characterized in London as "to-morrow-atorium." England understands the situation and the world danger from the present hate and animosity growing out of the Versailles treaty and the impossible reparations, and the feeling is growing daily that the nations must get together and arrive at a definite settlement before the period expires.

British-American trade shows a tremendous balance in favor of the United States. While only 10 per cent of British exports go to the United States, Britain buys from the United States seven times as much as she sells.

At a conference at the American Chamber of Commerce Manager Weeks, of the London branch of the National City Bank of New York, expressed a view that seemed to meet unanimous approval. Mr. Weeks suggested that Congress should give the congressional commission authority to reduce or waive interest on allied debts to the United States; that the United States and Great Britain hold a conference to discuss the international situation; and that later a general conference be called. Since the Allies can not pay the United States in gold or goods, the only other way is credits—an international loan by the United States and Great Britain jointly. If the United States would waive interest it would do away with the present antagonism of the world toward the United States and create friendship. Good will is needed for trade among nations as well as among individuals. The more the United States will lighten the burdens of the world, the better for the United States materially in the long run.

In England as elsewhere German reparations crop up as the fundamental problem. English agriculture is in the dregs. At the great market in London California apples were selling at $1.75 a box, Hood River apples at $2.42. English apples were left on the trees and offered free to any who would pick them. Potatoes were rotting in the ground. A large farmer told the commission he had 200 acres of potatoes; that he would lose 2½ pounds an acre if he marketed them, a total loss of nearly $2,400. Farmers are putting all the money they can raise or borrow into hogs, as this is the only way they can get any money out of their potatoes. All agreed as to the cause of this situation. The tremendous glut in the market—food products from all over the world rotting here—is due to German reparations. These products have always been transshipped into Germany. The German market is closed. Hence the British farmer is ruined; hence Oregon and Washington and California apples and other American food products are sold for less than at home. America as the greatest producer of food products has quite as much interest as England in the situation. Is the effect not noticeable by the American producer and shipper?

The commission held conferences in London with the British Association of Chambers of Commerce—Sir A. Shirley Bonn, president, formerly chairman of the British trade mission to the United States and of the joint British, French, Italian, and Belgian missions—the British Board of Trade, the British department of overseas trade, the Federation of British Industries, Lloyd's, officials of the British treasury, the American embassy, consulate, and Department of Commerce, the American Chamber of Commerce, and with British and American bankers.

Ambassador Harvey received the commission. Chairman Owens said the commission wished to ask him, if it would not embarrass or involve him, if this is not the time for our diplomatic representatives to speak so that the country may understand in no uncertain way their judgment as to European conditions and problems. Ambassador Harvey smilingly said, "I do not think I would be good at epigrams this afternoon." Chairman Owens then asked as to the suggestion made by another United States diplomat that the allied debts be canceled. Ambassador Harvey replied: "Of course, Congress will not and can not cancel those debts. Our bonds issued against those debts are held not only by our own people but all over the world. They are held in China, Holland, Czechoslovakia. Our Government in offering them for sale declared that back of them as the security of them was the security of the allied debts. The United States will never repudiate an obligation. They talked about a vicious circle. There is no circle. It is a straight line. One end is Germany and the other in the pockets of the people of the United States. England can and will pay." The ambassador made some other characteristic comments not for publication.

SWITZERLAND.

The financial and commercial situation in Switzerland, as well as in Holland, demonstrates the economic interdependence of the countries of the world. Because of chaotic conditions resultant not so much from the war as from the so-called peace treaties, the neutral countries of Europe, as well as the former belligerents, are suffering and almost on the verge of collapse. The Swiss franc has maintained parity; the cost of living and prices generally are high; business and industry are greatly depressed.

The 1921 budget showed a deficit of 133,200,000 francs—receipts, 384,600,000 francs, expenditures, 517,800,000 francs. The 1922 budget shows a slight decrease in the deficit—receipts, 422,200,000; expenditures, 528,600,000; deficit, 106,400,000 francs. It is to be noted that the 1922 deficit equals 25 per cent of the receipts and 20 per cent of the expenditures, a very unsatisfactory situation. A protective tariff went into effect July 1, 1921, which increased receipts about 50,000,000 francs. The total debt of the Swiss Confederation increased from 1,862,856,600 francs, January 1, 1921, to 1,946,100,000, January 1, 1922. To this is to be added the debt of the Government-owned railways—2,283,625,000 francs, making a total of 4,200,000,000 francs, or approximately $840,000,000.

The general business depression which began in April, 1920, continues, notwithstanding the energetic efforts of the Government to protect industry by levying a protective tariff, restricting imports, subsidizing the hotels, and providing unemployment insurance. Unemployment has steadily increased and is expected to continue. Swiss imports from the United States fell off more than 50 per cent in the first three months of this year, from $15,934,746 in the last quarter of 1921 to $7,333,035 in the first quarter of 1922. Of the total imports in these periods foodstuffs amounted to $12,324,420 and $3,382,325, respectively. Thus the great loss to the United States was in foodstuffs. Exports of Switzerland's great watch and clock industry fell from $7,381,545 in the last quarter of 1921 to $5,968,146 in the first quarter of 1922. In this industry the unemployment increased from 5,063 in 1920 to 27,787 December 31, 1921, and 24,579 March 1. The tourist industry is in many parts of Switzerland the leading industry. It has suffered and is suffering tremendous depression, so great that the Government had to dip into the public treasury to keep the hotels open. The falling off of 75 per cent of imports of foodstuffs from the United States is thus explained. Swiss hotel keepers ascribe the lack of tourists to the same fundamental cause to which every ill of the world is ascribed, the German reparations. Wealthy Germans had always flocked into Switzerland and patronized the hotels. Now there are no wealthy Germans, and Swiss hotels are empty. Here is direct line from American producers to the reparation problem, just as English farmers are on the verge of ruin because of the prodigious glut in the London market of produce from all over the world which formerly went into Germany. It may be stated positively that Switzerland has no sympathy with the attitude of France and Belgium and more nearly approximates that of Holland. Germany must prosper if Switzerland is to prosper.

FRANCE.

France was the sufferer from the World War, not Belgium. France suffered tremendously. No matter what happens in Europe, despite the insistence of France that her life and that of civilization depends upon prompt payment of German reparations, France will pull through. But she has a big job before her, and she must change her attitude.

France had under arms one-fifth of her population, she furnished one-fifth of the fighting men on the side of the Allies, she lost one-fifth of her soldiers. This is a greater percentage in each instance than that of either of the other belligerents.

France spent $12,500,000,000 in the war. She suffered property losses of $3,000,000,000 or $4,000,000,000 gold. Her war expenses and property damage amounted to nearly a third of her national wealth, as compared with one-thirteenth for the United States. In addition, France has payment to make of $117,000,000 a year upon pensions, $1,767,000,000 upon interest on her war debt, and $300,000,000 a year on interest to Great Britain and the United States. France financed the war as no country save Great Britain and the United States might do. Still the French Government borrowed from the Bank of France during the war $5,653,000,000 and issued $10,000,000,000 of 5 to 4½ treasury bills. The total of the national debt is to-day approximately $60,000,000,000.

The budget for 1922 included for public debt 13,320,000,000 francs, for military expenses 4,539,000,000, and for civil 6,828,000,000, a total of 24,687,000,000. The revenues were 23,000,000,000, in expected German reparations, which is very unlikely to be paid, leaving a total deficit of nearly 25,000,000,000 francs, or approximately $5,000,000,000 under normal exchange rates, or something under $2,000,000,000 at present varying exchange. The budget for 1923 provides 12,345,000,000 for public debt, 5,035,000,000 for military, and 5,799,000,000 for civil, a total of 23,179,000,000. The revenues are estimated at 19,285,000,000, deducting from which the hoped-for German payments leave a deficit of 26,984,000,000, or $5,400,000,000 at normal exchange. It is to be noted that the French budget deficit is increasing rather than decreasing, largely because of military expenditures, which ought to be practically eliminated. Interest on the national debt reaches appalling figures. It ate up 51 per cent of the national revenue in 1921, 60 per cent in 1922, and 64 per cent in 1923. It is significant that interest on the debt of France to the United States and to Great Britain is given no consideration in the budget. As previously stated in this report, France has no thought of paying this. France is reducing its expenditures, except military and naval, and has increased taxation almost to the breaking point. But to meet these tremendous deficits, the public debt has been increased $9,000,000,000 in three years, and while paper currency has been reduced $64,000,000, national-defense bills or short-term bonds have increased $4,000,000,000.

In spite of this situation, the thrifty French people continue to go down into their stockings and absorb eagerly every government obligation offered. They hold six-sevenths of the entire French debt. Two years ago funding loans of $8,500,000,000 were placed at par. The character of the French people, their wonderful thrift, their absolute faith in the securities of their government, will ultimately save the Republic. And what can be secured from Germany when a reasonable settlement is reached will be a very material help. France is entitled to it. America will uphold the part of right and justice in seeing that she receives it, not by force of arms, as many in France unwisely urge, but by calling a conference and outlining a reasonable settlement.

France has increased taxation to the limit. There have been imposed a general income tax, taxes on income from real estate, from profits and from salaries, wages, pensions, and all earnings. All existing taxes, principally indirect, were largely increased. The total collected by taxation increased from 4,200,000,000 francs in 1914 to 6,200,000,000 in 1917, 12,000,000,000 in 1919, 18,000,000,000 in 1920, and nearly 22,000,000,000 in 1921.

When German troops marched across the border, the Bank of France held a gold reserve of 78 per cent against its circulation. Paper currency increased about 35 per cent to 1920 and has been slightly reduced in the last two years. The bank now holds a specie reserve of 15½ per cent, which is a remarkable showing. The French people again demonstrated their thrift and faith by responding to the appeal of the bank in war days and bringing in exchange for notes 2,500,000,000 francs in gold.

Since 1919, the balance of foreign trade has been reduced from adverse figures of about $1,300,000,000 to practically nothing, although in pre-war years it had been heavy. Trade with the United States, which totaled about $300,000,000 in 1910–1914, had doubled in 1921, with exports of $1,500,000 and imports of $4,500,000.

Because of the fact that the United States, theretofore a debtor nation, had become a creditor nation and had absorbed its securities held abroad, because of the continuous flow of gold from Europe to New York to pay for supplies purchased in America, because of the loans made by Europe in America, and because of the tremendous increase of exports from the United States and adverse balance of trade against France increased tenfold, the parity of the franc could not be maintained. It increased from approximately 20 cents during the early war period, when American securities held in Europe were dumped on the New York market, to 22 or 23 cents, and then steadily fell, reaching the low mark of 6¼ cents in 1920 and about 7 cents, with continuous fluctuations, since.

The devastated area of France, which suffered not only from the effects of war and enemy occupation but also from ruthless and wanton destruction by the Hun, while comprising only about 6,000 square miles, was the richest industrial district of France, producing 92 per cent of the iron ore, 74 per cent of the coal, 70 per cent of cotton products, 80 per cent of wool products, 60 per cent of the steel, 55 per cent of the flax, 47 per cent of the sugar, and 14 per cent of the wheat. France estimates the loss, including "individual injuries," at $7,250,000,000. France lost 57 per cent of her young and middle-aged men in the war, and other hundreds of thousands were seriously injured.

With rare courage France has undertaken and in large degree carried through the work of reconstruction. Very largely the cruel work of the Hun has been repaired. The visit of the commission to this district demonstrated this. It showed the peasants back on their farms, in many instances living in temporary shacks, but everywhere raising crops to feed the nation. Now, practically all of the agricultural area is under cultivation. France has expended upon this work of reconstruction about 90,000,000,000 francs, or $18,000,000,000, expecting to be repaid in full by Germany. If it could be thus repaid and the United States and Great Britain would kindly forget the billions loaned, France could balance its budget. Neither of these saving conditions will come to pass.

France has received back Alsace-Lorraine, with the greatest body of iron ore in Europe, with the potash mines that gave Germany a world monopoly of potash, and with a wealth of perhaps $4,000,000,000. France also has for 15 years the Saar coal basin, which before the war produced annually 12,000,000 tons of coal, 1,400,000 tons of pig iron, and 2,000,000 tons of steel. It has nearly 600,000 square miles of colonial territory added to its possessions. It is the British opinion that these gains more than offset the entire loss caused by the war. It is perhaps a fair estimate to say that the public wealth of France to-day is as great as it was before the war, about $60,000,000,000. While the total debt of France increased from 33,637,000,000 francs, in 1913, to 267,743,000,000, in 1921, and the foreign debt, included in the above, from nothing to 35,563,000,000, it is the judgment of the commission that France can and will find the way out of its financial difficulties, irrespective of German reparations, but without difficulty if the reparation problem is solved as suggested.

France must reduce its expenditures for defense, and to do this must be assured that she will not be attacked. She must reduce her civil expenses. Her officials and employees drawing salaries from the treasury number 150,000 more than in pre-war days.

The commission made its first study in France. In France the first impression received from French officials and from Americans there resident was the prevailing fear that France would again be attacked by Germany. This is a psychological condition that must be considered. Before there can be a stabilization of world conditions France and Germany must be assured against attack. We believe this is possible without the guaranty of the proposed treaties that Great Britain and the United States should contract to protect France against attack. If the treaty proposing this had been presented to the Senate, it is our belief that it would have been approved. With all faith in and adherence to the traditional policies of America, we believe that under a reasonable settlement France can live and prosper and pay its debts.

The situation in France has been discussed at great length because the attitude of France toward a reasonable settlement of the world problems is to-day the greatest hindrance to world peace.

The International Trade Commission was given every opportunity to learn the attitude of France. It absorbed it; it was not impressed by it. The dominant feeling in France is fear of another attack by Germany. Because of this France maintains an army of 800,000 men and has financed the armies of Poland and neighboring States. These outrageous expenses can be reduced to a minimum and will be if the American principle of justice and righteousness is impressed upon the world.

The commission received every courtesy and assistance from American representatives in France. Conferences were held at the embassy, where Ambassador Herrick's absence—who had been of such great aid to the American commission in 1913—was greatly deplored, at the consulate, at the American Chamber of Commerce, at the International Chamber of Commerce, and with the minister of commerce of the French Government.

From the mass of facts and figures an analysis can be best obtained by quoting Dr. Chas. D. Westcott, United States economist consul. Upon instructions from Secretary Hughes, Doctor Westcott furnished a report, which may be epitomized as follows:

"There is a general though gradual improvement in French production, transportation, and commerce in 1919–1922. Average daily freight-car loadings increased from 30,100 in January, 1920, to 41,800 in April, 1922. Freight on inland waterways increased about 25 per cent. The balance of trade has steadily decreased in its operation against France. In 1919 of 32,210 tons, 71 per cent was imports and 29 per cent exports; in 1920, of 45,740 tons, 63 per cent was imports and 37 per cent exports; and in 1921, of 49,190,000 tons, 55.6 per cent was imports and 44.4 per cent exports. In the first five months of 1922 the excess of imports was 65 per cent in volume and adverse trade balance of 2,657,291,060 francs, or 28 per cent. The cost of living increased by 44 per cent in 1919–20, declined about 10 in 1921, and since then has risen steadily. Production of coal, iron, and steel has steadily increased. Unemployment is not a serious problem. While there has been a gradual industrial recovery, stability has not been reestablished, for while commercial inflation has ceased and deflation begun there can be no restoration of normal economic conditions because fiscal inflation still continues. Thus a group of French stocks showed 65 in January, 1919, 63.8 in April, 58.1, 57.4, and 58.9 in April, 1920, 1921, and 1922, respectively. Railway debentures show a like fluctuation. Paris clearing-house returns show a monthly average of 6,000,000,000 francs in 1914, 14,000,000,000 in 1920, 14,800,000,000 in 1921, and 11,600,000,000 in 1922. The value of the franc in dollar exchange, which is the great hindrance in mutual trade relations at present, declined from 18.3 cents in January, 1919, to 9.1 in December; declined from 9.03 in January, 1920, to 5.91 in December; advanced from 6.32 in January, 1921, to 7.81 in December; and decreased from 8.13 in January, 1922, to 7.80 in July.

"A profoundly disturbing factor is the continued increase of the public debt, already a crushing fiscal burden. 'The enormity of that debt,' declared M. Doumer when Minister of Finances, 'constitutes a grave public danger. Its further increase must be stopped at any cost.' On January 1, 1922, it totaled 328,002,000,000 francs, of which 177,880,144,446 represent increase since the war. It now absorbs in annual interest alone more than half the national revenues.

"Outstanding short-time treasury notes, maturing within a year, amounted to 68,000,000,000. If payment is demanded at maturity instead of accepting new notes, repudiation and insolvency are inevitable. The limit of taxation has about been reached and it is impossible to balance the budget, in default of heavy payments by Germany, without additional loans. Thus fiscal inflation in France, as elsewhere in Europe, proceeds in a vicious circle, which may precipitate at any time a crisis of unforeseen economic and political consequences. Obviously, the situation is one of grave national perplexity, worse confounded by apprehension of the imminent future."

In reply to a direct question whether Great Britain, France, and Germany, if they honestly tried, could not work out the problems of the world, Doctor Westcott said:

"If they tried, Great Britain, France, and Germany, with the aid of the United States, could save the peace of the world. It can not be done without the participation of the United States. France is staggering; it is problematical whether France can stand the strain, France for centuries the bulwark of civilization. France went to her own people and said, 'Germany will certainly pay; Germany will begin paying within one year. We must start rehabilitation immediately.' And so France spent 90,000,000,000 francs in renewing the devastated region, relying upon repayment through German reparations, of which she has not received one dollar. If France fails, we might expect to see the whole Continent of Europe swept by a wave of Bolshevism. What would be the effect on the United States if Europe went down completely? We have our troubles now, probably due to Bolshevists financed from the imperial reserves of Russia."

Judge Berry, president of the American Chamber of Commerce, declared that in the last three years Germany has shipped all of its money out of the country and that England has done everything to prevent anything being paid to France, under its time-old policy of dividing the Continent so as to prevent there being one too strong country. "I want you gentlemen when you return," he said, "to show what Germany has been doing and to get America to use its influence not to loan money but to make Germany pay. Let America know that Germany can pay and should be made to pay. England knows the situation and is preventing Germany from paying. The Reparation Commission is one of the worst organizations under the treaty. If they had decided the amount at Versailles, Germany would have paid at once. They created this commission and in the meantime Germany evaded payment and got away with all its goods."

Doctor Westcott stated that Germany has sent to the United States, England, and other countries $10,000,000,000; that this statement was made by Stinnes himself.

It was officially declared that the cost of living in 1922 is three times that of pre-war days. Prices in Paris are considerably higher than in New York.

Fear of another attack by Germany and insistence upon payment of German reparations overshadow every question of trade extension.

HOLLAND.

Aside from Switzerland and Sweden, the Dutch unit of value is the only one on the Continent maintaining pre-war parity, or practically so. During the European visit of the commission, the guilder was only a fraction over a cent below par. What keeps it up is rather a mystery, for the financial and economic condition of Holland is neither good nor sound. The Dutch budget for 1921 showed a deficit of 230,000,000 guilders, or about $92,000,000, and for 1922 of 248,000,000 guilders, the deficit equaling nearly 50 per cent of the total revenues. While the total debt on January 1, 1922, was $960,000,000, all held in Holland, during the year loans amounting to $40,000,000 were floated abroad, largely in the United States, making a total debt of approximately $1,320,000,000.

Holland is not pro-German; that does not express it. Holland depends absolutely and entirely upon Germany, according to officials, financiers, and business men, and if Germany falls Holland is doomed. Germany must be prosperous if there is to be a future for Holland. And so it is out of the question for Germany to pay the demanded reparation.

In the Amsterdam district financial and commercial conditions were declared by all authorities to be bad. There were a few who were optimistic enough to say that the tide has turned, some who said that the bottom had been reached; but the majority opinion was that present bad conditions are going to be worse. Although there has been considerable increase in the volume of harbor traffic in 1922 over 1921, the balance of trade is decidedly adverse. In the first six months of 1921 Amsterdam imported 1,300,000 long tons and exported 700,000, while in the first six months of 1922 the imports were 1,800,000 and the exports 800,000. The commodities greatest in volume are coal, grain, minerals, fuel oil, petroleum, stone, tea, tobacco, and lumber. The exports to the United States increased 25 per cent in the first six months of this year, and imports from the United States increased 40 per cent.

Shipping and shipbuilding industries are suffering badly, as all over the world. No improvement is expected. Machinery works are the one exception; they are fairly prosperous. The Fokker airplane factories are booming, chiefly on orders from the United States. The textile industry has weathered the storm. The artificial silk industry has so prospered that an enormous factory has been built and is in operation near Arnhem, shipping its products chiefly to the United States. Most of the new war industries, chemical, clothing, furniture, have collapsed. The banks all had large reserves, which covered their losses, and there have been no failures. Amsterdam is the greatest diamond market in the world. The condition of this industry would indicate improved times in the United States, which takes 75 per cent of the diamonds shipped. There has been an increase of 20 per cent in 1922 over diamond shipments in 1921 to the United States.

German competition, which has been very harmful, is gradually passing, with the exhaustion of German goods manufactured at pre-war prices, and the necessity of German manufacturers paying high prices for imported raw material. The principal reason for the present economic situation is ascribed by everybody to the depreciation and instability of the German mark, for Holland is indissolubly tied up with Germany.

There is a new field opening for American shipments of chemicals, hosiery, underwear, clothing, textiles, rubber goods, and tools and machinery, which have always heretofore come from Germany. The quality of German goods is deteriorating badly, according to Dutch importers, and the same complaint heard elsewhere is voiced that German manufacturers will accept competitive orders at a low figure and then refuse to fill them unless the price is raised. There is noticeable,

unlike the situation in Belgium, a growing disposition to do business with the United States. It is manifest in every line of trade. The chief difficulties are the long haul, causing high freights, and the insistence of American shippers upon cash payment instead of giving long credits. By conforming to the terms to which European importers are accustomed, there is a market in Holland for almost every United States export, particularly agricultural machinery, cattle feed, dress goods, electric motors, flour and foodstuffs, garden tools, gas stoves, hardware, hosiery, household articles, kitchen ware, lawn mowers, leather and leather goods, machinery, petroleum, refrigerators, shirts and collars, textiles, tin plate, and paper. Despite her sympathy with Germany there is not the slightest evidence of the unfriendly feeling so manifest in Belgium; on the contrary, Holland is ready to do an increasing business with Uncle Sam.

BELGIUM.

The attitude of Belgium upon German reparations is identical with that of France. Germany must pay in full. The Belgium budget for 1922 shows a deficit of 1,142,150,931 francs, notwithstanding there is figured as revenue 2,500,000,000 francs expected to be received in cash from Germany on reparation account. The public debt of Belgium is more than 34,000,000,000 francs. If Germany fails to make large reparation payments the financial prospects of Belgium are rather gloomy. In fact, the United States acting trade commissioner at Brussels, Mr. Hunt, told the commission that unless Germany pays it will be impossible for Belgium to balance its budget.

Discussing trade conditions, Mr. Hunt said that American exporters do not ascribe the necessary importance to personal knowledge of Belgian importers. American shippers insist upon payment when goods are shipped, while Belgian merchants want to receive and examine the goods before paying. Direct contact between exporter and importer is necessary. The Belgian merchants are men of good character and financially sound, but they want to know the Americans from whom they buy. There is in Belgium a good market for American lumber.

In a conference at the office of the Comité Centrale de l'Industrie, the president, M. Carlier, said that Belgium must import 70 per cent of its food and depends largely upon the United States. But to buy from the United States, Belgians must be given long credit. They are honest and one can know that they will pay their bills. Belgium is like Germany. While the Government faces financial ruin, industry is very prosperous.

It was impressed upon the commission officially that Belgium, in spite of our sympathy and overgenerous aid, has no use for the United States. Belgium imports from the United States just as little as it can; foodstuffs because it can not get them elsewhere. Belgium buys cotton in England at a higher price than it would have to pay in the United States, principally because of personal acquaintance and friendship. Mr. H. H. Morgan, United States consul general at Brussels, said that there is a market in Belgium for a good deal more American products than are now imported, but good propaganda would be necessary, and American agents must come to live permanently in Belgium and come in contact with the life of the people. In 1919 the United States led in imports to Belgium but thereafter Belgium fell into the arms of Germany. In 1921 Germany shipped more goods into Belgium than in 1913. This year France leads, followed by England, Germany, and the United States. In the first four months of 1921, of the total imports into Belgium, amounting to 3,670,000,000 francs, the United States contributed 725,260,000, but of 2,717,000,000 in 1922, our share was only 274,325,000. It is perhaps not hard to understand this, when one considers the insistence of American shippers upon cash on shipping receipts and the willingness of German and British shippers to give nine months' time, and their very close study and adaptation to the real or fancied needs of the buyer.

Another rather significant fact learned in Belgium is that America has no comprehension of the real situation there. Only 1 per cent of Belgium actually emerged from the war in better financial condition than before. The millions poured by Americans into Belgium for relief are unnecessary and wasted. We were assured on high official authority that not more than 30 per cent of this money reaches the people for whom it is intended; it is spent in extravagant balls, on special trains, and similar unnecessary expenditures. The commission was urged to send word to all charitable Americans to stop sending checks to Belgium, that the money could be used to better advantage on home charities. An American lady had been in Brussels, recently, planning to raise $50,000 a month for Belgian orphans, and the Belgians are quite able to care for them.

France was the sufferer. The cost of living is much less than in France, prices in the shops are less, the need of relief is palpably absurd. In Paris the struggle of the nation and the people to pull through is very much in evidence. It is not the old Paris. The wonderful gowns are few and far between. Neither men nor women are well dressed on the street. There are no such symptoms in Brussels.

Belgian industry, from the employers' standpoint, like that of Germany and England, is well organized. The Comité Centrale de l'Industrie includes most of the concerns in 82 different industries. President Carlier explained that he was chairman of an international organization, uniting all of the employers of the world, to counterbalance the international organization of labor.

The commission visited the International University at the Palais de Ville, where are students from various European universities taking postgraduate research work and lectures on cultural subjects. The president, M. Otlet, explained that Belgium resented the location of the League of Nations at Geneva, believing Brussels the proper place for a world capital, so had established this university to unify the world through the realm of intellect.

There is a chance to increase trade with Belgium, but a local Belgian agent is required, with an occasional visit from the American shipper. Long credit instead of cash must be the terms to compete with Germany and England. Business and industry are in good shape and sound. Government finances are in bad shape and unsound, with a slowly increasing inflation and an inevitably decreasing franc.

A memoradum prepared for the commission by Consul General Morgan stated that political unrest, waste, and extravagance in all departments of the Government and the violent fluctuation in exchange have had an unprecedented and depressing influence on the economic situation, and there is a feeling of pessimism and gloom in all industries. Commerce for the first four months of 1922 showed imports of 2,717,239,000 francs and exports of 1,797,287,000, an adverse trade balance of about 9,000,000,000 francs and a decrease of about nine billions in imports and eight billions in exports over 1921. Imports from the United States decreased from 725,262,000 francs in 1921 to 274,325,000 in 1922 and exports decreased from 78,051,000 to 67,211. The total business with Germany was about a billion in the first four months of 1921 and 600,000,000 in 1922. Imports from the United States have steadily decreased from 2,271,982,347 in the year 1920 to 1,106,269,967 in 1921, and will not exceed 800,000,000 francs in 1922. About 40 per cent of imports from the United States are foodstuffs, and two-thirds of that grain. Asphalt, tobacco, lumber, oil cake, cotton, chemicals, leather, and automobiles make up the balance. Belgium is building up a large trade with South America, which is financed by heavy Government credit subsidies.

Belgium's national debt has increased from five billions before the war to forty billions—5,714 francs per capita. The paper circulation has increased from one billion to six and one-half billion francs. The actual specie reserve is about 5 per cent. Government expenditures have increased fivefold. Expenses for national defense increased from 89,000,000 francs in 1914 to 558,000,000 last year. The receipts of the Government for 1919–20 amounted to 4,900,000,000 francs and expenditures to 16,000,000,000, an excess of expenditures of 11,250,000,000. Government expenditures and circulation are steadily increasing. Belgium has spent 615,000,000 francs for reconstruction of private buildings and 96,000,000 for roads and bridges. Belgium was not devastated to anything like the extent reported, only 1 per cent of the country suffered, and that was all in West Flanders. Belgium was as well, if not better, off after the armistice as before the war. Two American ships entered the port of Antwerp in 1913. There were 151 in 1919, 362 in 1920, 229 in 1921, and 103 in the first six months of 1922.

Belgium has received in German reparations 1,135,000,000 gold marks in cash and payments in kind of 613,000,000. From this is to be deducted the expense of the Belgian army of occupation, 204,000,000, and expenses of the French and British armies of occupation, 640,000,000, a total of 844,000,000, leaving 904,000,000 gold marks paid by Germany. The Belgium Government claims 13,000,000,000 paid out in reconstruction, to be repaid by Germany.

About a year ago the Belgian prime minister stated that the per capita tax was 280 francs, which remains in force. Belgian currency is inflated, now reaching the figure of 6,500,000,000 francs. Exchange has fluctuated between 11 and 15 francs to the dollar, the normal being 5. The balance of trade was 4,000,000,000 francs against Belgium in 1920 and 3,000,000,000 in 1921.

ITALY.

There is an entirely different attitude and a cheering atmosphere in Italy. Italy has cleaned house. In Italy nothing was heard about reparations and there was no crying about the debt to the United States. If Germany pays something, well and good. it will help. If not, Italy will work out her own salvation through the wisdom of her statesmen and the thrift and economy of her people. She owes billions to America. It is an honest, honorable debt, and it will be paid honestly and honorably. She can not pay now, but she will keep on digging until she can. All she asks is that if America makes concessions to other of the Allies, the same shall apply to Italy. In all conferences held by the commission in Italy there was no allusion to reparations or allied debts.

A convincing proof of the sincerity and wisdom of her policy is the fact that since the war Italy has reduced her budget deficit from twenty-one billions to six billions, a record diametrically different from that of any other continental nation, and one to which England herself may accord due respect. Two incidents laid the foundation for the very sympathetic and friendly spirit in which the commission studied Italian conditions; one was the extreme cordiality of its reception and the other was the fact that at Rome, at the International Institute of Agriculture, where a formal reception was tendered upon arrival, the American commission of 1913 was welcomed by their majesties of Italy at a ceremony probably unique, with every civilized nation officially represented, and bidden Godspeed by them and the great institute that binds the world in ties of friendly cooperation. A reminder by officials of the institute of the great accomplishment of the commission in 1913 strengthened the hope that something of value might be accomplished in 1922.

At the reception Baron de Bildt, delegate from Sweden, officiated, assisted by Minister Lao, delegate from Portugal; Señor De Campos, delegate from Brazil; and M. Rjon, delegate from Holland. The general secretary of the institute, with chiefs of all divisions and their respective staffs, participated, with representatives of the American Embassy and consulate, the Italian sections of the International Chamber of Commerce, the Rome Chamber of Commerce, the General Federation of Italian Agriculture, the Commercial Industrial Union, several other industrial and agricultural organizations, leading Italian journals, and the foreign press.

In his address of welcome, Baron de Bildt paid a high tribute to the late David Lubin, of California, founder of the institute, which he said always kept his chair empty and wreathed in immortelles.

Chairman Owens, in acknowledging the greeting, said that he had the honor at the moment the bust of David Lubin was unveiled in the institute to present to the Secretary of Agriculture at Washington a portrait of Mr. Lubin, a duplicate by the same artist of the portrait in the institute.

In a conference at the American Embassy, presided over by Mr. McLean, commercial attaché, and later by Mr. Gunter, chargé d'affaires, Mr. McLean explained that Italy emerged from the war with a large debt and industry developed far beyond existing needs, which made difficult the problem of returning to normalcy. The economic crash caused by deflation came in Italy several months later than in America, but was no less severe. The improvement now apparent in the United States has not yet come to Italy, but the bottom has been reached and the tendency is toward improvement. Italy is an agricultural country, so that the business depression, while very hurtful to industry and commerce, is not felt by agriculture to any extent.

While an agricultural country, Italy's production is low. It raises only two-thirds the wheat needed, and is short of all raw materials. Three-fourths of the wheat imported comes from the United States. Next in importance is cotton, practically all of which comes from the United States. The need of foodstuffs and raw materials causes an unfavorable trade balance. Before the war this was about 1½ to 1. It increased greatly, but now is steadily decreasing. The invisible elements to balance are money sent home by Italian emigrants and the tourist industry. After the war both were greatly reduced, but remittances from abroad are now two or three times pre-war, and foreign tourists about as before.

Exchange has greatly injured imports from the United States, because Italy finds it advantageous to buy in European countries having

a currency more depreciated than her own. Wheat, cotton, mineral oil, steel, and iron constitute 89 per cent of American imports. The market is stable. Mr. McLean said his principal task has been to find markets for other American products.

If Italy had coal and iron, it would be in much better condition. It has vast supplies of hydroelectric power, which can be developed, but is developing very slowly for lack of capital. Agricultural production is intensive in high degree, with greater yield per acre than in America, but can not be increased to meet requirements. The hydroelectric development alone has interested American capital. A bill is pending to exempt from taxation foreign capital invested in increasing Italian production and will become a law.

All the principal railways are Government owned. Of the greatest budget deficit of 6,000,000,000 lire the railways are responsible for 1,000,000,000 lire. There is a strong and growing sentiment to take the Government out of industrial business, but it is hard to see how it can get rid of the railways, because it would be difficult to distribute them among a number of private corporations, and no one company could take them all over.

Asked if American interests by extending credit in lire to Italy would not profit largely by the increase in value of the lira to approximate its former parity, Mr. McLean said he had lived in Italy three years and was an optimist, but he feared the appreciation of the lira would be very slow. What is far more important is to stabilize exchange. A rapid appreciation would be harmful. Italy now has 18,000,000,000 to 19,000,000,000 paper lire, as against 3,000,000,000 before the war. There is no thought of repudiation. The Government owes 215,000,000,000 lire. If the value should increase rapidly to twice its present value, this debt would be doubled, the laborer ought to accept one lira in place of two, and the Government tax should be reduced one-half. Taking exchange for a year, the average has been about the same, although the fluctuation has been great. The gold reserve is limited, but remains stable. The currency has been reduced, but in place there has been an issue of 30,000,000,000 short-term bonds, at first at 6 per cent interest, then 5 per cent, now 4½ per cent.

Asked as to German reparations, Mr. McLean said that is the great problem of the world to-day, and he hesitated to speak of it. The policy of Italy has been wise not to take into account any possible reparation, but unfortunately she has not taken into account her debts. She owes 22,000,000,000 lire, at present exchange about $1,500,000,000, which is greater than the total revenue of Italy.

There are about 600,000 unemployed. Wages are five or six times pre-war, which is a greater increase than that in the cost of living. There is an 8-hour day. The average wage is 30 lire per day for machine work, 25 for average labor, or $1.35 and $1.10. Before the war the wage was about 60 cents a day. Italy must not be grouped with the nations that have lost control of their economic situation. Her condition is better than that of France.

Compared with the countries to the north a study of Italian conditions is gratifying. The Government is making every effort to balance the budget, while courageously charging all expenditures for reconstruction and pensions directly to the regular budget, instead of carrying some reparation fiction. With equal courage taxes have been raised enormously. Direct taxes, which were 558,000,000 lire in 1913, now bring in 4,300,000,000, taxes on fiscal monopolies increased from 1,067,000,000 to 4,090,000,000, indirect taxes from 657,000,000 to 1,700,000,000, and business taxes from 160,000,000 to 1,000,000,000. Further, receipts from direct and indirect taxation for the first eight months of 1922 showed an increase of 55 per cent over the same period in the previous year. The deficit in the budget for the next fiscal year is estimated by the minister of the treasury at 4,000,000, that for the current year is 6,500,000, that for the preceding year 9,680,000, a gratifying reduction. The total public debt, including bank notes, increased from 107,238,000,000 to 113,930,000,000 in the fiscal year recently closed. This increase was in treasury bonds. Circulation decreased 661,000,000.

Prices in the shops are reasonable; Italy is an excellent place for tourists to shop. Cost of living is not high. There are many very promising openings for American capital. There is vast power to be developed, vast areas of land to be reclaimed, the intensive cultivation of which will enable Italy to come much nearer to self-support, to overcoming the adverse trade balance, and will greatly improve her general economic condition. Far more than any country in Europe, Italy invites and welcomes American investment and commerce. Even Germany, begging for American money, declines to allow American investors control or important share in direction of industries, but offers only interest on bonds. Italy offers what appeals to the investor, full participation and control proportionate to the investment. America may well study Italian offerings. The commission was advised that a prominent Italian financier was leaving for the United States about the time the commission returned, with papers in his pocket to complete a proposition which entailed investment of $100,000,000 of American capital.

In considering the economic possibilities of Italy it must be borne in mind that Italy is the natural geographic center for trade in the Mediterranean basin. In Albania, Greece, Smyrna, Georgia, Turkey, Syria, Palestine, Rhodes, and Egypt is a population of 40,000,000. With world peace there will develop a largely increased purchasing capacity. Italy has the privileged position, with the largest industrial plant in the basin, cheap power, and a population of 40,000,000 industrious, frugal, and intelligent workers. Italy has a heavy adverse balance of trade with the United States, Italy serving as an industrial base and a traffic depot. By developing Italian industry, the United States can secure a large customer, for her 40,000,000 can become large consumers of American goods, and with Italian cooperation there is open an important trade in Mediterranean markets.

Italy is developing and enlarging her ports, as was demonstrated by a personal investigation by the commission. A system of internal waterways now being completed will place Milan and the industrial centers of Lombardy and Benetia in direct water communication with the sea. American enterprise is taking a large part in the development of the port of Palermon. The electrification of railways now under way offers a field for profitable American cooperation. An assembling plant for American agricultural machinery—to decrease duties largely—with repairs and manufacture of parts could be profitably established. With an assembling plant at, say, Trieste, there would be a large market for low-priced American automobiles, as Italy manufactures only very high-priced cars, largely sold abroad. A large American garment manufacturer in southern Italy, using the product of the Italian cotton mills, would find a ready market and also increase the demand for American cotton. The labor monopoly has been broken in all the ports. The prevailing sentiment in Italy is for good government and fair play to business and industry.

Italy stands for European peace and reconciliation, reduction of armaments, an era of peace and productive activities. All these things appeal to Americans. It is also significant that on November 10 of this year the new Fascisti premier, Mussolini, called in the American correspondents and announced to them that Italy wishes to and hopes to pay its debt to America. "It is an honor debt we intend to make every effort to pay. Italy will ratify at once the Washington disarmament treaty."

—

THE VERSAILLES TREATY AND THE GERMAN REPARATIONS.

The treaty restores Alsace-Lorraine to France and deprives Germany of considerable territory, principally its greatest agricultural areas in Silesia and Poland, and requires Germany to renounce all favorable provisions in treating with the Grand Duchy of Luxemburg.

Germany is forbidden to maintain or construct fortifications on the left bank of the Rhine or on the right bank west of a line 50 kilometers east of the river or to assemble troops in this territory.

Germany cedes to France the coal mines in the Saar basin and all rights to the great potash mines in Alsace-Lorraine and to the allied and associated powers all rights in the territory outside its boundaries and all its oversea possessions. All rights in China are ceded to China.

The military force is limited to 100,000 men, with a specified amount of munitions, arms, and equipment. The use, manufacture, and importation of poisonous gas is prohibited, and Germany is required to disclose to the Allies the nature and mode of manufacture of all explosives and chemical preparations used in war. Compulsory military service is abolished. Military schools are limited in accordance with the reduced army. Schools, clubs, and all associations are prohibited from instruction in or use of arms. All fortifications west of a line 50 kilometers east of the Rhine are to be destroyed. The navy is limited to 6 battleships, 6 light cruisers, 12 destroyers, and 12 torpedo boats. The armed forces must not include any military or naval air forces. Germany is required to compensate civilians of the allied and associated powers for all damage done, to reimburse Belgium for all money borrowed by Belgium from the allied and associated powers up to November 11, 1918, and to pay whatever reparation is fixed by the Reparation Commission. All German merchant ships 1,600 tons and upward are ceded, half interest in ships between 1,000 and 1,600 tons, and quarter interest in steam trawlers and other fishing boats.

A specified number in thousands of horses, cattle, sheep, and goats is to be delivered to France and Belgium; to France 7,000,000 tons of coal a year for 10 years, and an amount equal to the difference between the production of the Nord and Pas de Calais mines before the war and during the 10 years; to Belgium 8,000,000 tons of coal a year for 10 years; to Italy an average of 7,000,000 tons a year for 10 years; to Luxemburg an amount of coal equal to the pre-war consumption of German coal and other quantities of other products as specified.

Imports from or exports to allied or associated States shall pay no higher duty or charge than like goods from any other country, nor may there be any other discrimination.

The Reparation Commission provided that Germany should pay 132,000,000,000 gold marks, or $30,000,000,000. There have been a number of revisions, and the so-called Belgian compromise of September provided a brief moratorium. Briefly, the payment is to be made in three bond issues of 12, 38, and 82 billions of marks.

—

PERSONNEL OF THE INTERNATIONAL TRADE COMMISSION.

Clarence J. Owens, Washington, D. C., chairman, president Southern Commercial Congress.

Emmett W. Gans, Hagerstown, Md., vice chairman, president Chamber of Commerce, Hagerstown, Md.

Ralph Metcalf, Tacoma, Wash., secretary, State senator; retired newspaper man and manufacturer.

Clarence J. Owens, jr., Washington, D. C., assistant to the chairman.

Joseph Templeton Brownless, New York City, president Appalachian Mills Co., Knoxville, Tenn.; cotton manufacturer.

W. R. Graven, Dayton, Ohio, president Dayton Savings & Trust Co.

W. C. Gans, Bethlehem, N. H., iron and steel manufacturer.

Cavalier Edward Giannini New Orleans, La., Italian-American commerce.

Mrs. George D. Hope, Washington, D. C., and Kansas City, Mo., president Geo. D. Hope Lumber Co.

J. C. Harris, Memphis, Tenn., cotton planter and capitalist.

H. B. Kelly, Philadelphia, Pa., general secretary Philadelphia Chamber of Commerce.

Mrs. Charles C. Krichbaum, Canton, Ohio, active leader of women's clubs.

John King, Suffolk, Va., manufacturer, vice president Suffolk Chamber of Commerce.

Mrs. John King, Suffolk, Va., State chairman of legislation of the Virginia Federation of Women's Clubs.

J. F. McCracken, Valdosta, Ga., attorney, president Valdosta Chamber of Commerce.

H. L. Reeder, Florence, Ala., cotton dealer.

F. L. Williamson, Burlington, N. C., president and treasurer Holt-Granite-Puritan Mills Co.

Mrs. Joseph T. Brownless, New York.

Mrs. Emmett W. Gans, Hagerstown, Md., chairman committee on organization and first president Hagerstown Women's Clubs.

Mrs. N. B. Kelly, Philadelphia, Pa., president Western Home for Poor Children.

—

[Letter from Dr. Harry Pratt Judson, president of the University of Chicago, and report from Dr. Eliakim H. Moore.]

NOVEMBER 9, 1922.

Mr. CLARENCE J. OWENS,
Southern Commercial Congress, Congress Hotel, Chicago, Ill.

MY DEAR MR. OWENS: Herewith I am returning the material you sent me with regard to the proposed recommendation of the Southern Commercial Congress relating to the payment of indebtedness and reparations by certain European powers. I am also inclosing the official report to me on the proposed financial payments by the head of our

department of mathematics. Prof. Eliakim H. Moore is one of the eminent mathematicians of the country.

Very truly yours,

HARRY PRATT JUDSON.

THE UNIVERSITY OF CHICAGO,
DEPARTMENT OF MATHEMATICS,
November 8, 1922.

To the PRESIDENT.

MY DEAR DOCTOR JUDSON: In response to the question recently submitted to me on behalf of President Clarence J. Owens, of the Southern Commercial Congress, I report as follows:

The sum of $1,000,000,000, with interest at 3 per cent per annum, (may) will be amortized by—

Sixty-five annual payments of $35,000,000 each and a final payment at the end of the sixty-sixth year of—

9
$28,186,297.2295

The residue at the end of 65 years, $28,336,210.9024, with interest for the sixty-sixth year, $850,086.3271, make the final payment stated.

These figures, which have been with care determined in cooperation with my colleague, Mr. W. D. McMillan, an expert in the use of the calculating machines may be relied upon as quite correct. They exceed the corresponding figures found in the table submitted by President Owens by—

$0.0132

$0.0127
$0.0005

These are the essential figures of that table.

Yours very truly,

ELIAKIM H. MOORE.

Table showing annual payments on principal and interest upon $1,000,000,000, to be amortized in 66 years at 3 per cent interest and one-half per cent amortization.

(Annual payment, $35,000,000. Amount, $1,000,000,000.)

Year.	Interest.	Paid on principal.	Balance unpaid at end of year.
1	$30,000,000.00	$5,000,000.00	$995,000,000.00
2	29,850,000.00	5,150,000.00	989,850,000.00
3	29,695,500.00	5,304,500.00	984,545,500.00
4	29,536,365.00	5,463,635.00	979,081,865.00
5	29,372,455.95	5,627,544.05	973,454,320.95
6	29,203,629.6285	5,796,370.3715	967,657,950.5785
7	29,029,738.5173	5,970,261.4827	961,687,689.0958
8	28,850,630.6729	6,149,369.3271	955,538,319.7687
9	28,666,149.5931	6,333,850.4069	949,204,469.3618
10	28,476,134.0808	6,523,865.9192	942,680,603.4426
11	28,280,418.1032	6,719,581.8968	935,961,021.5458
12	28,078,830.6463	6,921,169.3537	929,039,852.1921
13	27,071,195.5657	7,128,804.4343	921,911,047.7578
14	27,657,331.4327	7,342,668.5673	914,568,379.1905
15	27,437,051.3757	7,562,948.6243	907,005,430.5662
16	27,210,162.9169	7,789,837.0831	899,215,593.4831
17	26,976,467.8044	8,023,532.1956	891,192,061.2875
18	26,735,761.8386	8,264,238.1614	882,927,823.1261
19	26,487,834.6937	8,512,165.3063	874,415,657.8198
20	26,232,469.7345	8,767,530.2655	865,648,127.5543
21	25,969,443.8266	9,030,556.1734	856,617,571.3809
22	25,698,527.1414	9,301,472.8586	847,316,098.5223
23	25,419,482.9556	9,580,517.0444	837,735,581.4779
24	25,132,067.4443	9,867,932.5557	827,867,648.9222
25	24,836,029.4676	10,163,970.5324	817,703,678.3898
26	24,531,110.3516	10,468,889.6484	807,234,788.7414
27	24,217,043.6622	10,782,956.3378	796,451,832.4036
28	23,893,554.9721	11,106,445.0279	785,345,387.3757
29	23,560,361.6212	11,439,638.3789	773,905,748.9969
30	23,217,172.4699	11,782,827.5301	762,122,921.4668
31	22,863,687.6441	12,136,312.3559	749,986,609.1109
32	22,499,598.2733	12,500,401.7267	737,486,207.3842
33	22,124,586.2215	12,875,413.7785	724,610,793.6057
34	21,738,323.8081	13,261,676.1919	711,349,117.4138
35	21,340,473.5224	13,659,526.4776	697,689,590.9362
36	20,930,687.7270	14,069,312.2730	683,620,278.6632
37	20,508,608.3598	14,491,391.6402	669,128,887.0228
38	20,073,866.6106	14,926,133.3894	654,202,753.6334
39	19,626,082.6090	15,373,917.3910	638,828,836.2424
40	19,164,865.0872	15,835,134.9128	622,993,701.3296
41	18,689,811.0398	16,310,188.9602	606,683,512.3694
42	18,200,505.3710	16,799,494.6290	589,884,017.7404
43	17,696,520.5322	17,303,479.4678	572,580,538.2726
44	17,177,416.1481	17,822,583.8519	554,757,954.4207
45	16,642,738.8326	18,357,261.3674	536,400,693.0533
46	16,092,020.7915	18,907,979.2085	517,492,713.8448
47	15,524,781.4153	19,475,218.5847	498,017,495.2601
48	14,940,524.8578	20,059,475.1422	477,958,020.1179
49	14,338,740.6035	20,661,259.3965	457,296,760.7214
50	13,718,902.8216	21,281,097.1784	436,015,663.5420
51	13,080,469.9062	21,919,530.0938	414,096,133.4482
52	12,422,884.0034	22,577,115.9966	391,519,017.4516
53	11,745,570.5235	23,254,429.4765	368,264,587.9751
54	11,047,937.6392	23,952,062.3608	344,312,525.6143
55	10,329,375.7684	24,670,624.2216	319,641,901.3627
56	9,589,257.0414	25,410,742.9586	294,231,158.4241
57	8,826,934.7527	26,173,065.2473	268,056,093.1768
58	8,041,742.7953	26,958,257.2047	241,099,835.9721
59	7,232,995.0791	27,767,004.9209	213,332,831.0512
60	6,399,984.9315	28,600,015.0695	184,732,815.9817
61	5,541,984.4794	29,458,015.5206	155,274,800.4611
62	4,658,244.0138	30,341,755.9862	124,933,044.4749
63	3,747,991.3342	31,252,008.6658	93,681,035.8091
64	2,810,431.0742	32,189,568.9258	61,491,466.8833
65	1,844,744.0064	35,155,255.9936	28,336,210.8897
66	850,086.3266	28,336,210.8897	

Final payment, $29,186,297.163.

Table showing annual payments on principal and interest of Belgium's debt of $350,000,000, to be amortized in 66 years under plan proposed by International Trade Commission.

(Annual payment, $12,250,000. Total debt, $350,000,000.)

Year.	Interest.	Paid on principal.	Balance unpaid at end of year.
1	$10,500,000.00	$1,750,000.00	$348,250,000.00
2	10,447,500.00	1,802,500.00	346,447,500.00
3	10,393,425.00	1,856,575.00	344,590,925.00
4	10,337,727.75	1,912,272.25	342,678,652.75
5	10,280,359.58	1,969,640.42	340,709,012.33
6	10,221,270.37	2,028,729.63	338,680,282.70
7	10,160,408.48	2,089,591.52	336,590,691.18
8	10,097,720.73	2,152,279.27	334,438,411.91
9	10,033,152.36	2,216,847.64	332,221,564.27
10	9,966,646.93	2,283,353.07	329,938,211.20
11	9,898,146.33	2,351,853.67	327,586,357.53
12	9,827,590.73	2,422,409.27	325,163,948.26
13	9,754,918.45	2,495,081.55	322,668,866.71
14	9,680,066.00	2,569,934.00	320,098,932.71
15	9,602,967.98	2,647,032.02	317,451,900.69
16	9,523,557.02	2,726,442.98	314,725,457.71
17	9,441,763.73	2,808,236.27	311,917,221.44
18	9,357,516.64	2,892,483.36	309,024,738.08
19	9,270,742.14	2,979,257.86	306,045,480.22
20	9,181,364.41	3,068,635.59	302,976,844.63
21	9,089,305.34	3,160,694.66	299,816,149.97
22	8,994,484.50	3,255,515.50	296,560,634.47
23	8,896,819.03	3,353,180.97	293,207,453.50
24	8,796,223.61	3,453,776.39	289,753,677.11
25	8,692,610.31	3,557,389.69	286,196,287.42
26	8,585,888.62	3,664,111.38	282,532,176.04
27	8,475,965.28	3,774,034.72	278,758,141.32
28	8,362,744.24	3,887,255.76	274,870,885.56
29	8,246,126.57	4,003,873.43	270,867,012.13
30	8,126,010.36	4,123,989.64	266,743,022.49
31	8,002,290.68	4,247,709.32	262,495,313.17
32	7,874,859.39	4,375,140.61	258,120,172.56
33	7,743,605.18	4,506,394.82	253,613,777.74
34	7,608,413.33	4,641,586.67	248,972,191.07
35	7,469,165.73	4,780,834.27	244,191,356.80
36	7,325,740.70	4,924,259.30	239,267,097.50
37	7,178,012.93	5,071,987.07	234,195,110.43
38	7,025,853.31	5,224,146.69	228,970,963.74
39	6,869,128.91	5,380,871.09	223,590,092.65
40	6,707,702.79	5,542,297.21	218,047,795.44
41	6,541,433.87	5,708,566.13	212,339,229.31
42	6,370,176.88	5,879,823.12	206,459,406.19
43	6,193,782.18	6,056,217.82	200,403,188.37
44	6,012,095.65	6,237,904.35	194,165,284.02
45	5,824,958.52	6,425,041.48	187,740,242.54
46	5,632,207.28	6,617,792.72	181,122,449.82
47	5,433,673.49	6,816,326.51	174,306,123.31
48	5,229,183.70	7,020,816.30	167,285,307.01
49	5,018,559.21	7,231,440.79	160,053,866.22
50	4,801,615.99	7,448,384.01	152,605,482.21
51	4,578,164.46	7,671,835.54	144,933,646.67
52	4,348,009.40	7,901,990.60	137,031,656.07
53	4,110,949.68	8,139,050.32	128,892,605.75
54	3,866,778.18	8,383,221.82	120,509,383.93
55	3,615,281.51	8,634,718.49	111,874,665.44
56	3,356,239.97	8,893,760.03	102,980,905.41
57	3,089,427.16	9,160,572.84	93,820,332.57
58	2,814,609.98	9,435,390.02	84,384,942.55
59	2,531,548.27	9,718,451.73	74,666,490.82
60	2,239,994.73	10,010,005.27	64,656,485.55
61	1,939,694.56	10,310,305.44	54,346,180.11
62	1,630,385.41	10,619,614.59	43,726,565.52
63	1,311,796.96	10,938,203.04	32,788,362.48
64	983,650.87	11,266,349.13	21,522,013.35
65	645,660.40	11,604,339.60	9,917,673.75
66	297,337.07	9,917,673.75	

Final payment, $10,215,010.82.

Table showing annual payments of principal and interest of Italy's debt of $1,700,000,000, to be amortized in 66 years, under plan proposed by International Trade Commission.

(Annual payment, $59,500,000. Total debt, $1,700,000,000.)

Year.	Interest.	Paid on principal.	Balance unpaid at end of year.
1	$51,000,000.00	$8,500,000.00	$1,691,500,000.00
2	50,745,000.00	8,755,000.00	1,682,745,000.00
3	50,482,350.00	9,017,650.00	1,673,727,350.00
4	50,211,820.50	9,288,179.50	1,664,439,170.50
5	49,933,175.11	9,566,824.89	1,654,872,345.61
6	49,646,170.37	9,853,829.63	1,645,018,515.98
7	49,350,555.48	10,149,444.52	1,634,869,071.46
8	49,046,072.14	10,453,927.86	1,624,415,143.60
9	48,732,454.31	10,767,545.69	1,613,647,597.91
10	48,409,427.94	11,090,572.06	1,602,557,025.85
11	48,076,710.77	11,423,289.23	1,591,133,736.62
12	47,734,012.10	11,765,987.90	1,579,367,748.72
13	47,381,032.46	12,118,967.54	1,567,248,781.18
14	47,017,463.43	12,482,536.57	1,554,766,244.61
15	46,642,987.34	12,857,012.66	1,541,909,231.95
16	46,257,276.96	13,242,723.04	1,528,666,508.91
17	45,859,995.27	13,640,004.73	1,515,026,504.18
18	45,450,795.12	14,049,204.88	1,500,977,299.30
19	45,029,318.98	14,470,681.02	1,486,506,618.28
20	44,595,196.55	14,904,601.45	1,471,601,816.83
21	44,148,054.50	15,351,945.50	1,456,249,871.33

Table showing annual payments of principal and interest of Italy's debt of $1,700,000,000, etc.—Continued.

Year.	Interest.	Paid on principal.	Balance unpaid at end of year.
22	$43,687,496.14	$15,812,508.86	$1,440,437,367.47
23	43,213,121.03	16,286,878.97	1,424,150,488.50
24	42,724,514.65	16,775,485.35	1,407,375,003.15
25	42,221,250.10	17,278,749.90	1,390,096,253.25
26	41,702,887.50	17,797,112.41	1,372,299,140.84
27	41,168,974.23	18,331,025.77	1,353,968,115.07
28	40,619,943.45	18,880,956.55	1,335,087,158.52
29	40,052,614.76	19,447,385.24	1,315,639,773.28
30	39,469,193.19	20,030,806.81	1,295,608,966.47
31	38,868,269.00	20,631,731.00	1,274,977,235.47
32	38,249,317.06	21,250,682.94	1,253,726,552.53
33	37,611,796.58	21,888,203.42	1,231,838,349.11
34	36,955,150.47	22,544,849.53	1,209,293,499.58
35	36,278,804.99	23,221,195.01	1,186,072,304.57
36	35,582,169.14	23,917,830.86	1,162,154,473.71
37	34,864,634.21	24,635,365.79	1,137,519,107.92
38	34,125,573.23	25,374,426.77	1,112,144,681.15
39	33,364,340.44	26,135,659.56	1,086,009,021.59
40	32,580,270.64	26,919,729.36	1,059,089,292.23
41	31,772,678.77	27,727,321.23	1,031,361,971.00
42	30,940,850.13	28,559,140.87	1,002,802,830.13
43	30,084,084.91	29,415,915.09	973,386,915.04
44	29,201,607.45	30,298,392.55	943,088,522.49
45	28,292,655.67	31,207,344.33	911,881,178.16
46	27,356,435.34	32,143,564.66	879,737,613.50
47	26,392,128.41	33,107,871.59	846,629,741.91
48	25,398,892.26	34,101,107.74	812,528,634.17
49	24,375,859.02	35,124,140.98	777,404,493.19
50	23,322,134.80	36,177,865.20	741,226,627.99
51	22,236,798.84	37,263,201.16	703,963,426.83
52	21,118,902.80	38,381,097.20	665,582,329.63
53	19,967,469.89	39,532,530.11	626,049,799.52
54	18,781,493.98	40,718,506.02	585,331,293.50
55	17,559,938.81	41,940,061.19	543,391,232.31
56	16,301,736.97	43,198,263.03	500,192,969.28
57	15,005,789.08	44,494,210.92	455,698,758.36
58	13,670,962.75	45,829,037.25	409,869,721.11
59	12,296,091.63	47,203,908.37	362,665,812.74
60	10,879,974.38	48,620,025.62	314,045,787.12
61	9,421,373.61	50,078,626.39	263,967,160.73
62	7,919,014.83	51,580,985.17	212,386,175.56
63	6,371,585.26	53,128,414.74	159,257,760.82
64	4,777,732.83	54,722,267.17	104,535,493.65
65	3,136,064.81	56,363,935.19	48,171,558.45
66	1,445,146.75	48,171,558.45	.....

Final payment, $49,616,705.21.

Table showing annual payments on principal and interest of France's debt of $3,000,000,000, to be amortized in 66 years, under plan proposed by International Trade Commission.

(Annual payment, $105,000,000. Total debt, $3,000,000,000.)

Year.	Interest.	Paid on principal.	Balance unpaid at end of year.
1	$90,000,000.00	$15,000,000.00	$2,985,000,000.00
2	89,550,000.00	15,450,000.00	2,969,550,000.00
3	89,086,500.00	15,913,500.00	2,953,636,500.00
4	88,609,095.00	16,390,905.00	2,937,245,595.00
5	88,117,367.85	16,882,632.15	2,920,362,962.85
6	87,610,888.88	17,389,111.12	2,902,973,851.73
7	87,089,215.55	17,910,784.45	2,885,063,067.28
8	86,551,892.02	18,448,107.98	2,866,614,959.30
9	85,998,446.78	19,001,551.22	2,847,613,408.08
10	85,428,402.24	19,571,597.76	2,828,041,810.32
11	84,841,254.30	20,158,745.70	2,807,883,064.62
12	84,236,491.94	20,763,508.06	2,787,119,556.57
13	83,613,586.70	21,386,413.30	2,765,733,143.27
14	82,971,994.29	22,028,005.71	2,743,705,137.56
15	82,311,124.03	22,688,845.87	2,721,016,291.69
16	81,630,488.75	23,369,511.25	2,697,646,780.44
17	80,929,403.41	24,070,596.59	2,673,576,183.85
18	80,207,285.52	24,792,714.48	2,648,783,469.37
19	79,453,504.08	25,536,495.92	2,623,246,973.45
20	78,697,409.20	26,302,590.80	2,596,944,382.65
21	77,908,331.47	27,091,668.52	2,569,852,714.13
22	77,095,581.43	27,904,418.57	2,541,948,295.56
23	76,258,448.86	28,741,551.14	2,513,206,744.42
24	75,396,202.33	29,603,797.67	2,483,602,945.75
25	74,508,088.41	30,491,911.59	2,453,111,035.16
26	73,593,331.05	31,406,668.95	2,421,704,366.21
27	72,651,130.99	32,348,869.01	2,389,355,497.20
28	71,680,654.91	33,319,335.09	2,356,036,162.11
29	70,681,084.86	34,318,915.14	2,321,717,246.97
30	69,651,517.41	35,348,482.59	2,286,368,764.38
31	68,591,062.93	36,408,937.07	2,249,959,827.31
32	67,498,794.82	37,501,205.18	2,212,458,622.13
33	66,373,758.67	38,626,241.33	2,173,832,380.80
34	65,214,971.42	39,785,028.58	2,134,047,352.22
35	64,021,420.57	40,978,579.43	2,093,068,772.79
36	62,792,063.18	42,207,936.82	2,050,860,835.97
37	61,525,825.08	43,474,174.92	2,007,386,661.05
38	60,221,599.83	44,778,400.17	1,962,608,260.88
39	58,878,247.83	46,121,752.17	1,916,486,508.71
40	57,494,595.26	47,505,404.74	1,868,981,103.97
41	56,069,433.12	48,930,566.88	1,820,050,537.09
42	54,601,516.11	50,398,483.89	1,769,652,053.20
43	53,089,561.59	51,910,438.41	1,717,741,614.79
44	51,532,248.45	53,467,751.55	1,664,273,863.24
45	49,928,215.89	55,071,784.11	1,609,212,079.13

Table showing annual payments on principal and interest of France's debt of $3,000,000,000, etc.—Continued.

Year.	Interest.	Paid on principal.	Balance unpaid at end of year.
46	$48,276,062.38	$56,723,937.62	$1,552,478,141.51
47	46,574,344.24	58,425,655.76	1,494,052,485.75
48	44,821,574.58	60,178,425.42	1,433,874,060.33
49	43,016,221.80	61,983,778.20	1,371,890,282.13
50	41,156,708.47	63,843,291.53	1,308,046,990.60
51	39,241,409.72	65,758,590.28	1,242,288,400.32
52	37,268,652.00	67,731,348.00	1,174,557,052.33
53	35,236,711.56	69,763,288.44	1,104,793,763.89
54	33,143,812.92	71,856,187.08	1,032,937,576.81
55	30,988,127.30	74,011,872.70	958,925,704.11
56	28,767,771.13	76,232,228.87	882,693,475.24
57	26,480,804.25	78,519,195.75	804,174,279.49
58	24,125,228.39	80,874,771.61	723,299,507.88
59	21,698,985.23	83,301,014.77	639,998,493.11
60	19,199,954.80	85,800,045.20	554,198,447.91
61	16,625,953.43	88,374,046.57	465,824,401.34
62	13,974,732.04	91,025,267.96	374,799,133.38
63	11,243,974.01	93,756,025.99	281,043,107.39
64	8,431,293.22	96,568,706.78	184,474,400.61
65	5,534,232.01	99,465,767.99	85,008,632.62
66	2,550,258.98	85,008,632.62	.....

Table showing annual payments on principal and interest of Great Britain's debt of $4,000,000,000, to be amortized in 66 years, under plan proposed by International Trade Commission.

(Annual payment, $140,000,000. Total debt, $4,000,000,000.)

Year.	Interest.	Paid on principal.	Balance unpaid at end of year.
1	$120,000,000.00	$20,000,000.00	$3,980,000,000.00
2	119,400,000.00	20,600,000.00	3,959,400,000.00
3	118,782,000.00	21,218,000.00	3,938,182,000.00
4	118,145,460.00	21,854,540.00	3,916,327,460.00
5	117,489,823.80	22,510,176.20	3,893,817,283.80
6	116,814,518.51	23,185,481.49	3,870,631,802.31
7	116,118,954.07	23,881,045.93	3,846,750,756.38
8	115,402,522.69	24,597,477.31	3,822,153,279.07
9	114,664,598.37	25,335,401.63	3,796,817,877.44
10	113,904,536.32	26,095,463.68	3,770,722,413.76
11	113,121,672.41	26,878,327.59	3,743,844,086.17
12	112,315,322.59	27,684,677.41	3,716,159,408.76
13	111,484,782.26	28,515,217.74	3,687,644,191.02
14	110,629,325.73	29,370,674.27	3,658,273,516.75
15	109,748,205.50	30,251,794.50	3,628,021,722.25
16	108,840,651.67	31,159,348.33	3,596,862,373.92
17	107,905,871.22	32,094,128.78	3,564,768,245.14
18	106,943,047.35	33,056,952.65	3,531,711,292.49
19	105,951,338.77	34,048,661.23	3,497,662,631.26
20	104,929,878.94	35,070,121.06	3,462,592,510.20
21	103,877,775.31	36,122,224.69	3,426,470,285.51
22	102,794,108.57	37,205,891.43	3,389,264,394.08
23	101,677,931.82	38,322,068.18	3,350,942,325.90
24	100,528,269.78	39,471,730.22	3,311,470,595.68
25	99,344,117.87	40,655,882.13	3,270,814,713.55
26	98,124,441.41	41,875,558.59	3,228,939,154.96
27	96,868,174.65	43,131,825.35	3,185,807,329.61
28	95,574,219.89	44,425,780.11	3,141,381,549.50
29	94,241,446.49	45,758,553.51	3,095,622,995.99
30	92,868,689.88	47,131,310.12	3,048,491,685.87
31	91,454,750.58	48,545,249.42	2,999,946,436.45
32	89,998,393.09	50,001,606.91	2,949,944,829.54
33	88,498,344.89	51,501,655.11	2,898,443,174.43
34	86,953,295.23	53,046,704.77	2,845,396,469.66
35	85,361,894.09	54,638,105.91	2,790,758,363.75
36	83,722,750.91	56,277,249.09	2,734,481,114.66
37	82,034,433.44	57,965,566.56	2,676,515,548.10
38	80,295,466.44	59,704,533.56	2,616,811,014.54
39	78,504,330.44	61,495,669.56	2,555,315,344.88
40	76,659,460.35	63,340,539.65	2,491,974,805.33
41	74,759,244.16	65,240,755.84	2,426,734,049.49
42	72,802,021.48	67,197,978.52	2,359,536,070.97
43	70,786,082.13	69,213,917.87	2,290,322,153.10
44	68,709,664.59	71,290,335.41	2,219,031,817.69
45	66,570,954.53	73,429,045.47	2,145,602,772.22
46	64,368,083.17	75,631,916.83	2,069,970,855.39
47	62,099,125.66	77,900,874.34	1,992,069,981.05
48	59,762,099.43	80,237,900.57	1,911,832,080.48
49	57,354,962.41	82,645,037.39	1,829,187,042.89
50	54,875,611.29	85,124,388.71	1,744,062,654.18
51	52,321,879.63	87,678,120.37	1,656,384,533.81
52	49,691,536.01	90,308,463.99	1,566,076,069.82
53	46,982,282.09	93,017,717.91	1,473,058,351.91
54	44,191,750.56	95,808,249.44	1,377,250,102.47
55	41,317,503.07	98,682,496.93	1,278,567,605.54
56	38,357,028.17	101,642,971.83	1,176,924,633.71
57	35,307,739.01	104,692,260.99	1,072,232,372.72
58	32,166,971.18	107,833,028.82	964,399,343.90
59	28,931,980.32	111,068,019.68	853,331,324.22
60	25,599,939.73	114,400,060.27	738,931,263.95
61	22,167,937.92	117,832,062.08	621,099,201.87
62	18,632,976.06	121,367,023.94	499,732,177.93
63	14,991,965.34	125,008,034.66	374,724,143.27
64	11,241,724.30	128,758,275.70	245,965,867.57
65	7,378,976.03	132,621,023.97	113,344,843.60
66	3,400,345.31	113,344,843.60	.....

Final payment, $116,745,188.91.

Table showing annual payments of interest by Germany of $12,000,000,000 reparation, to be amortized in 66 years, under plan proposed by International Trade Commission.

(Annual payment, $420,000,000. Total debt, $12,000,000,000.)

Year.	Interest.	Paid on principal.	Balance unpaid at end of year.
1	$360,000,000.00	$60,000,000.00	$11,940,000,000.00
2	358,200,000.00	61,800,000.00	11,878,200,000.00
3	356,346,000.00	63,654,000.00	11,814,546,000.00
4	354,412,380.00	65,563,620.00	11,748,982,380.00
5	352,469,471.40	67,530,520.60	11,681,451,851.40
6	350,443,535.54	69,556,444.46	11,611,895,406.94
7	348,356,862.21	71,643,137.79	11,540,252,269.15
8	346,207,568.07	73,792,431.93	11,466,459,837.22
9	343,993,795.12	76,006,204.88	11,390,453,632.34
10	341,713,608.97	78,286,391.03	11,312,167,241.31
11	339,365,017.24	80,634,982.76	11,231,532,258.55
12	336,945,967.76	83,054,032.24	11,148,478,226.31
13	334,454,346.79	85,545,653.21	11,062,932,573.10
14	331,857,977.19	88,112,022.81	10,974,820,550.29
15	329,244,616.51	90,755,383.49	10,884,065,166.80
16	326,521,955.00	93,478,045.00	10,790,587,121.80
17	323,717,613.65	96,282,386.35	10,694,304,735.45
18	320,829,142.07	99,170,857.93	10,595,133,877.52
19	317,854,016.33	102,145,983.67	10,492,987,893.85
20	314,789,636[82	105,210,363.18	10,387,777,530.67
21	311,633,325.92	108,366,674.08	10,279,410,856.59
22	308,382,325.70	111,617,674.30	10,167,793,182.29
23	305,033,795.47	114,966,204.53	10,052,826,977.76
24	301,584,809.33	118,415,190.67	9,934,411,787.09
25	298,032,353.61	121,967,646.39	9,812,444,140.70
26	294,373,324.22	125,626,675.78	9,686,817,464.92
27	290,604,523.95	129,395,476.05	9,557,421,988.87
28	286,722,659.67	133,277,340.33	9,424,144,648.54
29	282,724,339.46	137,275,660.54	9,286,858,988.00
30	278,606,069.64	141,393,930.36	9,145,475,057.64
31	274,364,251.73	145,635,748.27	8,999,839,309.37
32	269,995,179.28	150,004,820.72	6,849,834,488.65
33	265,495,034.66	154,504,965.34	8,695,329,523.31
34	260,859,885.70	159,140,114.30	8,536,189,409.01
35	256,085,682.27	163,914,317.73	8,372,275,091.28
36	251,168,252.74	168,831,747.26	8,203,443,344.02
37	246,103,300.32	173,896,699.68	8,029,546,644.34
38	240,886,399.33	179,113,600.67	7,850,433,043.67
39	235,512,991.31	184,487,008.69	7,665,946,034.98
40	229,978,381.04	190,021,618.96	7,475,924,416.02
41	224,277,732.48	195,722,267.52	7,280,202,148.50
42	218,406,064.45	201,593,935.55	7,078,608,212.95
43	212,358,246.38	207,641,753.62	6,870,966,459.33
44	206,128,993.80	213,871,006.20	6,657,095,453.13
45	199,712,863.59	220,287,136.41	6,436,808,316.72
46	193,104,249.50	226,895,750.50	6,209,912,566.72
47	186,297,376.98	233,702,623.02	5,976,209,943.20
48	179,286,298.29	240,713,701.71	5,735,496,241.49
49	172,064,887.24	247,935,112.76	5,487,561,128.73
50	164,626,833.86	255,373,166.14	5,232,187,962.59
51	156,965,638.87	263,034,361.13	4,969,153,601.46
52	149,074,608.04	270,925,391.96	4,698,228,209.50
53	140,946,846.28	279,053,153.72	4,419,175,055.78
54	132,575,251.67	287,424,748.33	4,131,750,307.45
55	123,952,509.22	296,047,490.78	3,835,702,816.67
56	115,071,084.50	304,928,915.50	3,530,773,901.17
57	105,923,217.03	314,075,782.97	3,216,697,118.20
58	96,500,913.54	323,499,086.46	2,893,198,031.74
59	86,795,940.95	333,204,059.05	2,589,993,972.69
60	76,799,819.18	343,200,180.82	2,216,793,791.87
61	66,503,813.75	353,496,186.25	1,863,297,605.62
62	55,898,928.16	364,101,971.84	1,499,196,533.78
63	44,975,896.01	375,024,103.99	1,124,172,429.79
64	33,725,172,89	386,274,827.11	737,897,602.68
65	22,136,928.08	397,863,071.92	340,034,530.76
66	10,201,035.92	340,034,530.76	.....

Final payment, $350,235,569.68.

Resolutions unanimously adopted at the fifteenth annual convention of the Southern Commercial Congress, held at Chicago, Ill., November 20, 1922.

Whereas the Southern Commercial Congress organized the International Trade Commission that made an economic and commercial survey of France, Belgium, Holland, Germany, Switzerland, Italy, and Great Britain; and

Whereas the commission has submitted its report to the fifteenth annual convention of the Southern Commercial Congress; and

Whereas specific recommendations are made by the commission: Therefore be it

Resolved by the Southern Commercial Congress in annual convention, That the report of the commission be, and is hereby, approved, together with the specific recommendations as follows:

(1) That an international conference of national banking interests and delegates of Government be called to adopt a plan of action as to a moratorium and a plan of amortization in the settlement of interallied debts and German reparations.

(2) That an international tariff conference be called to consider the nonpartisan revision of tariff schedules to remove barriers to foreign commerce.

(3) That the United States laws be so amended as to coordinate the agencies of the United States Government at home and abroad as they relate to the foreign service of the United States.

(4) That it is desirable for a conference of the diplomatic and consular officials of the United States and Europe for the purpose of adopting plans of action as to a Pan-European policy.

(5) That the policy of the United States be so changed that representatives in foreign service be instructed to submit constructive criticism upon economic subjects without partisan bias and the fear of executive reprimand; be it further

Resolved, That the conference approve the amortization tables prepared by the International Trade Commission for the settlement of German reparations and interallied debts, the said tables having been verified as to their mathematical accuracy by the department of mathematics of the University of Chicago; be it further

Resolved, That a copy of the report of the International Trade Commission, together with the amortization tables, be forwarded to the President of the United States, the Departments of State, Treasury, and Commerce of the United States Government, and to the Congress of the United States.

2. *Resolved*, That the convention recognizes the desirability in the interest of agriculture and industry of the revision and amendment of the present immigration law, so as to make possible the admission to the United States of the number of workmen and agriculturists that are actually needed; and that the problem be intelligently submitted to the officials of the Government of the United States in order that the law may be so amended as to raise the quota in the interest of industry and agriculture above the 3 per cent stipulated in the law, and that the unused quota of countries be distributed among other countries whose quota have been reached; and be it further

Resolved, That the law be so amended as to provide for the intelligent distribution of the immigrants to industry and agriculture in the United States.

3. Whereas the Southern Commercial Congress initiated the plan for rural credits in America; and

Whereas the American commission organized by the Southern Commercial Congress made an investigation in Europe, and upon its report is based the present Federal farm loan act; and

Whereas it is now recognized that a further step must be taken in the financing of American agriculture: Therefore be it

1. *Resolved*, That the law be so amended as to include a system of short-time credits.

2. That Congress be urged to amend the provision of the farm loan act so as to increase the lending limit of the law from $10,000 to $25,000.

4. Whereas the Department of Education of the United States is inadequately supported and is a minor bureau of the United States Department of the Interior; and

Whereas all other nations of the world maintain ministers of education in the executive cabinet of the respective governments; and

Whereas the United States was given evidence in the lack of general education in the United States as exhibited by the examinations in the selective draft for the World War; and

Whereas education is of so basic an importance to America: Therefore be it

Resolved, That the Congress of the United States be urged to provide for a department of education in the Cabinet of the President of the United States on a parity with Agriculture, Commerce, and Labor.

5. Whereas the Bureau of Public Health of the United States is lodged as a minor bureau in the United States Treasury Department; and

Whereas the public health is of first importance in the building of the economic life of the Nation: Therefore be it

Resolved, That the Congress of the United States be urged to provide through legislation for a department of health in the Cabinet of the President of the United States on a parity with Agriculture, Commerce, and Labor; be it further

6. *Resolved*, That the Congress of the United States be urged to restore to the law creating the War Finance Commission the provision as to financing foreign trade transactions; and be it further

Resolved, That the Government consider ways and means for extending credit to the countries of Europe for the surplus of American agriculture.

Resolved further, That agencies of private businesses in America be called upon to join in every possible way in the extension of credit to European countries in their purchase of surpluses of American crops.

6. Whereas the plan to export our surplus farm crops on a credit has been indorsed by the annual convention of the American Farm Bureau Federation at Atlanta, Ga., by the Mississippi Valley Association at Kansas City, by the National Farmers' Grain Dealers Association at Omaha, by the Farmers' National Council, by the National Board of Farm Organizations, including in its membership the Farmers' Union and a number of other important farm organizations, and by the President's agricultural conference at Washington;

Whereas this plan promises the farmers quicker and fuller relief than any other means that have yet been suggested; and

Whereas business men will be benefited as much indirectly as the farmer will be helped directly by this action: Be it

Resolved, That the Southern Commercial Congress, at its fifteenth annual convention, most heartily indorse this plan and take whatever steps as seem practical to secure its enactment into law.

7. Whereas the commercial progress of the United States will be materially advanced by the development of water transportation; and the building of canals connecting the rivers and lakes and the Atlantic Ocean with the Mississippi River and the Gulf of Mexico will also add to the safety of our country; and

Whereas a bill has been introduced in Congress, asking for a resurvey of a proposed canal route from Cumberland Sound to the Mississippi River, and a canal connecting those bodies of water would be of inestimable value to commerce and to the Government, providing an all-inland protected route where barges and other vessels would carry return loads in either direction from the upper Mississippi and the Great Lakes to the Gulf and South Atlantic ports every day in the year, and said canal would be wholly within the boundaries of the United States; and the eastern terminus at Cumberland Sound would provide a bunker coal port, only 3 miles from the open sea, and large anchorage area never closed by ice, where ocean-going vessels could coal and secure cargoes for Europe and South America and other points at great saving of time and expense, and avoiding the delays and congestion at northern ports: Therefore be it

Resolved, That this organization give its indorsement and support to the project known as the Atlantic-to-Mississippi Canal, connecting Cumberland Sound with the Mississippi River, to the end that this all-American canal may be constructed at the earliest practicable date after the report on the resurvey has been submitted to Congress in the manner governing such matters; be it further

Resolved, That the Southern Commercial Congress approves the plan to connect by waterways the Great Lakes and the Gulf of Mexico by way of the Mississippi River; and be it further

Resolved, That the congress approves the proposed plan of connecting the Great Lakes to the Atlantic Ocean by way of the St. Lawrence River. (See typed resolution attached, marked "B.")

We urge immediate extension of an arm of the sea to mid-continent through the improvement of the St. Lawrence River for the passage of ocean-borne commerce in and out of the Great Lakes without breaking bulk, and that the same be done jointly by the Governments of the United States and Canada substantially according to plans submitted by the International Board of Engineers and as recommended to the two Governments by the International Joint High Commission, to whom the project was submitted by the Governments for examination and report; be it further

Resolved, That the Southern Commercial Congress, in annual convention, hereby appeals to the Congress of the United States to perpetuate the Great Lakes Naval Training Station and that no steps whatsoever will be taken by Congress to limit or curtail the usefulness of this institution; be it

11. *Resolved*, That the Congress of the United States be urged to pass a reclamation law that will be national and nonsectional and include not only the irrigation of arid lands of the West but also the drainage of swamp and overflow lands and the development of cut-over lands and rock lands or any meritorious project anywhere; be it

12. *Resolved*, That the Congress of the United States be urged, in whatever legislation may be passed in the interest of the American soldier and sailor, that the plan include options wherein not only money but land settlement and development be considered; be it

13. *Resolved*, That the Congress of the United States be urged to develop through legislation the further use of the truck through parcel post of the Post Office Department in direct dealing between dealer and consumer as a further auxiliary to the solution of the problem of transportation in America.

14. Whereas the International Institute of Agriculture in Rome, Italy, was founded by David Lubin in America; and

Whereas the institute to-day is an economic league of nations comprising 64 countries allied under treaty; and

Whereas the institute has rendered a distinguished service to America and the world in the development of agriculture; and

Whereas since the death of David Lubin the policy of the United States Government has been to make temporary appointments of American delegates to the institute; and

Whereas there is evidence that the United States Government has failed to sympathetically support the institute: Therefore be it

Resolved, That this question be brought to the attention of the President of the United States, the members of his Cabinet, and the Congress of the United States, that the international institute may be understood and its service valued and adequately supported.

15. Whereas it is known that foreign countries in their commercial expansion have secured their prestige and commercial power under the plan that trade follows the loan: Therefore be it

Resolved, That the business interests of America be urged to consider ways and means for the extension of loans to foreign countries with the object of competing for an adequate and reasonable division of the foreign commerce of the world and therefore aid in the establishment of the American merchant marine.

17. Whereas the Consular Service of the United States Government is of great importance in the promotion of business relations with foreign countries: Therefore be it

Resolved, That the Congress of the United States be urged to make provision for the further extension of the Consular Service to not only include other strategic points in foreign countries but also to enlarge the scope of the work of the consulates now established; be it further

Resolved by the Southern Commercial Congress, That an indorsement be given to the activities of the United States Bureau of Foreign and Domestic Commerce, a service that is engaged in practical plans of action for the extension of American business.

(Paper by General Ryan.)

"We believe that no greater duty exists in America to-day than to contribute in practical manner to the development and maintenance of an orderly world.

"We realize that the problem is complex, and that its difficulties are not fully understood by the mass of our people; nor are they in accord concerning a solution of it.

"We believe that whatever form our contribution of effort toward permanent peace should take, it will be greatly strengthened by a better understanding of the problem in all its phases and by the extent to which our people are interested in support of whatever may be proposed.

"We are impressed by the inadequacy of organization throughout the country for the intelligent development of the needed understanding and the determination of a proposed course of action to be submitted to Congress for its action.

"We are impressed as well with the gravity of the problem because of the intensive and almost unestimated preparations which all the great powers are making for the next war.

"We therefore believe that associations and other forms of organizations throughout the country which exist for the development of a national policy in furtherance of world peace should by concerted action create and develop a superorganization in which they shall be represented by their delegates. That the functions of this new organization should be the development of an official leadership, the spread of an understanding of the problem among its constituent membership and through the people generally, and the expansion of its own organization to meet the purposes of its existence. Such organization should be nonpolitical in leadership and policy, and when adequately developed for the purpose should, with the support of all member bodies, apply to Congress for Federal incorporation and recognition as a permanent body authorized to make an extended survey of the problem of world peace in all its phases, being authorized for that purpose to have access to relevant data in all Government departments and the assistance of officers of the Army and Navy detailed by request for the purpose.

"Such Federal corporation should be authorized to function for the Government in making a survey of the peace problem, somewhat as the Emergency Fleet Corporation was authorized to function for the Government in its special field.

"Specifically, it should be authorized upon completion of its survey to formulate a project recommended to Congress for adoption as the solution of the problem from the American standpoint and as the American policy in relation to organization for peace.

"That copies of this resolution be mailed by the secretary to all persons and organizations believed to be actively interested in the problem of world peace."

19. Whereas the Southern Commercial Congress held a conference at Muscle Shoals on the subject of the development of Muscle Shoals; and

Whereas 27 States were represented officially in the said conference; and

Whereas said conference unanimously and unqualifiedly went on record approving the proposal made by Henry Ford: Therefore be it

Resolved, That the Southern Commercial Congress in the fifteenth annual convention assembled hereby further ratifies the action of the former conference and urges the Congress of the United States to promptly accept the proposal of Henry Ford; be it further

Resolved, That this convention expresses hearty thanks to Dr. Clarence J. Owens for his untiring and loyal services for the past 15 years as the directing executive of this organization and more particularly as president of the Southern Commercial Congress. He deserves our gratitude for the accomplishments of the congress not only in the interest of the South but of the Nation.

JOHN G. RUGE,
Chairman Committee on Resolutions.

ORDER FOR RECESS.

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 11 o'clock to-morrow.

Mr. FLETCHER. Mr. President——

Mr. McKELLAR. Mr. President, I hope the Senator will not make the hour 11 o'clock. Yesterday morning we tried that, and we were 23 minutes in getting a quorum here. It is very hard for Senators to do the routine morning work that is incumbent upon every Senator and get here at 11 o'clock. I think it is a great hardship, and I hope the Senator will make the hour 12 o'clock.

Mr. FLETCHER. Mr. President, I was about to say that there are a number of Senators who have committee engagements. The committees meet generally at 10 o'clock, and we can not very well finish the work that is before us if we are to meet at 11. I hope the Senator will change the hour.

Mr. CURTIS. Then I will modify my request so as to ask that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

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

ELI N. SONNENSTRAHL.

Mr. CALDER. Mr. President, I ask unanimous consent for the present consideration of Senate bill 1280, Order of Business No. 1009. This bill gives the right to Eli N. Sonnenstrahl to go to the United States District Court for the Eastern District of New York to prosecute a claim against the Government for commandeering some beans that he had imported from Europe. It simply permits him to go to court to press his claim.

Mr. FLETCHER. I do not find any No. 1009 on my calendar.

Mr. CALDER. It is there.

Mr. DIAL. Mr. President, I understand that the bill refers the matter to the court.

Mr. CALDER. It just permits him to prosecute a claim in the District Court for the Eastern District of New York.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The READING CLERK. A bill (S. 1280) for the relief of Eli N. Sonnenstrahl.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the claim of Eli N. Sonnenstrahl, of Brooklyn, N. Y., for such further sum as he may be entitled to recover, as added to the amount he has already received, for certain beans commandeered by the Navy Department, at San Francisco, Calif., on or about February, 1918, may be sued for and submitted to the United States District Court in and for the Eastern District of New York, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for such amount and costs, if any, as shall be found to be due against the United States in favor of said Sonnenstrahl upon the same principles and measures of liability as in like cases under section 10 of the Lever Act, and with the same rights of appeal: *Provided*, That suit shall be brought and commenced within four months from the date of the passage of this act.

Mr. SMOOT. Mr. President, the amendment of the committee authorizes the court "to enter a judgment or decree for such amount and costs, if any," as it may find due.

Mr. CALDER. That is the usual practice, and the way these bills come from the Committee on Claims.

Mr. SMOOT. It may be with the district court. I am not positive of that, but I know it is not with the Court of Claims. I know that we insist upon that provision going out of every bill where the matter is referred to the Court of Claims; but as this case goes to the United States district court, I am not positive about it.

Mr. CALDER. I am quite sure that is the practice.

Mr. FLETCHER. Mr. President, it seems that this claimant has already received a certain amount for the beans themselves. There is some extra amount that he claims now, is there?

Mr. CALDER. Mr. President, we passed an act in the Congress in 1917 which provided that when there was any dispute over the value of property commandeered by the Government the man who owned the property should accept 75 per cent of the value of the goods and be permitted to go to court to collect the balance of it. In the letter accompanying the report I observe that the Assistant Secretary of the Navy quotes this language from the act of August 10, 1917:

> * * * If the compensation so determined be not satisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President, and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation for such necessaries or storage space, and jurisdiction is hereby conferred on the United States district courts to hear and determine all such controversies. * * *

This is one of those cases where, during the war, the Government commandeered private property.

The VICE PRESIDENT. The first question is on agreeing to the amendment of the committee.

Mr. REED of Pennsylvania. Mr. President, will the Senator from New York yield for a question?

Mr. CALDER. I will.

Mr. REED of Pennsylvania. Why should not this claim be sued for in the Court of Claims, as all other claims are?

Mr. CALDER. This claim comes under those provided for in the bill passed on August 10, 1917. Under the law, where the Government commandeered property needed for war purposes it was provided that the man who owned the property should accept 75 per cent of the value of the property where there was a disagreement between the Government and the claimant, and then that he should have the right to sue the Government for the balance of the money in the district courts. I will say to the Senator that I have read from the law, and if he will read that quotation from the law he will find that special provision is made in the statute for a case of this kind, and the Committee on Claims has followed the usual practice.

Mr. REED of Pennsylvania. Why does the claimant need this special act, if the court is given jurisdiction by the act of 1917? The extract from the act of 1917 to which the Senator calls attention expressly states that "jurisdiction is hereby conferred on the United States district courts to hear" such cases as are mentioned.

Mr. CALDER. Mr. President, I am under the impression that under the statute it is necessary for a reference to be made of these cases by act of Congress. That is my impression. We are following the usual practice, I will say to the Senator.

Mr. REED of Pennsylvania. Mr. President, before I came to Congress I had a good many cases against the United States, both in the Court of Claims and in the district courts, and I do not know of any reason for a special act such as this unless there is something very peculiar in the case. That is what I should like to find out here.

Mr. GEORGE. I would like to ask a question. In the settlement with the Navy Department was not such sum as was paid taken in full accord and satisfaction of the debt?

Mr. CALDER. No; it was not. It was accepted as 75 per cent of the value of the goods. I might say that the Navy Department admits that the price which the man has received, $22,000, was less than he should have been paid, and they have since offered him $472 additional. The claimant contends that that amount is inadequate and unjust to the extent of about $4,000, and the bill as amended is aimed to enable him to institute suit in the United States district court to determine the compensation to which he is justly entitled. We are following a statute enacted by Congress to cover cases of this character.

Mr. SMOOT. He has had more than 75 per cent.

Mr. CALDER. He contends he has not. The Navy Department admits he has not, and they offered to give him $472, but he claims that does not compensate him for his losses. The Government runs no risk.

Mr. FLETCHER. The question raised by the Senator from Pennsylvania is this, If the claimant has that right under the law, why pass a special act to give him the right?

Mr. CALDER. This is a recommendation from the Committee on Claims. It is approved in a letter from the Navy Department, which I hold in my hand. I assume the Committee on Claims know what they are doing. That seemed to be the only course to pursue.

Mr. REED of Pennsylvania. If it is in order to object now to the present consideration of this bill, I do object, because I think we ought not to consider it until the committee report is printed and placed on our desks and we have a chance to see it.

Mr. CALDER. If the Senator from Pennsylvania objects, I am perfectly willing to have it go over so that he can look over the matter and convince himself that it is in proper form.

The VICE PRESIDENT. The bill will be laid aside.

RIVER AND HARBOR IMPROVEMENTS.

Mr. STANFIELD. Mr. President, on January 23 the junior Senator from Utah [Mr. KING] inserted in the RECORD an editorial from the Chicago Tribune. In part the editorial read:

> In the palmy days of the rivers and harbors pork-barrel appropriations used to run to about forty millions. It is something of a shock, therefore, to learn that the chairman of the House Rivers and Harbors Committee asks for $56,539,910.

I am somewhat surprised that any Member of Congress, knowing the care with which river and harbor improvements are selected and recommended for improvement during these later years, should confuse this system with what in the olden days became offensively known as the pork-barrel system, when projects were never examined by engineers, recommended by the War Department, or in any other way carefully gone into, but for which money was appropriated because of the influence of the Congressman of that district and his power to organize and combine with the Representatives from other districts in sufficient numbers to secure Federal money for river and harbor improvement in their several districts, some of which were entirely unworthy and resulted in a waste of money and the scandalizing of that system.

Under the system of selecting rivers and harbors for improvement now prevailing it is first necessary for Congress to authorize a careful survey of the proposed project by competent engineers under the direction of the War Department.

If the Army engineers recommend such project as feasible and worthy of improvement, then the matter is brought before Congress, the project and the report of the engineers, together with such additional evidence as may be brought before the committee, sometimes leads the committee to recommend the project be authorized, and sometimes it does not. Then the House passes upon the recommendations of the committee and the bill carrying these authorizations goes to the other branch of Congress, where it and every project is again carefully scrutinized by a committee and the recommendation of this committee submitted to the body, where it is either adopted or rejected, and finally the bill goes to the President for his approval.

Any project that can justify itself under these conditions can not be unworthy, and, indeed, many very worthy projects are rejected and delayed, if not entirely defeated, by these committees and Congress that the aggregate amount of Federal expenditures may be reduced.

The Army engineers made a detailed list and statement of such authorized projects as they could economically and profitably work upon during the fiscal year ending June 30, 1924, and beside the name of each of such projects stated the amount of money that could be profitably expended in the improvement of each. The Army engineers also indicated by a cross each project that was new. This statement was submitted to the Budget Bureau, and I am pleased to submit it now to the Senate and ask that it be printed in the RECORD as a part of my remarks.

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

Amounts stated in the annual report of the Chief of Engineers as those that can be profitably expended during the fiscal year ending June 30, 1924, for maintenance and improvement of river and harbor works.

Localities.	Improvement.	Maintenance.
Boston Harbor		$40,000
Beverly Harbor, Mass	$159,500	
Plymouth Harbor, Mass.[1]	51,000	
Pollock Rip Shoals		50,000
Providence River and Harbor	325,000	
Block Island harbor of refuge	5,000	5,000
Pawcatuck River	3,000	30,000
Connecticut River below Hartford	50,000	20,000
Duck Island harbor of refuge		44,000
Bridgeport Harbor	71,000	26,000
Norwalk Harbor		20,000
Stamford Harbor	30,000	
Greenwich Harbor	6,600	2,100
Port Chester Harbor	22,000	3,000
Mamaroneck Harbor, N. Y.[1]	103,000	

[1] New projects.

Amounts stated in the annual report of the Chief of Engineers as those that can be profitably expended during the fiscal year ending June 30, 1924, etc.—Continued.

Localities.	Improvement.	Maintenance.
East Chester Creek	$5,000	$15,000
Westchester Creek [1]	475,000	
Bronx River	255,000	25,000
Harbor at New Rochelle, N. Y.[1]	35,000	
Flushing Bay		10,000
Mattituck Harbor		5,000
Jamaica Bay, N. Y	600,000	
New York Harbor	218,000	100,000
Coney Island Channel		20,000
Bay Ridge and Red Hook Channels	50,000	
Buttermilk Channel	175,000	25,000
East River	3,000,000	25,000
Newtown Creek	100,000	
Harlem River	250,000	
Hudson River Channel	50,000	50,000
Tarrytown Harbor	7,000	8,000
Peekskill Harbor		5,000
Wappinger Creek		5,000
Rondout Harbor		5,000
Hudson River		220,000
Plattsburg Harbor		1,000
Newark Bay [1]	650,000	
Passaic River [1]		30,000
Hackensack River, N. J.[1]	100,000	
Staten Island Sound, N. Y. and N. J.[1]	1,000,000	
Raritan Bay, N. Y. and N. J	500,000	
Woodbridge Creek		6,000
Raritan River		20,000
Keyport Harbor		10,000
Shoal Harbor and Compton Creek		10,000
Shrewsbury River		10,000
Delaware River, Philadelphia to Trenton		25,000
Delaware River, Philadelphia to the sea	925,000	2,075,000
Harbor of refuge, Delaware Bay		35,000
Mantua Creek	10,000	
Oldmans Creek		10,000
Maurice River		15,000
Cold Spring Inlet		25,000
Absecon Inlet [1]	240,000	
Chester River	3,600	1,400
Wilmington Harbor [1]	630,000	100,000
Chesapeake and Delaware Canal	2,500,000	
Smyrna River	16,000	5,000
Leipsic River		10,000
Little River		5,000
St. Jones River	45,000	5,000
Murderkill River		10,000
Mispillion River	10,000	5,000
Broadkill River		25,000
Waterway, Chincoteague Bay-Delaware Bay		1,500
Baltimore Harbor and channels	300,000	350,000
Potomac River at Washington, D. C		74,000
Occoquan Creek		6,700
Rappahannock River		42,700
Mattaponi River		8,000
Locklies Creek, Va.[1]	4,100	
Norfolk Harbor	500,000	50,000
Thimble Shoals Channel	74,560	
James River		40,000
Pagan River		2,000
Waterway, Norfolk-Beaufort Inlet	500,000	
Blackwater River		2,000
Meherrin River		2,000
Pamlico and Tar Rivers		12,000
Neuse River		12,000
Swift Creek		800
Contentnea Creek		1,500
Trent River		1,500
Channel, Thoroughfare Bay–Cedar Bay		5,000
Harbor at Beaufort		7,500
Waterway, Core Sound–Beaufort Harbor [1]	30,000	
Waterway, Beaufort to Jacksonville, N. C		10,000
Harbor of refuge, Cape Lookout		20,000
Cape Fear River at and below Wilmington [1]	300,000	200,000
Cape Fear River above Wilmington		12,000
Northeast (Cape Fear) River		4,000
Black River		2,000
Winyah Bay		40,000
Santee River and Estherville–Minim Creek Canal		4,000
Congaree River		10,000
Waterway between Charleston and Winyah Bay		18,000
Wappoo Cut		2,500
Savannah Harbor	600,000	460,000
Savannah River below Augusta		22,000
Savannah River at Augusta		2,000
Savannah River above Augusta		1,000
Waterway, Beaufort, S. C.–St. John's River		42,000
Satilla River		1,800
St. Marys River		1,800
Altamaha River		15,000
Oconee River		12,500
Ocmulgee River		12,500
Brunswick Harbor	160,000	70,000
Fernandina Harbor-Cumberland Sound		3,000
St. Johns River, Jacksonville to the ocean	223,000	380,000
St. Johns River, Palatka to Lake Harney		10,000
Oklawaha River		3,000
Indian River		5,000
Miami Harbor (Biscayne Bay)		32,500
Key West Harbor	40,000	30,000
Kissimmee River		5,000
Caloosahatchee River		35,000
Charlotte Harbor		5,000
Sarasota Bay		15,000

[1] New projects.

Amounts stated in the annual report of the Chief of Engineers as those that can be profitably expended during the fiscal year ending June 30, 1924, etc.—Continued.

Localities.	Improvement.	Maintenance.
Anclote River		$14,000
Tampa Harbor	$445,000	50,000
St. Petersburg Harbor	17,000	
Water hyacinth in Florida waters		10,000
Apalachicola Bay		12,000
Apalachicola River	15,000	10,000
Flint River	45,000	10,000
Chattahoochee River	35,000	90,000
Channel, Apalachicola River-St. Andrews Bay		21,500
St. Andrews Bay		2,000
Choctawhatchee River		7,000
Holmes River		1,680
La Grange Bayou, Fla.[1]	28,500	
Blackwater River		25,600
Escambia and Conecuh Rivers		3,200
Pensacola Harbor		20,000
Alabama River	75,000	47,000
Coosa River		5,000
Mobile Harbor	132,000	244,400
Black Warrior, Warrior, and Tombigbee Rivers	64,000	
Tombigbee River, mouth to Demopolis		18,000
Tombigbee River, Demopolis to Walkers Bridge		4,000
Pascagoula Harbor		76,000
Gulfport Harbor and Ship Island Pass		116,000
Pascagoula River		10,000
Water hyacinth in Alabama waters		2,500
Southwest Pass, Mississippi River	992,000	
South Pass, Mississippi River		510,000
Bayou Plaquemine, Grand River, and Pigeon Bayous		20,000
Bayou Grossetete		5,000
Bayou Teche	125,000	
Waterway, Mississippi River to Bayou Teche	675,000	
Waterway, Calcasieu River to Sabine River	500,000	
Bayou Vermilion		10,000
Calcasieu River and Pass, La.[1]	25,800	
Water hyacinth in Louisiana and Texas waters		30,000
Galveston Harbor		90,000
Galveston Channel [1]	670,000	200,000
Galveston Harbor-Texas City Channel		150,000
Port Bolivar Channel		20,000
Houston Ship Channel	800,000	300,000
Double Bay Bayou		7,000
Anahuac Channel		5,000
Mouth of Trinity River		1,000
Turtle Bayou		10,000
Cedar Bayou		5,000
Clear Creek		4,000
Dickinson Bayou		5,000
West Galveston Bay-Brazos River Canal		5,000
Channel between Brazos River and Matagorda Bay		10,000
Channel from Pass Cavallo to Aransas Pass		20,000
Channel from Aransas Pass to Corpus Christi [1]	750,000	10,000
Freeport Harbor		100,000
Harbor at Port Aransas		180,000
Harbor at Sabine Pass and Port Arthur Canal [1]	400,000	400,000
Sabine-Neches Canal		150,000
Johnsons Bayou		3,000
Red River below Fulton		100,000
Ouachita and Black Rivers	400,000	25,000
Tensas River and Bayou Macon [1]	4,200	5,000
Boeuf River		5,000
Bayou Bartholomew		2,500
Saline River		2,000
Bayous D'Arbonne and Corney		2,000
Yazoo River		$16,000
Tallahatchie and Coldwater Rivers		10,000
Big Sunflower River		12,000
Steele and Washington Bayous and Lake Washington		2,500
Arkansas River		35,000
White River		22,500
Black River		15,000
Current River		4,500
St. Francis and L'Anguille Rivers and Blackfish Bayou		9,000
Mississippi River, Ohio to Missouri Rivers	500,000	500,000
Mississippi River, removing snags and wrecks below the mouth of the Missouri River		25,000
Mississippi River, Missouri River to Minneapolis	1,100,000	
Mississippi and Leech Rivers	25,000	
Red Lake and Red Lake River, Minn.[1]	3,000	
Missouri River, Kansas City to the mouth	1,000,000	500,000
Missouri River, Kansas City to Sioux City		25,000
Missouri River, Sioux City to Fort Benton		15,000
Osage River		10,000
Cumberland River below Nashville	460,000	
Cumberland River above Nashville	535,000	
Tennessee River, below Riverton	122,000	8,000
Tennessee River, above Chattanooga		20,000
Tennessee River, Chattanooga to Riverton	255,000	
Survey of Tennessee River	200,000	
Ohio River (lock and dam construction)	7,000,000	
Ohio River, open channel improvement		526,000
Monongahela River, Pa. and W. Va.[1]	2,000,000	
Allegheny River		5,000
Grand Marais Harbor, Minn		6,000
Agate Bay Harbor		2,000
Duluth-Superior Harbor		50,500
Port Wing Harbor		1,000
Ashland Harbor		6,000
Ontonagon Harbor		9,000
Keweenaw Waterway	7,000	70,500
Marquette Bay harbor of refuge		1,000
Marquette Harbor		1,500
Grand Marais Harbor, Mich		15,000

[1] New projects.

Amounts stated in the annual report of the Chief of Engineers as those that can be profitably expended during the fiscal year ending June 30, 1924, etc.—Continued.

Localities.	Improvement.	Maintenance.
Warroad Harbor and River		$4,000
Zippel Bay, Lake of the Woods		2,000
Bandette Harbor and River		800
Manistique Harbor		8,000
Menominee Harbor and River		10,000
Green Bay Harbor [1]	$110,000	10,000
Fox River		160,000
Sturgeon Bay and Lake Michigan Ship Canal		33,000
Kewaunee Harbor		11,500
Two Rivers Harbor		8,000
Manitowoc Harbor		120,000
Sheboygan Harbor		7,000
Milwaukee Harbor [1]	500,000	118,000
Racine Harbor		9,500
Kenosha Harbor		5,000
St. Joseph Harbor		50,000
South Haven Harbor		13,500
Grand Haven Harbor		36,000
Muskegon Harbor		18,500
Ludington Harbor		150,000
Manistee Harbor	15,000	19,500
Frankfort Harbor		20,000
Charlevoix Harbor		5,000
Chicago Harbor		21,000
Chicago River		6,500
Calumet Harbor and River		160,000
Indiana Harbor	286,000	88,000
Michigan City Harbor		34,500
Illinois River	65,000	130,000
St. Marys River		25,000
Channels in Lake St. Clair		15,000
Detroit River	450,000	10,000
Alpena Harbor		5,000
Harbor of refuge at Harbor Beach, Lake Huron		40,000
Black River, Mich		2,500
Rouge River		8,000
Toledo Harbor		50,000
Sandusky Harbor	58,000	10,000
Huron Harbor		5,500
Lorain Harbor		5,000
Cleveland Harbor		25,000
Fairport Harbor		5,000
Ashtabula Harbor		5,000
Conneaut Harbor	25,000	8,000
Erie Harbor		10,000
Buffalo Harbor	50,000	21,500
Black Rock Channel and Tonawanda Harbor [1]	200,000	25,000
Charlotte Harbor		15,500
Great Sodus Bay		25,500
Little Sodus Bay		28,500
Oswego Harbor	25,000	20,500
Cape Vincent Harbor		500
Ogdensburg Harbor		2,000
San Diego Harbor, Calif. [1]	135,350	
Los Angeles Harbor [1]	760,000	
San Francisco Harbor [1]	330,000	10,000
Oakland Harbor [1]	200,000	35,000
Richmond Harbor	128,000	
San Pablo Bay and Mare Island Strait	130,000	
Suisun Bay Channel		13,000
Petaluma Creek		40,000
San Rafael Creek		1,000
Humboldt Harbor and Bay	719,350	108,100
Noyo River, Calif. [1]	16,000	
San Joaquin River		26,000
Stockton and Mormon Channels (diverting canal)		5,000
Mokelumne River		800
Sacramento River		95,000
Coos Bay [1]	1,051,000	159,000
Coos River		3,000
Umpqua River, Oreg. [1]	276,500	
Yaquina Bay and Harbor	139,000	
Columbia River and tributaries above Celilo Falls to mouth of Snake River		13,500
Snake River		13,000
Columbia and Lower Willamette Rivers [1]	1,000,000	700,000
Clatskanie River	4,620	4,500
Willamette Slough, Oreg. [1]	23,350	
Willamette River above Portland and Yamhill River		29,600
Lewis River	5,600	6,800
Cowlitz River		6,000
Skamokawa Creek		2,000
Grays River		2,000
Willapa River and Harbor	200,000	
Grays Harbor and Bar		60,000
Puget Sound and tributary waters		30,000
Waterway, Port Townsend Bay—Oak Bay		5,000
Seattle Harbor		10,000
Lake Washington Ship Canal [1]	288,000	12,000
Swinomish Slough		2,500
Bellingham Harbor		5,000
Nome Harbor, Alaska		5,000
Wrangell Harbor, Alaska [1]	50,000	
Honolulu Harbor, Hawaii	150,000	
Hilo Harbor	374,000	
Nawiliwili Harbor	300,000	
San Juan Harbor, P. R.	300,000	
Yuba River, restraining barriers		15,000
Total	43,178,130	13,412,280

[1] New projects.

Flood control:	
Mississippi River Commission	$5,990,000
Sacramento River	500,000
Expenses, California Débris Commission	18,000
Wilson Dam, Tennessee River	7,500,000
Supervisor New York Harbor	397,000
Examinations, surveys, and contingencies of rivers and harbors	500,000
Total	14,905,000

RECAPITULATION.

For improvement	$43,178,130
For maintenance	13,412,280
For related subjects	14,905,000
Grand total	71,495,410

Mr. STANFIELD. The Budget Bureau, without rhyme or reason, without pointing to a single project that it deemed unworthy, without recommending that work be delayed upon a single project in this list, without recommending that the amount stated as required for any single project be reduced, and without giving a reason for reducing the aggregate amount required, as recommended by the Army engineers, arbitrarily and without justification cut the amount in two.

The subject came up in the Appropriations Committee of the House, and this committee, without pointing to a single project that was not justified or upon which the work could be delayed without doing great damage to the community served by such project, arbitrarily, and with the hope of satisfying the Representatives on the floor, increased the amount recommended by the Budget Bureau to $37,000,000.

The Members of the House who were familiar with the work proposed to be done by the Army engineers knew the importance of it and knew that every single project on the list was justified and immediate work was necessary to best serve the community and the country, increased the appropriation to the amount originally recommended by the Army engineers by a vote of 152 to 44.

It is not a secret that the railroad transportation of this country has failed miserably during the last few years to serve the producers. During the last harvest and within the last six months millions of bushels of choice apples produced in the Northwest have been dumped into the river for want of transportation, while the great mass of consumers in the East are compelled to pay 10 cents apiece for similar apples.

Seventy per cent of the population of the United States live east of the Mississippi River. Practically 50 per cent of the total population of the United States live in the 19 States adjoining and adjacent to the Atlantic Ocean, where they are readily and easily served by water transportation, and these people are to-day being penalized with exorbitant rents and exceptionally high building construction costs. Yet on the slope of the Pacific, in the three States of Washington, Oregon, and California, stands over one-half of all the saw timber in the United States.

The product of this timber can be transported by water to the Atlantic coast for from $12 to $15 per thousand feet less than it can be transported across the continent by rail, and this difference in transportation cost means from $20 to $30 per thousand feet difference in the price paid by the consumer.

A vessel that carries less than 3,000,000 feet can not afford to make the long trip from Pacific coast ports through the canal to Atlantic coast ports. Very few ports on the Pacific coast will admit vessels of this size, and these ports are not the shortest outlet for the vast timber resources. The expenditure of a very small sum of money will deepen and make secure several other ports which reach directly the mills and timber.

The ports on the Atlantic coast in the main are already improved and require maintenance only; the Panama Canal has been constructed at a great cost and has justified its undertaking. During the last year the largest tonnage passed through this canal of any year since its existence, and over $12,000,000 in tolls was collected, which is also the largest of any year. The coast to coast traffic, both east and west, was doubled during the last year. We have great fleets of vessels lying at anchor, deteriorating and rapidly approaching the worthless, useless stage—in fact, every link in the chain of water transportation between the Atlantic and Pacific is complete, barring the improvement of a few harbors—and if the appropriation for river and harbor work is reduced by Congress it means that many of these worthy, important, and justified harbor improvements on the Pacific coast will not be undertaken during the next fiscal year, for if the amount recommended by the engineers is reduced many projects will be eliminated for want of the money to start them, and no one at this time can tell what projects will be so eliminated.

It ill becomes the Budget Bureau and it ill becomes Congress or any Member of it to demand a reduction of the amount said to be necessary by the Army engineers, unless they can point their finger to some identical project or projects that are not justified and should be eliminated from the list as submitted.

The railroad interests of this country bitterly fought the construction of the Panama Canal. The railroad interests of this country have bitterly fought the elimination of tolls on coastwise trade through the canal. The railroad interests of this country have always opposed the improvement of rivers and harbors that would promote water transportation, and yet the railroads of this country have broken down and failed to properly serve either the producers or consumers during the last few years.

As an instance in my own State, in the great Hood River apple-producing section our people spent 10 years to grow orchards, and another year of spraying, cultivating, and pruning to produce a crop; then they picked it, wrapped it, and packed it, and hauled it to the warehouse, ready for shipment, only to find that the railroads would give them 10 cars where they needed 100. The warehouses became choked, filled to capacity, and still 50 per cent of the crop remained in the possession of the producers, without any facilities to protect it from the cold weather that was then fast approaching, the result of which was an enormous loss to these apple producers, and all for the want of sufficient refrigerator cars to ship it in.

During this strenuous period they were receiving less than ests oppose the development of rivers and harbors and the removal of the Panama Canal tolls on coastwise shipments, or any other thing that will move a pound of freight in any way except over the rails of the railroad; yet they are unable to properly serve the people and will be unable for some time to come.

Until it can be pointed out and proven that some item on the list submitted is not justified or the amount recommended by the Army engineers can not be economically and profitably expended during the coming fiscal year, I deem it my duty, with the responsibilities of serving my people and this country, to accept the recommendations made by the Army engineers and support the appropriation shown to be necessary.

Mr. President, we are legislating here daily to give relief to the industries of our country. To-day we had presented a bill to extend credit to agriculture. The question of credit to agriculture is of but little importance when compared with the interest and concern they have in the problem of transportation. The question of river and harbor development is not only of interest to the coasts, but it should be of concern to the entire country, because such improvements will tend to give better service to the interior part of the country if the traffic which comes from the coast is carried by way of the canal and out of our harbors and rivers.

BERTHA N. RICH.

Mr. FRELINGHUYSEN. Mr. President, I ask unanimous consent that we proceed to the present consideration of Senate bill 4114, for the relief of Bertha N. Rich.

Mr. DIAL. Let the bill be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Assistant Secretary read the bill.

Mr. FRELINGHUYSEN. In compliance with the suggestion of several Members of the Senate who think that $15,000 is too large in this case, I have consented to lower the amount, and I offer an amendment reducing the amount from $15,000 to $10,000. I understand that the Committee on Claims have established the precedent of making that the maximum in these claims, although this is a unique case, and had Mrs. Rich an opportunity to present the claim in court, undoubtedly she would receive a greater sum than this amount.

The death of the husband of the claimant was due to the gross negligence and carelessness of Army sergeants and privates who were in charge of a machine gun on exhibition at the Trenton State Fair, and I believe that the Government will only be doing justice to a very limited degree when the bill is passed appropriating $10,000 for the claim; but I understand the members of the committee believe that is sufficient, and therefore I offer the amendment.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. DIAL. I do not object to immediate consideration, but I want to speak on the merits of the bill.

I regret that the Senator waits until so late in the day to bring up important matters when there are so many Senators absent. I dislike, of course, to call for a quorum and I am not going to do so now, but I must say that I disapprove of the practice and possibly hereafter I shall insist upon the presence of a quorum. I would like very much for the Senate to be better posted with reference to such bills.

I have waited a long time, thinking that very probably a free and full investigation would be had of similar private claims, because I am convinced that the Government pays out a great deal of money which it should not pay. In this particular claim there is no liability whatever on the part of the Government as I see it. There is a full report by the department. The facts of the case were these: A fair association of Trenton requested the Government to send them an exhibit, and they sent this gun.

Mr. FRELINGHUYSEN. Mr. President, may I interrupt the Senator to correct his statement?

Mr. DIAL. Very well.

Mr. FRELINGHUYSEN. The commander of the First Division made application to the fair for permission to send a recruiting squad there. The fair did not ask the First Division for the recruiting squad. The recruiting squad was sent there and no pay was exacted in any manner whatsoever. There was another exhibition known as a circus, a separate organization of the First Division, which they asked to come and which had no relation whatever to the recruiting end at all. They were separate things. For that they paid $2,000.

Mr. DIAL. I did not say anything about pay. I merely read the report casually and my recollection is that the fair association wanted the exhibit and it was sent there.

This was supposed to be an unloaded gun, but in some way or other a cartridge was placed in the gun. It was not to be fired, however. This was against instructions. The particular gun was installed in a 4-foot inclosure and no one was to get close to it. An Army officer or employee was in charge of it. The man in charge of it went to supper and left some one else in charge, and the deceased, the husband of the lady claimant, and some others were close to the gun. The deceased was pushed over against the gun and it exploded or was fired, and the man was killed. The Army officers investigated the case very thoroughly. My recollection is that according to the report they had three courts-martial and cleared every one of the Government employees.

Mr. FRELINGHUYSEN. May I again correct the Senator?

Mr. DIAL. Certainly.

Mr. FRELINGHUYSEN. It is true that the charges were dismissed against the men, but the commanding general who ordered the men there on recruiting duty disapproved those charges. The destruction of this man's life was shown to have been due to gross negligence on the part of Army authorities. That is the report of the board convened by the Army authorities, that the gun was defective, that contrary to orders they had loaded ammunition, that the gun was fired in the face of spectators, and that the man was killed. It has been submitted to men who are lawyers and they say undoubtedly the Army was guilty of gross negligence.

Mr. DIAL. This demonstrates one of the misfortunes in waiting until so late in the day to bring up the bill. We get the facts confused. I do not desire to misrepresent the facts at all, but if anyone will read the report on page 3 he will see that the gun was not being fired under instructions of the Government. It was not to be fired at all. It was supposed to be a mum gun. I do not know what the Army calls it, but it was not to be fired and not intended to be exhibited in that way. The report said:

> While standing here the gun was discharged and Mr. Rich fell to the ground. At the same instant Private Schwartz was pushed to a point near the gun by another man. As he struck the ground the gun fired.

It was not being fired by the officers, but the man was pushed against it and the gun went off—accidentally went off. So if anybody was liable, it was the fair company who invited the exhibit there, and not the United States Government. I have read the report, and I did not find where they convicted anybody. My recollection is they cleared everybody, showing it was not the fault of the Government, but was the fault of either the man who was a trespasser or the fault of some one else, or a pure accident. This kind of claim ought to go into court.

Mr. FRELINGHUYSEN. Mr. President, will the Senator yield

Mr. DIAL. I decline to yield for the moment. I will yield presently.

The report shows that the Government relied upon the attorney for Mrs. Rich; that the attorney for Mrs. Rich prepared the case for the Government. That does not show a great deal of diligence on the part of the Government. Of course, I say nothing against the attorney, whose name, I believe, was Oliphant. He was very active in getting the case up and making out a case for Mrs. Rich, and the Government relied on what he

said. It seems the case was looked into most thoroughly, and it was shown that the accident was not the Government's fault, and they discharged the men involved.

Of course, I know nothing about the people and never heard of them before. It is not a question with me of what Senator introduced the bill. That has no influence whatever with me. But I do not think the Government is ready to donate money to people who bring about their own injury or are injured purely accidentally. Certainly the Government is not liable. The fair association might be liable or the man who pushed the deceased against the gun might be liable, but there is no ground here to show that the Government was liable, and there is no reason why money should be paid to these people, unless we want the Government to go into the business of contributing to the people of New Jersey.

Mr. President, I want Senators to know what they are voting on. In the first place, the Government is not at all liable, as I see it. In the next place, the case ought to be tried in the court. If the Government is willing to give its consent, I have no objection to that course at all. I think we are going to have to establish the precedent here sooner or later that such matters must be tried in court.

The next remedy is, if we are going to give anything at all, whether we want to donate the magnificent sum of $25,000, as was provided when the matter first came here, though it is proposed now to cut it down to $15,000, and I understand there will be a proposition submitted to reduce it to $10,000.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4114) for the relief of Bertha N. Rich, which had been reported from the Committee on Claims with an amendment, in line 6, to strike out "$25,000" and insert "$15,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 to Bertha N. Rich, now residing in Trenton, in the county of Mercer, N. J., as full compensation for the loss of life of her late husband, Walter A. Rich, who was killed by the accidental discharge of a machine gun at the Interstate Fair at Trenton, N. J., October 2, 1920.

Mr. DIAL. Mr. President, I move to amend by reducing the amount to $5,000. However, I presume I can not do that before we dispose of the amendment to the amendment of the committee.

The VICE PRESIDENT. The first question is on the amendment proposed by the Senator from New Jersey to the amendment of the committee.

Mr. ROBINSON. The proper parliamentary procedure would be for the Senator from South Carolina to offer his amendment to the amendment of the committee.

Mr. FRELINGHUYSEN. I am a member of the committee, and mine may be regarded as a modification of the committee amendment. However, I will temporarily withdraw my amendment in order that the amendment of the Senator from South Carolina may be voted on.

Mr. ROBINSON. The Senator need not do that. The amendment is in order as an amendment to the amendment of the committee.

The VICE PRESIDENT. An amendment to strike out and insert is in order.

Mr. DIAL. Then my motion is to strike out "$10,000" and insert "$5,000."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. In lieu of the sum proposed to be inserted by the committee insert "$5,000."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from South Carolina to the amendment of the committee.

The amendment to the amendment was rejected.

The ASSISTANT SECRETARY. It is now proposed by the Senator from New Jersey, in lieu of the sum proposed to be inserted by the committee, "$15,000," to insert "$10,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

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

EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 15 minutes p. m.) the Senate, under the order previously made, took a recess until to-morrow, Friday, January 26, 1923, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 25 (legislative day of January 23), 1923.

PROMOTIONS IN THE REGULAR ARMY.

To be captains.

First Lieut. Clarence Harvey Bragg, Infantry, from January 5, 1923.

First Lieut. Paul Rutherford Knight, Infantry, from January 7, 1923.

First Lieut. DeWitt Clinton Smith, jr., Infantry, from January 8, 1923.

To be first lieutenants.

Second Lieut. Edward Arthur Dolph, Coast Artillery Corps, from January 5, 1923.

Second Lieut. Joseph Kittredge Baker, Cavalry, from January 6, 1923.

APPOINTMENT BY TRANSFER IN THE REGULAR ARMY.

FIELD ARTILLERY.

First Lieut. William Mason Wright, jr., Infantry, with rank from July 1, 1920.

APPOINTMENTS IN THE BRANCHES OF THE REGULAR ARMY.

To be second lieutenants with rank from January 5, 1923.

Herbert William Kruger, Field Artillery.
James Lewis Montague, Infantry.
Henry Dwight Fansler, Infantry.
William Earl Watters, Field Artillery.
Leo Henry Dawson, Air Service.
Michael Vincent Healey, Air Service.
Hilton Welborn Long, Air Service.
Milton John Smith, Air Service.
Carl Budd Wahle, Coast Artillery Corps.
James Eldridge Gardner, Air Service.
Leonard Loyd Hilliard, Infantry.
Lester Vocke, Field Artillery.
Frederick Viehe Armistead, Field Artillery.
John Leon Dicks, Infantry.
Thomas Jefferson Randolph, Cavalry.
Harry Edwin Magnuson, Coast Artillery Corps.
Gerald Crofoot Williams, Air Service.
Robert Boyd Williams, Air Service.
James Fish, Infantry.
LaRoy Sanders Graham, Infantry.
Francis Lavelle Ready, Cavalry.
Joseph Rexford Vernon, Corps of Engineers.
David Hottenstein, Coast Artillery Corps.
George John Kelley, Coast Artillery Corps.
Ray Brooks Floyd, Infantry.
Ray Eugene Marshall, Infantry.
Morris Miller Bauer, Corps of Engineers.
George Cabell Carrington, Infantry.
Charles Henry Berle, Coast Artillery Corps.
Harland Fremont Burgess, Infantry.
Karl Clifford Frank, Coast Artillery Corps.
Harry Munroe Leighley, Coast Artillery Corps.
Clyde Anderson Burcham, Cavalry.
Walter Raymond Miller, Infantry.
Randall James Hogan, Ordnance Department.
Herman William Fairbrother, Infantry.
Robert Nicholas Young, Infantry.
James Frederick Phillips, Corps of Engineers.
Clement Thomas Gleason, Finance Department.
John Bixby Shepard, Infantry.
Theodore Allen Martin, Infantry.
Allen Crabill, Chemical Warfare Service.
Douglas Valentine Johnson, Field Artillery.
George Joseph Hill, jr., Infantry.
Frederick Williams Watrous, Field Artillery.
Charles Elford Smith, Infantry.
Franz von Schilling, jr., Field Artillery.
Raymond Edward Culbertson, Field Artillery.
Maynard Harper Carter, Infantry.
LaGrande Albert Diller, Infantry.
Robert Parker Hollis, Field Artillery.
Isaac Davis White, Cavalry.
Louis Edward Roemer, Infantry.
Max Hesner Gooler, Infantry.
Joseph Howard Harper, Infantry.

Emerald Foster Sloan, Infantry.
Newton Farragut McCurdey, Cavalry.
John Julius Dubbelds, jr., Infantry.
Joe Ford Simmons, Coast Artillery Corps.
Clarence Turner Hulett, Infantry.
Daniel Powell Poteet, Field Artillery.
Edmund Kennedy Ellis, Infantry.
Frank Henry Marks, Coast Artillery Corps.
Ord Gariche Chrisman, Infantry.
Gerson Kirkland Heiss, Ordnance Department.
Grover Cleveland Kinney, Infantry.
Ransom George Amlong, Quartermaster Corps.
Paul Lawrence Martin, Field Artillery.
Walter Howard DeLange, Air Service.
Robert Kelsey Haskell, Field Artillery.
Walter Sidney Smith, Air Service.
John Owen Colonna, Corps of Engineers.
Walter Francis McGinty, Infantry.
Ralph Adel Snavely, Air Service.
Claude Armenius Thorp, Cavalry.
Everett Wilcox, Infantry.
Richard Maxwell Spengler, Infantry.
Rowland Reid Street, Infantry.
John Marquiss Whistler, Field Artillery.
Thomas Edward Meyer, Field Artillery.
Howard Miller Fey, Infantry.
George Mandeville Brien, Field Artillery.
James Howard Leusley, Field Artillery.
John Francis McGowan, Air Service.
William Henry Drummond, Field Artillery.
Lester Mavity Rouch, Field Artillery.
Glen Trice Lampton, Air Service.
Viking Torsten Ohrbom, Infantry.

To be second lieutenants with rank from January 3, 1923.

Charles Llewellyn Corman, Quartermaster Corps, late first lieutenant, Infantry, Regular Army.

Edgar Nash, jr., Coast Artillery Corps, late captain, Coast Artillery Corps, Regular Army.

Joseph Perry Catte, Infantry, late first lieutenant, Cavalry, Regular Army.

Albert Carroll Morgan, Infantry, late second lieutenant, Infantry, Regular Army.

Randolph Burt Wilkinson, Infantry, late first lieutenant, Infantry, Regular Army.

To be second lieutenants with rank from January 4, 1923.

Perley Bernard Sancomb, Cavalry.
John LaValle Graves, Field Artillery.

APPOINTMENT IN THE NAVY.

MARINE CORPS.

Harry H. Leighley, a citizen of the State of New York, to be a second lieutenant in the Marine Corps, for a probationary period of two years, from the 20th day of January, 1923.

POSTMASTERS.

ALABAMA.

Jesse A. Eason to be postmaster at Ozark, Ala., in place of W. M. Head. Incumbent's commission expired September 5, 1922.

Dozier N. Cartledge to be postmaster at Midway, Ala. Office became presidential April 1, 1922.

ARKANSAS.

Charles E. Wilson to be postmaster at Greenland, Ark. Office became presidential April 1, 1922.

John A. Borgman to be postmaster at Jonesboro, Ark., in place of C. B. Gregg, resigned.

CALIFORNIA.

Mary A. Dempsey to be postmaster at Colusa, Calif., in place of M. A. Dempsey. Incumbent's commission expired April 30, 1922.

COLORADO.

Agnes M. Ward to be postmaster at Bennett, Colo. Office became presidential July 1, 1921.

Frank D. Aldridge to be postmaster at Wellington, Colo., in place of Adam Baxter. Incumbent's commission expired September 5, 1922.

FLORIDA.

Ethel H. Gannaway to be postmaster at Lemon City, Fla., in place of O. H. P. Faus, resigned.

Lera H. Taylor to be postmaster at Mayo, Fla., in place of D. H. Weaver, removed.

IDAHO.

Avery G. Constant to be postmaster at Buhl, Idaho, in place of A. G. Constant. Incumbent's commission expired April 20, 1922.

ILLINOIS.

A. Luella Smith to be postmaster at Chatham, Ill. Office became presidential October 1, 1920.

Peter H. Conzet to be postmaster at Greenup, Ill., in place of W. H. Rodebaugh. Incumbent's commission expired December 6, 1922.

Margaret Heider to be postmaster at Minonk, Ill., in place of W. H. Ryan. Incumbent's commission expired October 24, 1922.

Benjamin S. Price to be postmaster at Mount Morris, Ill., in place of S. E. Avey. Incumbent's commission expired October 24, 1922.

INDIANA.

Louis M. Biesecker to be postmaster at Cedar Lake, Ind. Office become presidential April 1, 1922.

Frank Lyon to be postmaster at Arcadia, Ind., in place of J. M. Driver, resigned.

Burr E. York to be postmaster at Converse, Ind., in place of Sylvester Rennaker. Incumbent's commission expired September 5, 1922.

Hah M. Dausman to be postmaster at Goshen, Ind., in place of J. A. Beane. Incumbent's commission expired September 5, 1922.

Hattie M. Craw to be postmaster at Jonesboro, Ind., in place of B. W. Shafer. Incumbent's commission expired September 5, 1922.

John M. Johnston to be postmaster at Logansport, Ind., in place of G. B. Davis. Incumbent's commission expired September 5, 1922.

George E. Jones to be postmaster at Peru, Ind., in place of W. H. Augur. Incumbent's commission expired September 5, 1922.

IOWA.

Charlie M. Willard to be postmaster at Persia, Iowa, in place of G. A. Moss, resigned.

KANSAS.

Hester Goldsmith to be postmaster at Cheney, Kans., in place of J. I. Saunders. Incumbent's commission expired September 13, 1922.

William D. Hale to be postmaster at Dexter, Kans., in place of M. R. Hale. Incumbent's commission expired October 14, 1922.

William R. Waring to be postmaster at Hope, Kans., in place of Nettie Watkins. Incumbent's commission expired September 13, 1922.

Winifred Hamilton to be postmaster at Solomon, Kans., in place of G. W. Lank. Incumbent's commission expired September 13, 1922.

Franklin C. Thompson to be postmaster at Stafford, Kans., in place of J. W. Stivers. Incumbent's commission expired October 14, 1922.

KENTUCKY.

Martin Himler to be postmaster at Himlerville, Ky. Office became presidential October 1, 1922.

Orvil Coleman to be postmaster at Wolfpit, Ky. Office became presidential January 1, 1921.

Mollie L. Nolan to be postmaster at Harlan, Ky., in place of M. E. Green. Incumbent's commission expired August 23, 1920.

LOUISIANA.

Pierre O. Broussard to be postmaster at Abbeville, La., in place of P. O. Broussard. Incumbent's commission expired September 5, 1922.

MAINE.

Ralph T. Horton to be postmaster at Calais, Me., in place of P. F. Welch. Incumbent's commission expired September 28, 1922.

Michael J. Kennedy to be postmaster at Woodland, Me., in place of T. L. Higgins. Incumbent's commmission expired April 26, 1920.

MARYLAND.

Philip E. Huntt to be postmaster at Waldorf, Md. Office became presidential October 1, 1921.

MASSACHUSETTS.

Charles E. Goodhue to be postmaster at Ipswich, Mass., in place of J. H. Lakeman. Incumbent's commission expired October 1, 1922.

Albert Pierce to be postmaster at Salem, Mass., in place of J. H. Sheedy. Incumbent's commmission expired October 1, 1922.

Christopher G. Simpson to be postmaster at Springfield, Mass., in place of T. J. Costello. Incumbent's commission expired October 1, 1922.

George H. Lochman to be postmaster at Winchester, Mass., in place of J. F. O'Connor, deceased.

MICHIGAN.

Herbert E. Ward to be postmaster at Bangor, Mich., in place of Mark Burlingame. Incumbent's commission expired September 13, 1922.

James W. Cobb to be postmaster at Birmingham, Mich., in place of G. H. Mitchell. Incumbent's commission expired November 15, 1922.

Homer L. Allard to be postmaster at Sturgis, Mich., in place of H. W. Hagerman. Incumbent's commission expired September 13, 1922.

MINNESOTA.

Wilson W. Wright to be postmaster at Cromwell, Minn. Office became presidential October 1, 1922.

Frank H. Wherland to be postmaster at Welcome, Minn., in place of O. P. Miller, resigned.

MISSOURI.

Leah Abernathy to be postmaster at Chaffee, Mo., in place of J. C. Wylie. Incumbent's commission expired September 5, 1922.

MONTANA.

Estella K. Smith to be postmaster at Lima, Mont. Office became presidential April 1, 1921.

NEBRASKA.

Alfred W. Saville to be postmaster at Collegeview, Nebr., in place of G. R. Eno. Incumbent's commission expired October 3, 1922.

NEW HAMPSHIRE.

Harlie A. Cole to be postmaster at Groveton, N. H., in place of William Hayes. Incumbent's commission expired September 19, 1922.

NEW JERSEY.

Annie E. Hoffman to be postmaster at Allenhurst, N. J., in place of F. J. Imlay. Incumbent's commission expired February 19, 1922.

Frederick Knapp to be postmaster at Little Ferry, N. J., in place of William Fehrs, resigned.

Joseph R. Forrest to be postmaster at Palisades Park, N. J., in place of J. J. Roche, removed.

Wilbur Fuller to be postmaster at Sussex, N. J., in place of R. J. Quince. Incumbent's commission expired October 24, 1922.

NEW YORK.

Max J. Lahr to be postmaster at Fillmore, N. Y., in place of B. M. Sweet. Incumbent's commission expired November 21, 1922.

Thomas S. Spear to be postmaster at Sinclairville, N. Y., in place of J. G. Rose. Incumbent's commission expired November 21, 1922.

NORTH CAROLINA.

Rufus W. Carswell to be postmaster at Forest City, N. C., in place of R. W. Caswell, to correct name.

OHIO.

Charlie D. Harvey to be postmaster at North Fairfield, Ohio. Office became presidential April 1, 1922.

Walter W. Wiant to be postmaster at Saint Paris, Ohio, in place of J. H. Biddle. Incumbent's commission expired September 19, 1922.

OKLAHOMA.

Forrest L. Strong to be postmaster at Clinton, Okla., in place of S. R. Hawks, jr. Incumbent's commission expired February 4, 1922.

Elmer D. Rook to be postmaster at Sayre, Okla., in place of C. E. Steele. Incumbent's commission expired July 23, 1921.

OREGON.

Henry H. McReynolds to be postmaster at Pilot Rock, Oreg., in place of H. H. McReynolds. Incumbent's commission expired December 18, 1922.

PENNSYLVANIA.

Samuel F. Williams to be postmaster at Le Raysville, Pa. Office became presidential January 1, 1921.

James C. Whitby to be postmaster at Bryn Mawr, Pa., in place of J. J. McAllister. Incumbent's commission expired September 19, 1922.

Edward A. P. Christley to be postmaster at Ellwood City, Pa., in place of B. N. De France, removed.

George R. Fleming to be postmaster at Haverford, Pa., in place of B. J. Rountree. Incumbent's commission expired September 19, 1922.

John C. Sullivan to be postmaster at Ogontz, Pa., in place of J. A. Coonahan. Incumbent's commission expired September 19, 1922.

SOUTH DAKOTA.

George E. Conrick to be postmaster at Chamberlain, S. Dak., in place of F. P. Gannaway. Incumbent's commission expired September 11, 1922.

Frank Den Beste to be postmaster at Corsica, S. Dak., in place of F. D. Beste, to correct name.

TENNESSEE.

Willis F. Arnold to be postmaster at Jackson, Tenn., in place of Oliver Benton, resigned.

TEXAS.

Amelia M. Bridges to be postmaster at Anderson, Tex., in place of A. M. Bridges. Incumbent's commission expired September 5, 1922.

Riley C. Couch to be postmaster at Haskell, Tex., in place of S. G. Dean, resigned.

William J. Barker to be postmaster at Van Horn, Tex., in place of G. K. Breeding, resigned.

UTAH.

John A. Call to be postmaster at Bountiful, Utah, in place of P. P. Willey. Incumbent's commission expired September 26, 1922.

VIRGINIA.

Ernest P. Burgess to be postmaster at Fort Union, Va. Office became presidential July 1, 1921.

Francis L. Armentrout to be postmaster at Goshen, Va., in place of S. A. Roadcap. Incumbent's commission expired September 13, 1922.

Leonard A. Hodges to be postmaster at Rockymount, Va., in place of W. C. Menefee, resigned.

WASHINGTON.

Elmer M. Armstrong to be postmaster at Washougal, Wash., in place of C. W. McClure. Incumbent's commission expired October 14, 1922.

WEST VIRGINIA.

Monroe Burns to be postmaster at Cairo, W. Va., in place of G. H. Merchant, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 25 (legislative day of January 23), 1923.

MEMBER OF THE FEDERAL RESERVE BOARD.

Milo D. Campbell to be a member of the Federal Reserve Board.

POSTMASTERS.

MINNESOTA.

Philip Teisberg, Ashby.
Henry H. Lukken, Boyd.
Gustav C. Wollan, Glenwood.
Kate M. Shubert, Hastings.
John E. Redding, Houston.
John Schmelz, Springfield.
Edward F. Joubert, Wheaton.
Elmer A. Peterson, Willmar.

NEW YORK.

Mary M. McCue, Gabriels.

NORTH CAROLINA.

Joseph K. Mason, Durham.

NORTH DAKOTA.

Milo C. Merrill, Flaxton.
Fred E. Ackermann, Wishek.

RHODE ISLAND.

James H. Riley, Harrisville.

SOUTH DAKOTA.

Frank Dennerly, McLaughlin.

TEXAS.

Adah L. Ridenhower, Hico.
Calvin C. Davis, Iowa Park.
James W. Travers, South Bend.
Albert E. Newman, Texas City.
Dyde Manning, Wills Point.

UTAH.

Joseph B. Wright, Midvale.

VIRGINIA.

Gatewood L. Schumaker, Covington.

WITHDRAWAL.

Executive nomination withdrawn from the Senate January 25 (legislative day of January 23), 1923.

POSTMASTER.

Ben G. Swick to be postmaster at Elwood City, in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 25, 1923.*

The House met at 12 o'clock noon.

Rev. Earle Wilfley, D. D., pastor of the Vermont Avenue Christian Church, offered the following prayer:

O God, our Father in heaven, we await the inspiration of Thy spirit and the touch of Thy guiding hand. This day will not be what it ought to be without a sense of Thy presence, and we pray that Thy illuminating spirit may fill the hearts and minds this day that as men chosen for a great task we shall have a sense of the power of God in discharging it. We pray, Heavenly Father, that the men here assembled, representing as they do a great free people, may feel not only the weight of responsibility but a pride in something worth doing. And we pray that Thou wilt guide them this day and give them that measure of success in high doing that shall be Thine.

Our thoughts this morning, dear Father, are tempered by a great sorrow that has overtaken the Chaplain of this House, and we pray in the mercy of Thy love that Thou wilt deal gently and kindly with Doctor Montgomery and his family in their great bereavement. Thou who dost temper the wind to the shorn lamb be kind to them in this dark hour. Now we commit ourselves to Thee and ask that Thou wilt do for us what we can not do for ourselves, and that in all things we may be true and have Thy blessings upon our efforts. Hear us this morning at the beginning of this day's work and lead us at last to the light of truth and deeds of honor. We ask it for Thy great name's sake. Amen.

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

INTERNAL-REVENUE COLLECTION DISTRICTS.

Mr. MILLS, from the Committee on Ways and Means, by direction of that committee, submitted a report (No. 1451) to accompany S. 2051, to amend section 3142 of the Revised Statutes to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 65, which was referred to the Committee of the Whole House on the state of the Union.

HAWAIIAN HOMES COMMISSION.

Mr. CURRY. Mr. Speaker, by direction of the Committee on Territories I call up the bill (S. 4309) to amend an act entitled "An act to amend an act entitled 'An act to provide a government for the Territory of Hawaii,' approved April 30, 1900, as amended, to establish an Hawaiian homes commission, granting certain powers to the board of harbor commissioners of the Territory of Hawaii, and for other purposes," approved July 9, 1921, a similar House bill, H. R. 13631, being on the calendar.

The SPEAKER. The gentleman from California calls up the bill S. 4309, a similar bill being on the House Calendar. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph (a) of section 207 of an act entitled "An act to amend an act entitled 'An act to provide a government for the Territory of Hawaii,' approved April 30, 1900, as amended, to establish an Hawaiian homes commission, granting certain powers to the board of harbor commissioners of the Territory of Hawaii, and for other purposes," approved July 9, 1921, is hereby amended to read as follows:

"(a) The commission is authorized to leave to native Hawaiians the right to the use and occupancy of a tract of Hawaiian home lands within the following acreage limits:

"(1) Not less than 20 nor more than 80 acres of agricultural lands; or

"(2) Not less than 100 nor more than 500 acres of first-class pastoral lands; or

"(3) Not less than 250 nor more than 1,000 acres of second-class pastoral lands: *Provided, however*, That lots, each of one-half of an acre or more, of any class of land may be leased as residence lots."

SEC. 2. That section 213 of the said act is hereby amended to read as follows:

"SEC. 213. There is hereby established in the treasury of the Territory a revolving fund to be known as the 'Hawaiian Home Loan Fund.' The entire receipts derived from any leasing of the 'available lands' defined in section 203, these receipts including proportionate shares of the receipts from the lands of Huumula Mauka, Piihonua, and Kaohe Makuu, of which lands portions are yet to be selected, and 30 per cent of the Territorial receipts derived from the leasing of cultivated sugar-cane lands under any other provision of law, or from water licenses, shall be covered into the fund until the amount of money paid therein from those three sources alone shall equal $1,000,000. In addition to these moneys and the moneys covered into the revolving fund as installments paid by lessees upon loans made to them as provided in paragraph 2 of section 215, there shall be covered into the revolving fund all other moneys received by the commission from any source whatsoever."

SEC. 3. That paragraph (1) of section 215 of the said act is hereby amended to read as follows:

"(1) The amount of loans to any one borrower outstanding at any one time shall not exceed $3,000: *Provided, however*, That the amount of loans outstanding at any one time to the holder of a residence lot shall not exceed $1,000."

Mr. STAFFORD. Mr. Speaker, as this is a bill that has not been considered in the House, I think some explanation ought to be made to the House so that we may know the character of the legislation.

Mr. CURRY. Mr. Speaker, this bill corrects the reference to a section in the old bill which was misnumbered. It provides for resident lots within the land allotment set aside for the Hawaiian rehabilitation of lots of half an acre or more for residential lots. Under the act at present on the statute book there is no provision for resident lots. There will be probably 100 or 200 Hawaiians who are working at Hilo and vicinity who wish to have a home on resident lots. It cuts the loan down to $1,000 on a resident lot.

Mr. STAFFORD. I thought it was $3,000.

Mr. CURRY. One thousand dollars on the resident lot and $3,000 for the other. There are two experiment stations of 5 acres each, and on each of them they grow garden truck; they have about 1,000 chickens, some hogs, and cattle; and under the ruling of the attorney general of the Territory of Hawaii the receipts from the sale of the products of the chickens and the hogs and the gardens go into the treasury of the Territory instead of into the revolving fund.

Mr. STAFFORD. This is for the benefit of the native Hawaiians, to encourage them in building home dwellings?

Mr. CURRY. Yes.

Mr. STAFFORD. To what extent have they availed themselves of it in the past?

Mr. CURRY. Less than 100 so far, but they expect soon to have 500 or 600 on the land.

Mr. SNELL. Will the gentleman yield for a question with relation to Hawaii?

Mr. CURRY. Yes.

Mr. SNELL. Will the gentleman tell us why it is that the Territory is not entitled to the privileges under the good roads act and the Sheppard-Towner maternity bill? That question has been asked me and I was unable to answer.

Mr. CURRY. It is because they do not apply to the Territory.

Mr. SNELL. Was it not the intention that they should apply to the Territory?

Mr. CURRY. I have tried for some time to have these acts apply to the Territories, but I am informed that the Territories receive more money under existing law than they would if the acts applied to the Territory. In Alaska 99⅞ per cent of the land belongs to the United States Government. In Hawaii all of the public land belongs to the Territory of Hawaii. When Hawaii came into the Union they reserved, as Texas reserved when she came in, all of her public lands. We have no authority over the public lands; and so far as the road building is concerned through that Territory, I believe the Territory of Hawaii receives more money than if the law applied to that Territory.

Mr. SNELL. A prominent citizen of that Territory asked me that question a short time ago, and said there was a movement on foot in Hawaii to see if they could not come in under that law, that they felt there were advantages that should come to them on account of the law, and they believed that they are not receiving as many benefits as they would if they were allowed to avail themselves of the good roads act.

Mr. CURRY. The proper thing for them to do is to introduce bills and have one referred to the Committee on Roads

and the other to the Committee on Education, and have those committees consider the bills.

Mr. SNELL. What would they lose if they did come in under that act?

Mr. CURRY. I do not know what they would gain.

Mr. SNELL. Would they not get some of the appropriation?

Mr. CURRY. Probably, but with the result that the Committee on Appropriations would more than likely cut down proportionately what they are getting now through other sources.

Mr. SNELL. Could the gentleman put into the RECORD what they are getting that applies directly to good roads? Is that a matter that is obtainable?

Mr. CURRY. I think I can get that information.

Mr. SNELL. I wish the gentleman would put it into the RECORD. I would like to give this gentleman that information. He is a personal friend of mine, and I could not answer his question.

Mr. CURRY. If you will ask the Delegate from Hawaii I think he can tell you right now.

Mr. SNELL. I would be very glad to have that information.

Mr. CURRY. 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 third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. CURRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 13631) was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4028. An act for the relief of John N. Halladay;

S. 3328. An act for the relief of Almeda Lucas;

S. 3988. An act for the relief of the estate of Thomas N. Avery;

S. 4341. An act granting the consent of Congress to the Oregon-Washington Bridge Co. and its successors to construct a toll bridge across the Columbia River at or near the city of Hood River, Oreg.;

S. 4114. An act for the relief of Bertha N. Rich; and

S. 4353. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River.

The message also announced that the Senate had insisted upon its amendments disagreed to by the House of Representatives to the bill (H. R. 13696) making appropriations for the Executive office and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924, and for other purposes, had granted the request of the House for a conference on the disagreeing votes of the two Houses, and had appointed Mr. WARREN, Mr. SMOOT, and Mr. HARRIS as the conferees on the part of the Senate.

S. 4169. An act granting the consent of Congress to the city of Aurora, Kane County, Ill., a municipal corporation, to construct, maintain, and operate a bridge across the Fox River.

The message also announced that the Senate had passed with amendments the bill (H. R. 11939) to amend section 5219 of the Revised Statutes of the United States, in which the concurrence of the House of Representatives was requested.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4341. An act granting the consent of Congress to the Oregon-Washington Bridge Co. and its successors to construct a toll bridge across the Columbia River at or near the city of Hood River, Oreg.; to the Committee on Interstate and Foreign Commerce.

S. 3988. An act for the relief of the estate of Thomas N. Avery; to the Committee on Claims.

S. 4028. An act for the relief of John N. Halladay; to the Committee on Claims.

S. 3328. An act for the relief of Almeda Lucas; to the Committee on Claims.

POST OFFICE APPROPRIATION BILL—CONFERENCE REPORT.

Mr. MADDEN. Mr. Speaker, I call up the conference report upon the bill (H. R. 13593) making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER. The gentleman from Illinois calls up a conference report, which the Clerk will report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13593) making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 8, and 11, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"For temporary and auxiliary clerk hire and for substitute clerk hire for clerks and employees absent with pay at first and second class post offices, and temporary and auxiliary clerk hire at summer and winter resort post offices, $9,000,000: *Provided*, That $500,000 of this sum may be used for the purpose of completing the work of determining the cost to the department of handling the different classes of mail matter."

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,222,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$200,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 7, 12, and 13.

C. B. SLEMP,
CHAS. F. OGDEN,
MARTIN B. MADDEN,
EDWARD T. TAYLOR,
Managers on the part of the House.

CHAS. E. TOWNSEND,
THOMAS S. STERLING,
LAWRENCE C. PHIPPS,
KENNETH MCKELLAR,
WILLIAM J. HARRIS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13593) making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report:

On No. 1: Provides for 520 post-office inspectors, as proposed by the Senate, instead of 470, as proposed by the House.

On No. 2: Appropriates $468,300, as proposed by the Senate, instead of $424,500, as proposed by the House, for traveling expenses of inspectors.

On No. 3: Appropriates $107,452,600, as proposed by the House, instead of $116,452,600, as proposed by the Senate, which amount included an increase of $500,000 in the item for temporary and auxiliary clerk hire which was sought to be consolidated.

On No. 4: Restores the original language and appropriates $9,000,000, as proposed by the Senate, instead of $8,500,000, as proposed by the House, and provides for the use of $500,000 of the amount appropriated for the purpose of completing the work of determining the cost to the department of handling the different classes of mail matter.

On No. 5: Appropriates $800,000, as proposed by the House, instead of $850,000, proposed by the Senate, for miscellaneous items at first and second class post offices.

On No. 6: Strikes out the language proposed by the House reappropriating the unexpended balance of 1923 for the air mail service.

On No. 8: Appropriates for the payment of limited indemnity for the loss or injury of international mail in the language proposed by the Senate instead of the language proposed by the House.

On No. 9: Appropriates $1,222,000 instead of $1,522,000, as proposed by the Senate, and $1,122,000, as proposed by the House, for miscellaneous equipment and supplies.

On No. 10: Retains the language inserted by the Senate, but reduces the amount to be expended for furniture and equipment for post-office quarters from $500,000 to $200,000.

On No. 11: Appropriates $14,500,000, as proposed by the Senate, instead of $15,000,000, as proposed by the House, for vehicle allowance.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 7: Relating to the carrying of foreign mail on American steamships.

On No. 12: Extending the Joint Postal Commission.

On No. 13: Corrects section number.

C. B. SLEMP,
CHAS. F. OGDEN,
MARTIN B. MADDEN,
EDWARD T. TAYLOR,
Managers on the part of the House.

Mr. MADDEN. Mr. Speaker, as this bill passed the Senate it carried $585,222,991.50. As the bill was passed by the House it carried $584,614,191.50, the Senate having added $608,800. In the conference the House recedes from $258,800 and the Senate recedes from $350,000, so that the bill for 1924 as agreed on carries $584,872,991.50, an increase over the appropriations of 1923 of $20,698,425. The estimates for 1924 were $590,166,191.50, and the appropriations for 1924 are $584,872,991.50, a decrease under the estimate amounting to $5,293,200, and an increase over what the House passed of $258,800.

If no one wishes to ask any questions about this, I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first item in disagreement.

The Clerk read as follows:

Amendment No. 7: Page 15, line 15, after the word "states," insert: "*Provided further*, That no contract or contracts for carrying mails on foreign steamships shall be made when such mail can be carried on American steamships at a reasonable price."

Mr. MADDEN. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment No. 7.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 12: Page 21, after line 3, insert:
"SEC. 2. That the joint commission authorized under section 6 of the act approved April 24, 1920, entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes,' is hereby continued until June 30, 1924, to complete the investigation and to prepare a detailed report containing a summary of its findings thereof, and such recommendations as to legislation as it may deem proper: *Provided*, That said commission shall not expend a greater sum than $75,000 during the fiscal year 1924."

Mr. MADDEN. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment No. 12.

Mr. STEENERSON. Mr. Speaker, I rise to make a preferential motion. I move that the House recede and concur in the amendment.

Mr. MADDEN. Mr. Speaker, I hope that the motion of the gentleman from Minnesota will not prevail. In the first place, the commission was created for the fiscal year 1920. It was understood at that time that the work of the commission would not last more than one year, and during the consideration of the Post Office appropriation bill last year the Senate conferees thought that they would like to have the life of the commission continued for one more year. The House conferees came back with the recommendation that that be done, and it was clearly understood by the conferees of the House that the life of the commission would not be extended over the period ending June 30, 1923.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. Is it not the history of all of these little innocent annual commissions that are created that they lap over and over eternally and that you can not get rid of them?

Mr. MADDEN. We are now trying to get rid of this one.

Mr. CHINDBLOM. Who are the present members of the commission?

Mr. MADDEN. They are members of the Post Office Committees of the Senate and of the House. Ten of them are members of those two committees, except one is appointed from the Post Office Department.

Mr. STEENERSON. The chairman and four members of each committee and one appointed by the Post Office Department, making 11 in all.

Mr. CHINDBLOM. Do they hold their membership by reason of their membership on those committees or as individuals?

Mr. MADDEN. The law distinctly provides that no person can be a member of the commission except he be a member of the Committee on the Post Office of either House, and one from the Post Office Department.

Mr. CHINDBLOM. And they do not get any compensation?

Mr. MADDEN. They do not.

Mr. ROUSE. And the law also provided that the Postmaster General shall appoint one.

Mr. MADDEN. Yes; one.

Mr. ROUSE. And he has appointed the chief post office inspector?

Mr. MADDEN. Yes.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. RAMSEYER. The inference might well be drawn from the question asked by the gentleman from Texas that this is a salaried commission.

Mr. MADDEN. It is not.

Mr. BLANTON. But we are providing $75,000 for 1924 in this amendment, if we agree to it, whether it is a salaried commission or not.

Mr. RAMSEYER. This commission looks after a business of $600,000,000, the business of the Post Office Department.

Mr. MADDEN. No; they are not. The Post Office Department looks after that business.

Mr. RAMSEYER. They are the board of directors, as Postmaster General Hays once expressed it.

Mr. MADDEN. Oh, no; they are not. They were not appointed for that purpose.

Mr. RAMSEYER. In amendment No. 4 you provide for an appropriation of $500,000——

Mr. MADDEN. That has already been adopted.

Mr. RAMSEYER. I am simply laying the foundation for another question, if the gentleman will be patient—$500,000 to carry on the investigation to ascertain the cost of carrying the different classes of mail. At present is not that investigation really being conducted by this Joint Postal Commission?

Mr. MADDEN. It is not. It is being conducted by the Post Office Department, if any investigation is being conducted, and I do not think any is being conducted at the present time.

Mr. RAMSEYER. Then you have an appropriation of $500,000, and if I am correctly informed, the Post Office Department started with this investigation at the instance and under the direction of this postal commission. Now, if the Joint Postal Commission is abolished, why you in fact abolish the directing head to continue this investigation?

Mr. MADDEN. The Postmaster General is responsible for any investigation which may be made by the Post Office Department, and we are simply giving $500,000 for auxiliary clerks for the men who are particularly fit to make the investigation. It is not under anybody's direction except the Postmaster General's direction.

Mr. ROUSE. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. ROUSE. I happen to be a member of the Joint Postal Commission. This $500,000 is supposed to be used by the Post Office officials——

Mr. MADDEN. By the department?

Mr. ROUSE. The Post Office Department has connected with it the only people who are qualified to make this investigation. The Post Office Committee of the House has recommended this legislation. The postal commission wants the appropriation. The postal commission can not do the work because nobody on the commission is qualified to do it.

Mr. MADDEN. It is done by clerks of the Post Office Department.

Mr. ROUSE. Yes.

Mr. RAMSEYER. Was not this investigation started at the instance and request of this joint commission?

Mr. ROUSE. No; it was really started by the publishers, who wanted this investigation made in order to show whether or not they were paying too much for handling second-class mail. The publishers are now opposed to this investigation, and it ought to proceed, and it should be done by the officials of the Post Office Department, who are the only qualified ones to do this work.

Mr. MADDEN. That is all this appropriation contemplates.

Mr. ROUSE. This Postal Commission was created in 1920. They have spent since that time over $230,000 up to the middle of last December. The first act creating this commission gave the commission the right to spend money from the unexpended balance of the Post Office Department, and that was unlimited. The next Post Office appropriation bill enacted provided that the expenditure should not exceed $150,000. This amendment asks for $75,000. The Post Office Commission started out, in my opinion, and it is my opinion to this day, to reestablish those obsolete, worn-out pneumatic tubes. That work has been completed and we have an appropriation in the bill to continue the tubes. The Postal Commission can do no work, in my opinion, that will be beneficial to the Post Office Department, and if you will inquire of the Post Office Department, I believe the Postmaster General will tell you he is opposed to the continuation of this commission. You will only do this: You will spend about $75,000 on junketing trips for employees and avail nothing. The commission ought not to have been born; as it is, it should be killed at the earliest possible moment.

Mr. MADDEN. I yield 15 minutes to the gentleman from Minnesota [Mr. STEENERSON] and reserve the remainder of my time.

Mr. STEENERSON. Mr. Speaker, it is very easy to create prejudice against commissions by loose and unwarranted statements. This commission, it is true, was created in 1920, and their order was to investigate the present and prospective methods and systems of handling, dispatching, transporting, and delivering mails, and the facilities therefor, and especially methods and systems which relate to the handling and dispatch of the mails in the large cities of the United States. Now, there is no existing understanding as to how long this commission should continue. There never was. There are people here who get up and talk every time a bill comes up that we have an understanding contemporaneous with the act. It must be taken with a great deal of doubt. There was no understanding at any time. It was an annual appropriation bill. Of course, appropriations are made for that year, for work for that year, and that is the work required to be performed. I want to call attention to the fact that there was a revolutionary change and transformation of the Postal Service when we inaugurated the parcel post. The parcel post the first year that it was inaugurated amounted to a billion. It is now from five to six billion. It constitutes two-thirds of all the volume of mail which we handle. We were not equipped for a freight and package business. The post office was not for that purpose, and the trains were not equipped for it, and the clerks were not equipped for it, and so there was a congestion everywhere. I talked with former Postmaster General Burleson at considerable length when this proposition was made, and he realized that there ought to be a study made of the situation in regard to the transportation, handling, and disposition of mails in the large cities, and especially because of this transformation of the work of the Postal Department. So he proposed this commission. The commission was authorized to employ engineers and postal experts, and they were authorized to call upon the department to furnish whatever help they could. The commission works without pay, which is extra work. The members of the commission have employed experts at great cost. We employed, for instance, W. B. Richards & Co., one of the greatest engineering firms in the United States, and they had their experts investigate conditions in the large cities; for instance, as to where they were equipped to handle this matter. The Post Office Department is located in Washington, and it is true that we have got efficient men; but in order to understand the situation you have got to be on the spot where these congested centers are and have investigation made by engineers of experience in business and traffic and transportation problems. These engineers had been employed by and investigated such corporations as the Steel Trust and the General Electric Co. They reported that we were employing thousands of clerks, drawing salaries of $1,400 to $1,800 per year, to handle parcels and package freight which could be more efficiently done by common labor at much less cost; consequently, they recommended that instead of detailing clerks, the Post Office Department should employ laborers to do this work, and this has been very largely done, resulting in saving of hundreds of thousands of dollars annually.

They also investigated the condition of the motor-vehicle service in the large cities, which costs $15,000,000 a year to operate, and they recommended changes which have resulted in improved efficiency and economy, thus saving the Government large sums. The question of centralization of the dispatch of mail in New York, Chicago, Boston, and other large cities—changes were suggested that have been adopted by the department with good results.

There had been a proposition urged upon Congress for years to build a tunnel under the city of New York which would cost $1,500,000, but the engineers said it would be absolutely useless, and they turned that project down. There were a great many other propositions that were brought before the commission and which are now before the commission. We investigated the building conditions in nearly all the large cities and made recommendations both for legislation and administration. We have made 28 reports to Congress. I have them here on my desk. The engineers and postal experts investigated the cities of New York, Brooklyn, Boston, Buffalo, Pittsburgh, Detroit, Baltimore, and Philadelphia. They made recommendations on pneumatic tubes in New York, Chicago, and Boston, and in the method of conducting the money-order business and other administrative features of the post office. They suggested changes that are saving the country millions of dollars. One of the recommendations they made, as stated by the gentleman from Kentucky [Mr. ROUSE], was that there should be an ascertainment of the cost of handling the different classes of mail.

Mr. ROUSE. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. In a minute. The engineers recommended that, and the commission advocated it and passed a unanimous resolution, as I recall, unless the gentleman from Kentucky voted against it. He might have.

Mr. ROUSE. I voted for it.

Mr. STEENERSON. The gentleman says he voted for it. We passed a unanimous resolution to carry on that investigation. That was months ago. We detailed the W. B. Richards Co. to investigate that. They spent weeks and months in collaboration with the Post Office Department officials devising forms of questionnaires and instructions to be sent out to the clerks and post offices throughout the country, and we have printed millions of these forms and questionnaires to be sent out to be used in this work.

Everybody who has ever studied the American system of government will know and realize that one of the great evils and weaknesses here is that all these branches of the public service are self-inspected. The War Department inspects itself and approves of whatever it does. So do other departments. Here we have an efficient engineering firm representing the joint commission, representing the legislative department, working in collaboration with the Post Office Department. The Post Office Department originated the idea; Mr. Burleson originated it; and it has worked finely; and the reason why the Post Office Department to-day is approaching a self-sustaining condition is by reason of the reforms inaugurated and suggested by the joint commission.

The investigation of the cost of handling this mail is opposed only by those who do not want to be investigated.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. The periodical publications, which have been enjoying a bonus or a subsidy from the Government for years and years, first said they wanted to have this investigation made, but as soon as the commission recommended it they turned around, and they and their organs have attacked the commission from one end of the country to the other. [Applause.] We are being abused by the representatives of the big journals that are reaping a benefit and a bonus at the expense of the Postal Service because we are trying to find out what the truth is about the different classes of mail.

Now, this is all throwing sand in the eyes of the Members of this House and in the eyes of the public to say that it was understood that this commission was to be discontinued. The work laid out there by Mr. Burleson is such as to require years to perform, necessarily, and it is of benefit to the public and to the Government and to the taxpayers of the United States; and you can not properly carry on this work of investigating the cost of handling the mail, for which you appropriated $500,000, without the aid of the commission and their efficient experts.

Now, when you get that work done what is it to be. It is to be something that can be accepted as proof of the truth? If so, it ought to be promulgated not only with the sanction of the department interested but also with the sanction of both

Houses of Congress. It has that sanction when it has the sanction of the joint commission, and it should continue until the work is completed in a final report. It will then bear more credence and be taken as positive proof of the statements therein that the cost of this thing is so much and the cost of this other thing so much, whereas if we leave it to the department alone and throw the responsibility upon it what will be the answer? The same as it was before. Why, it will be that "the department is prejudiced, that they are not fair; we can not take that; we dispute the department." They have done that in the past; all these periodicals that are clamoring for a lower rate have done that.

Mr. ROUSE. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. ROUSE. The gentleman, of course, understands that the House has appropriated $500,000 for that work?

Mr. STEENERSON. Yes. We will have our representatives collaborating with them.

Mr. ROUSE. These high-priced engineers have not had anything to do with that.

Mr. STEENERSON. The gentleman does not know. We have 10 other members of the commission, and they are unanimous.

Mr. ROUSE. I have not taken all these junketing trips that the gentleman referred to.

Mr. STEENERSON. The gentleman had better.

Mr. ROUSE. Is the Postmaster General in favor of the continuance of this commission?

Mr. STEENERSON. Yes; he is in favor of it, and anybody who has looked into it is in favor of it, because it will aid this Government in establishing and maintaining an efficient Postal Service.

Take the service as it is to-day. Your parcels post is scattered all over the sidewalk. Your commission has made a study of the proposition of moving the parcels post by gravity, so that you will not have to have it lugged up on the backs of clerks. There is a great deal of opportunity for improvement in a business so big as the Postal Service. We surely can not lose anything by continuing this commission for six months longer in order that it may finish the investigation. Many of us have spent days down there in the department in consultation with the men who are going to carry on the investigation in the department. There is nothing in this except that we are striving to reach a knowledge of the business and to determine these things in accordance with the facts. I am sorry that the conferees have taken the attitude that they have, because it is positively against the best interests of the people and the taxpayers. There is nothing here that can be criticized.

The gentleman from Kentucky [Mr. ROUSE] talks about "junketing." What pleasure is there in going down into the basement of those buildings in the city of New York, for instance, and seeing the workshops of some of those employees? You would be ashamed of yourselves if you inspected, as I have, the postal situation in New York and in some of the larger cities, Boston included, in some of the stations where they have not the facilities to work, they are crowded, and ill ventilated. They have not the proper toilet facilities. They have the poorest working conditions of any people in this country in some places, and still you do not want us to find it out and remedy them. You want Uncle Sam to provide working quarters that are unfit for use for his servants, many of whom are poorly paid. We have discovered this. I have, on behalf of this commission, visited more than 20 stations in the city of New York and many substations in Boston and elsewhere, and I tell you that we have found out more about this business of carrying on the mail service than we ever knew before, and you would never find it out by sitting here in your seats. [Applause.]

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. If I could have a little more time I would be glad to answer questions.

Mr. MADDEN. I yield three minutes to the gentleman from Massachusetts [Mr. PAIGE].

Mr. PAIGE. Mr. Speaker and gentlemen of the House, I think the House ought to understand what is at the bottom of this whole proposition. For years it has been a disputed question whether the Government was losing $60,000,000 or $70,000,000 a year in carrying the second-class mail. The Postal Commission has been investigating that question. The second-class publishers claim there is no loss. The Government claims there is a loss of $60,000,000 or $70,000,000 a year. The Joint Postal Commission is undertaking to find out whether there is a loss or not. There never has been such a propaganda put up against anything as there has been against this proposition about second-class mail.

Mr. MADDEN. Will the gentleman yield?

Mr. PAIGE. I yield to the gentleman from Illinois.

Mr. MADDEN. I tried to get the gentleman from Minnesota to yield to me, but he would not do it. The gentleman talks as if there was no provision made in this bill for the investigation of the cost of carrying the mail, but there is an appropriation of $500,000 in the bill, and it is going to be expended by the Postmaster General to ascertain the very fact that the gentleman says the commission is ascertaining, and the commission has nothing to do with it.

Mr. PAIGE. Mr. Speaker, let us see who constitute the Joint Postal Commission. In the Senate are Senator TOWNSEND and Senator STERLING——

Mr. MADDEN. Senator TOWNSEND will not be there after the 4th of March.

Mr. PAIGE. Senator WALSH of Massachusetts and Senator MCKELLER, of Tennessee, and four Members of the House. All these Members are in favor of extending this commsision and expending the $75,000. There have been expended already over $200,000, and to stop it now would be to waste all that has been spent in the past. It is simply a question whether or not the Government wants to have this investigation made as to the cost of second-class mail. The publishers of second-class mail matter have tried to impress upon the Post Office Department that there is no loss. I asked Mr. Stewart, of the Post Office Department, if he thought there was a loss of $60,000,000 a year, and he said not less than that. Now, that is the question to be determined. If the publishers of second-class mail matter believed what they claim, that they want to know the actual cost, they would not put any hindrance in the way of ascertaining this fact, but I know they are trying to hinder it by protesting against this $75,000 proposition.

The whole thing in a nutshell is whether Congress wants to appropriate $75,000 more to ascertain whether we are losing that amount of money in carrying the second-class mail or whether the second-class mail men are going to check this thing at this time and impress on the Post Office Department what they claim—that there is no loss. That is the whole thing in a nutshell, Mr. Speaker.

Mr. MADDEN. Mr. Speaker, I am very sorry to have these gentlemen, who are members of the commission, make the statements they have made, because I know we do not wish to misconstrue the facts; and if the House believe the statements literally, they will be deceived. These gentlemen try to make you understand that no provision is being made in this bill for the ascertainment of the cost of handling the mail, and they further try to make you understand that the joint commission that we are seeking to abolish is going to make that ascertainment. The joint commission is not going to make the ascertainment, and the ascertainment is going to be made. Who is going to make it? Why, the Postmaster General; and we have provided $500,000 in this bill to enable him to do it.

Mr. STEENERSON. Will the gentleman yield?

Mr. MADDEN. Not now. The gentleman would not yield to me.

Mr. STEENERSON. The gentleman controls the time, and I wanted to make my speech.

Mr. MADDEN. We are providing for the ascertainment of the cost. I do not know anything about what the publishers want. They may not want the ascertainment of the cost. The gentleman from Massachusetts [Mr. PAIGE] and the gentleman from Minnesota [Mr. STEENERSON] may be correct about that. But whether they want it or not, it is not going to make any difference. They are going to get it. This bill provides that the ascertainment shall be made. These gentlemen on the joint commission will try to make you believe it is not going to be made. I give you my word that it is going to be made and that we have provided the money to make it. The money is carried in this bill. Who is going to make the ascertainment? Why, the law, as carried in this appropriation bill, provides that the auxiliary clerks of the Post Office Department shall be assigned to the duty under the direction of the Postmaster General to ascertain the facts. That does not mean that the Postal Commission, if continued, will have anything whatever to do with it. They will not have anything to do with it. So, whether you continue the commission or not, the commission will have absolutely nothing whatever to do with the ascertainment of this cost.

Mr. STEENERSON. Will the gentleman yield?

Mr. MADDEN. No.

Mr. STEENERSON. I deny that statement.

Mr. MADDEN. Well, but the law is clear. The appropriation bill provides $9,000,000 for auxiliary clerks.

Mr. ROUSE. Will the gentleman yield?

Mr. MADDEN. In just a moment. The bill sets aside $500,000 out of that $9,000,000 to employ clerks especially to make this ascertainment of cost. Now, this $500,000 is not under the jurisdiction of the commission, even if the commission should be continued. The commission would have no jurisdiction whatever over it. Now, all the purpose of continuing this commission is that there may be a lot of clerks kept who are now on the pay roll who ought not to be there and who ought not to be kept, and the commission ought to be abolished.

Mr. ROUSE. I want to say to the membership of the House that Mr. Joseph Stewart, who was Second Assistant Postmaster General under Mr. Taft, and the best qualified man in the department or in the country to-day to make this ascertainment, has been put at the head of this work in the Post Office Department.

Mr. PAIGE. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. PAIGE. Is it not a fact that the commission is cooperating with the Post Office Department to bring out these facts, and is it not a fact that some of the ablest Senators at the other end of the Capitol are asking for this?

Mr. MADDEN. They are. Senators are always asking for appropriations.

Mr. PAIGE. Because they believe this is the only way in which these facts can be ascertained.

Mr. MADDEN. The gentleman knows that the appropriation has already been provided.

Mr. PAIGE. There is not anything of the kind.

Mr. MADDEN. It is already in the bill. It is not for the commission. The commission would have nothing to do with it.

I yield 10 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, this is the third occasion when the Committee on the Post Office and Post Roads has come before Congress asking for the continuance for another year so as to complete the work of this commission. It was originally authorized in April, 1920, with the specific provision that the work should be completed March 1, 1921. The Post Office Committee came before Congress the next year in the Post Office appropriation bill and asked for $150,000 additional appropriation to complete the work before June 30, 1922. Last year they again came before Congress giving assurance that if we would give them $125,000 more they would complete the work by June 30 of the present fiscal year. Now they come before Congress again with the same old story and ask for an additional appropriation to complete the work by the end of the next fiscal year.

Let us get down to the facts. They have six months more in which to complete the work. They have been promising year after year that the work would be completed at the end of the next fiscal year. They want to postpone it now to June 30, 1924. Congress will be adjourned at that time for the presidential election. What we should do is to call the commission to time, force them to make their report by June 30, 1923, so that when Congress assembles at the next regular session it will be able to use this information.

This is not the first time that we have had special commissions appointed to investigate conditions in the Post Office Department. Away back 16 years ago they appointed a commission to make a report, and as a member of a subcommittee to specially consider the report I studied it carefully, but little good in the way of legislation came as a result of that commission's findings. Now, we find this commission with expenditures running up into the thousands and thousands of dollars for expenses, visiting New York, and the like, asking for $75,000 more.

Last year I asked definitely whether the work would be completed on June 30 of this year if $125,000 more was granted, and I received the assurance that they would finish it by June 30 of this year. Now, the commissioners, like so many of us, find it difficult to separate themselves from the public teat, but ask that it be continued for another year.

Mr. LINTHICUM. How much have they expended?

Mr. STAFFORD. Under the first appropriation they had unlimited funds. On June 30, 1922, we gave them $150,000 to complete the work, and last year we voted $125,000 for expenses during the present fiscal year. The wording in that appropriation was to complete the investigation and prepare a detailed report.

Mr. LINTHICUM. Does the department want this continued?

Mr. STAFFORD. I have had assurances that the department does not, but there is a dispute as to that, and I am not in the confidence of the department.

Mr. PAIGE. What does the gentleman consider to be the duties of the Joint Postal Commission?

Mr. STAFFORD. It is set forth in the law "to investigate the present methods of handling, transporting, and dispatching and delivering the mails." They have had three years or more from April, 1920, to do the work, and every year they come before Congress and ask to continue the appropriations for another year. I say let us call time and get the report. They have still six months in which to complete their report, and if we do not vote any more money they will get busy and make their report to Congress, and Congress at the next session will have the data available on which to act.

Mr. STEENERSON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. STEENERSON. Why does the gentleman make the statement that the commission has made no report, when I hold in my hand 28 pages recommending administrative changes?

Mr. STAFFORD. Does the gentleman deny what I have said? Each year it has carried this language to complete the investigation and prepare a detailed report. I am opposed to giving this commission any more money to continue this performance.

Mr. BRIGGS. Will the gentleman yield?

Mr. STAFFORD. For a question.

Mr. BRIGGS. Why has not the commission completed the report before this? What is the reason? I see that they have made some tentative report.

Mr. STAFFORD. The gentleman will have to ask some member of the commission. The vice chairman of the commission says that they have made a preliminary report. They have gone over the field, and they have gone over it sufficiently so that they should now apply themselves to digesting the material on hand. If the commission should say to the engineers get busy, because Congress is not going to continue the appropriation and we want you to make the report by June 30 of this year, they would get busy, and if they did not I would say dismiss them on the spur of the moment.

Mr. BRIGGS. Why can not it be done? What reason does the commission give?

Mr. STAFFORD. Oh, they say the work is so voluminous that it is necessary to run over to New York and other places and make investigations, and that they must have more time to investigate fully and make a report.

Mr. PAIGE. If the gentleman will yield, I do not believe the membership of the House understand anything about the magnitude of the duties of the postal commission. The Post Office Department has been growing by leaps and bounds, year after year, and no one knows the cost of handling the different classes of mail.

Mr. STAFFORD. I shall have to decline to yield for a speech.

Mr. PAIGE. Any man that claims that the postal commission has not done what it was appointed to do and has not been diligent does not know what he is talking about.

Mr. STAFFORD. That is a nice, gratuitous fling by a member of the commission who has been taking trips about the country. Perhaps I do not know as much as the gentleman does, but I know this much from my service on the Committee on the Post Office and Post Roads for eight years, that it does not require any high-priced engineers on the pay roll for four years to make a report as to the cost of these services. There is plenty of that kind of information down in the department to-day. Under Second Assistant Postmaster General Stewart, 12 years ago, all that information was acquired, and there is no better authority than former Second Assistant Postmaster General Stewart. All that data is at the department, and I say from my acquaintance with this work that six months is adequate to complete the work. Price, Waterhouse & Co., and other leading accounting firms, would not require a lifetime to do the work of this character.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. RAMSEYER. The gentleman made the statement that the Post Office Department had the information to give us. The Post Office Department can not give you any information as to the cost of anything they are handling.

Mr. STAFFORD. They have the data down there, because Mr. Stewart years back, when we created the postal parcel-post system, made an investigation.

Mr. RAMSEYER. Oh, that was long before the parcel post was inaugurated.

Mr. STAFFORD. Not more than 12 years ago, and the gentleman knows that this is only for the purpose of continuing some high-priced fellows in the service for another year.

Mr. RAMSEYER. Oh, I am not interested in that at all.

Mr. STAFFORD. Is it not good business policy to call them and say that they must complete that work in six months?

Mr. RAMSEYER. I do know that this commission started this investigation, and if it had not been for the work of the commission they would never have started it.

Mr. PAIGE. There are no high-priced men there at all now.

Mr. RAMSEYER. Cut down the appropriation if you want to.

Mr. STAFFORD. I want the work completed, and if they needed $50,000 with which to complete the work this year I would vote it; but this idea of extending the time each year for a full year should be brought to a close.

Mr. RAMSEYER. Cut down the appropriation for the commission, but let the commission go on.

Mr. MADDEN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, if the Members of the House will examine the five pages of itemized expenses of this commission that my colleague [Mr. ROUSE] placed in the RECORD on the 13th day of last May, they will see where the position of the gentleman from Illinois [Mr. MADDEN] is correct, and that the life of this commission should cease. The very purpose for which it was created—the accumulation of data in respect to the expense of handling different classes of mail—is in the Post Office Department now. The Postmaster General, Mr. Burleson, gave us plenty of light on that subject when there was an effort to abolish the zone system a few years ago, and also when there was an effort on behalf of some to make some of the big publishers pay more of what they should justly pay for the handling of their publications. We had all of that data before us then. We knew then and we know now that it is costing the Government to handle merely the publications of the Curtis Publishing Co. alone approximately $1,000,000 more than we take in for handling them. We already have the data before us. Look at this—the items of expense—and you will see where the money has gone, the $234,000 that this commission has expended already—junketing trips to New York. Look at the New York trips and the hotel bills, month by month, for the highly paid secretary of this commission and others in its employ.

Our friend from Minnesota [Mr. STEENERSON] says that this commission saved hundreds of thousands of dollars by employing high-priced engineers—to determine what? To determine that you could use ordinary labor to handle freight more cheaply than you could a high-salaried clerk. Do you need high-priced engineers to reach that determination? That is something that should be apparent upon its face to a business man. It should prove itself by merely asserting the proposition. It needs no high-priced investigation by high-priced engineers to reach a determination of that kind.

Mr. PAIGE. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. PAIGE. Does the gentleman know that there is no high-priced engineer employed at the present time and there has not been for over a year?

Mr. BLANTON. I am only repeating what the gentleman's chairman said.

Mr. PAIGE. I do not care what he said.

Mr. BLANTON. Get his remarks, and the gentleman will see that I am just repeating his language. Why, he named the high-priced engineers that he employed, he gave the name of the firm, and he said that they had brought about this great saving.

Mr. PAIGE. Oh, that was two or three years ago, not at the present time.

Mr. BLANTON. Oh, yes; but under the provisions of the act that created this commission it should have died on March 1, 1921, but it was extended over for another year, and another $150,000 was given to it. Again it should have ceased to exist in 1922, yet it was extended on, and now here is an effort to give it $75,000 more for 1924, when the distinguished chairman of the Committee on Appropriations has correctly stated that you have already authorized in this bill $500,000 for just such investigating purposes, and I want to say right now, I do not care who is Postmaster General, the Postmaster General can find out more about these propositions at less expense than any commission of the kind that was ever created.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The vote comes first upon the motion made by the gentleman from Minnesota [Mr. STEENERSON] to recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. STEENERSON) there were—ayes 21, noes 77.

Mr. STEENERSON. Mr. Speaker, I make the point of order that there is no quorum present, and I object to the vote because there is no quorum present.

The SPEAKER. The gentleman from Minnesota makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 90, nays 212, answered "present" 1, not voting 125, as follows:

YEAS—90.

Anderson	Foster	Larson, Minn.	Shelton
Andrew, Mass.	Freeman	Lawrence	Shreve
Barbour	Frothingham	Lee, Ga.	Sinclair
Bell	Garrett, Tex.	Lineberger	Speaks
Bird	Gernerd	Luce	Stedman
Bixler	Gifford	McCormick	Steenerson
Brennan	Gorman	McLaughlin, Mich.	Stephens
Brooks, Pa.	Graham, Pa.	McLaughlin, Pa.	Sweet
Brown, Tenn.	Green, Iowa	Maloney	Swing
Burtness	Griest	Michener	Tincher
Burton	Hardy, Colo.	Moore, Ohio	Upshaw
Clague	Haugen	Newton, Minn.	Vaile
Clarke, N. Y.	Hawes	Newton, Mo.	Vinson
Connolly, Pa.	Hays	Olpp	Voigt
Crago	Hukriede	Paige	Volstead
Crisp	James	Parker, N. Y.	Watson
Dallinger	Kearns	Patterson, Mo.	Wise
Darrow	Kendall	Ramseyer	Woodruff
Dowell	Ketcham	Ransley	Wright
Edmonds	Knutson	Reece	Wurzbach
Fenn	Kopp	Riordan	Wyant
Fish	Lankford	Roach	
Focht	Larsen, Ga.	Sanders, N. Y.	

NAYS—212.

Abernethy	Driver	Kincheloe	Reed, N. Y.
Almon	Dunn	Kirkpatrick	Rhodes
Andrews, Nebr.	Dupré	Kissel	Ricketts
Appleby	Echols	Kline, Pa.	Robertson
Arentz	Elliott	Kraus	Rodenberg
Aswell	Ellis	Lampert	Rogers
Bacharach	Evans	Langley	Rose
Beck	Fairchild	Lanham	Rouse
Beedy	Fairfield	Lazaro	Sabath
Begg	Faust	Lea, Calif.	Sanders, Ind.
Benham	Fess	Linthicum	Sanders, Tex.
Black	Fields	Little	Sandlin
Blakeney	Fisher	Logan	Scott, Tenn.
Bland, Va.	Fitzgerald	Longworth	Sears
Blanton	Fordney	Lowrey	Shaw
Boies	Frear	McArthur	Siegel
Bowling	French	McFadden	Sinnott
Box	Fuller	McKenzie	Sisson
Briggs	Fulmer	McLaughlin, Nebr.	Smith, Idaho
Brooks, Ill.	Garner	McSwain	Snell
Browne, Wis.	Garrett, Tenn.	MacGregor	Snyder
Buchanan	Gensman	MacLafferty	Stafford
Bulwinkle	Gilbert	Madden	Stengall
Burdick	Glynn	Magee	Stevenson
Butler	Goodykoontz	Mansfield	Strong, Kans.
Byrnes, S. C.	Graham, Ill.	Mapes	Summers, Wash.
Byrns, Tenn.	Greene, Mass.	Miller	Sumners, Tex.
Cable	Greene, Vt.	Mills	Swank
Campbell, Kans.	Hadley	Mondell	Taylor, Tenn.
Campbell, Pa.	Hammer	Montague	Temple
Chalmers	Hardy, Tex.	Moore, Ill.	Thomas
Chindblom	Hawley	Moores, Ind.	Tillman
Christopherson	Hayden	Mott	Tilson
Clouse	Herrick	Murphy	Timberlake
Codd	Hersey	Nelson, Me.	Tinkham
Cole, Iowa	Hicks	Nelson, A. P.	Towner
Cole, Ohio	Hoch	Nelson, J. M.	Treadway
Collier	Hogan	O'Connor	Tucker
Collins	Hooker	Ogden	Turner
Connally, Tex.	Huddleston	Oldfield	Tyson
Cooper, Ohio	Hudspeth	Oliver	Ward, N. Y.
Cooper, Wis.	Hull	Parker, N. J.	Ward, N. C.
Copley	Humphrey, Nebr.	Parks, Ark.	Wason
Coughlin	Humphreys, Miss.	Patterson, N. J.	Weaver
Cramton	Husted	Perkins	Webster
Crowther	Jacoway	Pou	White, Me.
Curry	Jefferis, Nebr.	Pringey	Williams, Ill.
Dale	Jeffers, Ala.	Purnell	Williamson
Davis, Tenn.	Johnson, Ky.	Quin	Wilson
Deal	Johnson, Miss.	Radcliffe	Wingo
Dickinson	Johnson, Wash.	Raker	Wood, Ind.
Dominick	Jones, Tex.	Rankin	Woods, Va.
Doughton	Kelley, Mich.	Rayburn	Young

ANSWERED "PRESENT"—1.

Cockran

NOT VOTING—125.

Ackerman	Bond	Cantrill	Colton
Ansorge	Bowers	Carew	Cullen
Anthony	Brand	Carter	Davis, Minn.
Atkeson	Britten	Chandler, N. Y.	Dempsey
Bankhead	Burke	Chandler, Okla.	Denison
Barkley	Burroughs	Clark, Fla.	Drane
Bland, Ind.	Cannon	Classon	Drewry

Dunbar	King	Norton	Stiness
Dyer	Kitchin	O'Brien	Stoll
Favrot	Kleczka	Osborne	Strong, Pa.
Free	Kline, N. Y.	Overstreet	Sullivan
Funk	Knight	Park, Ga.	Tague
Gahn	Kreider	Paul	Taylor, Ark.
Gallivan	Kunz	Perlman	Taylor, Colo.
Goldsborough	Layton	Petersen	Taylor, N. J.
Gould	Leatherwood	Porter	Ten Eyck
Griffin	Lee, N. Y.	Rainey, Ala.	Thompson
Henry	Lehlbach	Rainey, Ill.	Thorpe
Hickey	London	Reber	Underhill
Hill	Luhring	Reed, W. Va.	Vestal
Himes	Lyon	Riddick	Volk
Huck	McClintic	Robsion	Walters
Hutchinson	McDuffie	Rosenbloom	Wheeler
Ireland	McPherson	Rossdale	White, Kans.
Johnson, S. Dak.	Martin	Rucker	Williams, Tex.
Jones, Pa.	Mead	Ryan	Winslow
Kahn	Merritt	Schall	Woodyard
Keller	Michaelson	Scott, Mich.	Yates
Kelly, Pa.	Moore, Va.	Slemp	Zihlman
Kennedy	Morgan	Smith, Mich.	
Kiess	Morin	Smithwick	
Kindred	Mudd	Sproul	

So the motion was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Davis of Minnesota with Mr. Barkley.

Mr. Burroughs with Mr. Rainey of Illinois.

Mr. Ackerman with Mr. Drewry.

Mr. Kahn with Mr. Williams of Texas.

Mr. Winslow with Mr. Stoll.

Mr. Anthony with Mr. Carew.

Mr. Porter with Mr. Park of Georgia.

Mr. Kennedy with Mr. Kunz.

Mr. Free with Mr. Tague.

Mr. Strong of Pennsylvania with Mr. Cullen.

Mr. Morgan with Mr. Bankhead.

Mr. Dempsey with Mr. Smithwick.

Mr. Atkeson with Mr. Cantrill.

Mr. Dunbar with Mr. Taylor of Colorado.

Mr. Mudd with Mr. Gallivan.

Mr. Thompson with Mr. Martin.

Mr. Merritt with Mr. Sullivan.

Mr. King with Mr. McClintic.

Mr. Johnson of South Dakota with Mr. O'Brien.

Mr. Morin with Mr. McDuffie.

Mr. Lehlbach with Mr. Taylor of Arkansas.

Mr. Keller with Mr. Drane.

Mr. Michaelson with Mr. Carter.

Mr. McPherson with Mr. Rucker.

Mr. Jones of Pennsylvania with Mr. Brand.

Mr. Smith of Michigan with Mr. Favrot.

Mr. Denison with Mr. Kitchin.

Mr. Cannon with Mr. Mead.

Mr. Kiess with Mr. Overstreet.

Mr. Osborne with Mr. Lyon.

Mr. Taylor of New Jersey with Mr. Moore of Virginia.

Mr. Funk with Mr. Goldsborough.

Mr. Colton with Mr. Kindred.

Mr. Britten with Mr. Clark of Florida.

Mr. Hutchinson with Mr. Griffin.

Mr. Kelly of Pennsylvania with Mr. Rainey of Alabama.

Mr. Rossdale with Mr. London.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors. The question comes on the motion of the gentleman from Illinois that the House further insist on its disagreement to the Senate amendment.

The motion was agreed to.

Mr. MADDEN. Mr. Speaker, there is another amendment.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 21, line 11, strike out the figure "2" and insert in lieu thereof the figure "3."

Mr. MADDEN. Mr. Speaker, I move to further insist on the disagreement.

The motion was agreed to.

Mr. MADDEN. I ask unanimous consent to agree to the conference asked for by the Senate on the disagreeing votes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. SLEMP, Mr. MADDEN, Mr. OGDEN, Mr. TAYLOR of Colorado, and Mr. CARTER.

PERMISSION TO ADDRESS THE HOUSE.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent that after the House has concluded with the Attorney General resolution that I may be permitted to address the House for 20 minutes on the bill H. R. 12, a bill to establish a Federal Code.

The SPEAKER. The gentleman from Kansas asks unanimous consent that after the Judiciary Committee has concluded he may be permitted to address the House for 20 minutes on the bill (H. R. 12) to establish a Federal Code. Is there objection? [After a pause.] The Chair hears none.

CHARGES AGAINST THE ATTORNEY GENERAL OF THE UNITED STATES.

Mr. VOLSTEAD. Mr. Speaker, I call up for consideration——

Mr. GARRETT of Tennessee. Mr. Speaker, just a moment.

Mr. VOLSTEAD. The report made by the Judiciary Committee on House Resolution 425, authorizing the investigation of impeachment charges made September 11, 1922, by OSCAR E. KELLER, a Representative from the State of Minnesota, against Hon. Harry M. Daugherty, Attorney General of the United States.

The SPEAKER. The gentleman from Minnesota calls up the report of the Judiciary Committee——

Mr. VOLSTEAD. And I give notice in this connection that I intend to offer the resolution which I would like to have read by the Clerk for the information of the House.

Mr. GARRETT of Tennessee. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT of Tennessee. There was a request made by the gentleman from Kansas [Mr. LITTLE] a few minutes ago. I was on my feet, not to object but to ask something about it.

The SPEAKER. The Chair thought nobody objected.

Mr. GARRETT of Tennessee. The request that was made would interfere with the business of to-day and was granted——

The SPEAKER. The Chair understood there was no objection; of course, if the gentleman from Tennessee wants to object, the Chair will recognize him. Does the gentleman from Tennessee desire to object?

Mr. GARRETT of Tennessee. Yes; I object to the remarks the gentleman intended to make between the time—the Chair stated it was after the completion of the time of the Judiciary Committee?

Mr. MONDELL. To-day, at the conclusion of the consideration of this measure, as I understand it, but I did not hear the request. After the matters have been disposed of, if there is time to-day.

Mr. GARRETT of Tennessee. Of course, Mr. Speaker, whatever arrangement gentlemen on the Republican side have made——

Mr. MONDELL. I was not on the floor when the request was made, and I did not hear it, but I understood the request was——

The SPEAKER. The Chair stated the request and asked, Is there objection? And there was no objection. Is there objection now? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Minnesota offers a resolution to be reported for the information of the House. Without objection, the Clerk will report the resolution.

There was no objection.

The Clerk read as follows:

That whereas the Committee on the Judiciary has made an examination touching the charges sought to be investigated under H. Res. 425 to ascertain if there is any probable ground to believe that any of the charges are true; and on consideration of the charges and the evidence obtained it does not appear that there is any ground to believe that Harry M. Daugherty, Attorney General of the United States, has been guilty of any high crime or misdemeanor requiring the interposition of the impeachment powers of the House;

Resolved, That the Committee on the Judiciary be discharged from further consideration of the charges and proposed impeachment of Harry M. Daugherty, Attorney General, and that House Resolution 425 be laid on the table.

Mr. THOMAS. Mr. Speaker, I desire to offer the minority report as an amendment to that report.

The SPEAKER. The gentleman from Minnesota does not offer it now for consideration. He says he offers it merely for the information of the House.

Mr. THOMAS. I give notice I shall offer the minority report as an amendment.

The SPEAKER. The Chair will recognize the gentleman at the proper time.

Mr. VOLSTEAD. Mr. Speaker, on the day Mr. KELLER made his charges impeaching the Attorney General he announced to the House that he had evidence to sustain them and asked me for a hearing before the Judiciary Committee. I then arranged with him to have a hearing on the 16th day of last September, five days after he made the charges. No suggestion was then made that that date was not entirely acceptable to him. The committee then met and asked Mr. KELLER what acts his charges

referred to and what evidence he had to sustain them, but he positively refused to give the committee the slightest information, insisting that he was not ready, that he wanted an attorney, and asked for postponement. The hearing was then adjourned to the 19th of September. As we all knew that the investigation would require several weeks, and it became evident that Congress was about to adjourn, and did adjourn two or three days after the 19th—with the adjournment of Congress the power of the committee ceased, as it could not sit when Congress was not in session—the committee adjourned the hearing to the first day of the next regular session of Congress. It was evident that neither Mr. KELLER nor the Attorney General was prepared for any hearing at that time.

Mr. BLANTON. Mr. Speaker, I make the point of order.

The SPEAKER pro tempore (Mr. CAMPBELL of Kansas). The gentleman will state the point of order.

Mr. BLANTON. I make the point of order that if it were the intent of the gentleman from Minnesota to call up a certain report he has not done so, and there is nothing now before the House, in that there has been no report submitted to the House for business thereon, and until there is such a report placed before the House there is nothing now before the House. Up to this time there has been no report presented to this House. It must be presented for action before the business can be taken up.

The SPEAKER pro tempore. The present occupant of the chair was not in the chair at the time the gentleman from Minnesota took the floor.

Mr. BLANTON. The parliamentary situation is as I have stated, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will read the report by title.

The Clerk read as follows:

Report of the Committee on the Judiciary on the charges of OSCAR E. KELLER against the Attorney General of the United States.

The SPEAKER. The gentleman from Minnesota [Mr. VOLSTEAD] is recognized.

Mr. VOLSTEAD. Mr. Speaker, after the hearings on the 16th of September the committee adjourned, as I have said, until the 19th, and again, for the reasons I have stated, adjourned until the next regular session of Congress, on the 4th of December.

This adjournment was promptly seized upon by Mr. KELLER and others as a pretext for abusing the committee. They promptly rushed into print to denounce the committee because such postponement had prolonged the alleged lawless and unfaithful career of Mr. Daugherty as Attorney General. Mr. KELLER, in a letter to the committee and in interviews to the public press falsely charged that this adjournment was ordered by the committee for the purpose of placing the hearing at a time when the committee knew that Mr. Untermyer, who Mr. KELLER stated in his letter had agreed to act as his chief counsel, would be prevented from attending the hearing because of other public duties. The committee had no such knowledge, and the employment of Mr. Untermyer is evidently not true, because now comes this same Untermyer and flatly denies Mr. KELLER's statement. He says in a letter to the committee that he has never sustained any professional relations to Mr. KELLER and that the time when he was asked by Mr. KELLER to represent him in this proceeding was after the hearings had commenced, which was long after this adjournment took place.

A host of cheap political scavengers whose chief occupation in life appears to be to impugn the motives of every public official who does not belong to their muckraking clan, promptly joined the chorus. What possible motive could there be for their attack upon the committee at this time but dirty politics? Mr. KELLER knew that he was not ready to produce evidence, as his subsequent conduct has clearly demonstrated. The explanation is quite easy. He and his henchmen knew, as they must have known, that they did not have any evidence that would support impeachment and that when they would finally be asked to furnish the evidence they had promised they could make no showing. It is an old trick of the shyster lawyer to swear at the court and jury to divert attention from his own shortcomings. It is apparent that they set to work deliberately to blacken the reputation of the committee in the hope that they might thereby escape public condemnation for their dastardly act. If that had not been true, they would not have started to attack long before the committee had any chance to do anything. It has been evident from the very first that both Mr. KELLER and his attorneys have striven to stage a situation that would permit them to make their exit from the investigation as gracefully as possible. Instead of aiding the committee in making an investigation they have repeatedly and persistently refused information and have insulted and thwarted it in every way possible.

As soon as Congress was called in extra session last November the committee prepared to proceed with the investigation. Mr. KELLER was asked to furnish on or before the 1st of last December a detailed statement of his charges and, as far as possible, the date of each transaction complained of, together with the names and addresses of the witnesses by which the charges could be established. In answer to this he filed with the committee a list of specifications, but in a letter accompanying it refused to give the committee the names of any witnesses except as to one charge, though the specifications contain some 53 different charges, some embracing more than one charge.

In this letter he complained that he was given too little time to prepare for a hearing in September, and said he had heard nothing of the charges since then, as though that was the fault of the committee. But, in spite of that, he told the committee that it would take him at least another month before he could prepare his case for a hearing. Everything the committee had done and everything the committee had omitted to do was wrong. The letter is simply an insolent attempt to create the impression that the committee could not be trusted, and that he had been unfairly treated. Repeated demands have been made by Mr. KELLER and his counsel to have this insolent letter printed in the record, though it does not have the slightest evidential value, is not sworn to, and has no proper place there.

As ordered in September, the committee met on the 4th day of last December to hear what Mr. KELLER had to offer. He then again refused to give the committee any information and refused to do anything until it first secured power to subpœna witnesses and send for papers. This is the same KELLER who had filled the public press with denunciation of the committee because it had not held the investigation during the last three days of the session ending in September, a thing he knew was impossible, a thing he was not even prepared for at this late date. It appeared evident to me, and I presume to other members of the committee, that this demand was made for the purpose of delay, if not in the hope that the committee might refuse to comply with it and thus furnish an excuse to Mr. KELLER for refusing to give the committee any information. The committee thereupon authorized me to apply to the House for this power, which was promptly granted, and on the next day, the 5th of December, the committee met again. The committee then determined to take up the charges in the order in which they were set down in the specification and directed me to notify Mr. KELLER and his attorney, Mr. Jackson Ralston, of that fact, which I did. In answer to this notice, I was promptly informed that they would not take the charges up in that order. They insisted on determining the order in which the evidence should be heard, and claimed a right to control the proceedings, though they had absolutely no right to make any such demand; his position was simply that of a witness.

In my letter advising Mr. KELLER and his attorney of this determination of the committee I called attention to the fact that the committee might desire to hear argument upon the question of whether certain of the charges set forth are facts that constitute impeachable offenses. Mr. Ralston informed me that the committee had waived any such question, and refused to present any argument. As no lawyer could seriously urge that the committee could possibly waive such a question, and nothing had occurred to furnish an excuse for such a claim, it was evident that this ridiculous assertion could only be made for the purpose of raising an issue with the committee. This purpose appeared, too, from the general tenure of the letter, which was distinctly discourteous. This purpose became evident on receiving at this time a letter from Mr. KELLER himself covering more than four closely typewritten pages. This insulting and abusive epistle was written before we had been able to secure any evidence. The falsehoods and misrepresentations it contained were well calculated to create a rupture between Mr. KELLER and the committee. It was entirely uncalled for and unprovoked. Its purpose was too clear for doubt. To aggravate the incident, this letter was given to the press. The committee did not propose to help Mr. KELLER to make his exit; it refused to quarrel and ignored the offensive part in both letters. The refusal to argue the question whether a charge stated an impeachable offense brought to my mind the suspicion that the first reading of the specification had occasioned mainly that many of the charges had been purposely drafted in a defective form in order that the committee would decide that they did not state impeachable offenses and for that reason dismiss them. I could not figure out why a

lawyer accustomed to draw legal charges should so persistently omit what seemed to me essential allegations. It looked like a trap that it would not be wise to fall into.

Though Mr. KELLER persistently treated the committee in an insolent manner, no attempt was made to resent it; his attacks were ignored. No excuse was given him for refusing to furnish what information he might have. Instead of insisting that a charge must state an impeachable offense evidence was permitted without determining that question; instead of insisting that the charges be taken up in their order, a thing the committee had a right to ask, he was permitted to take them up in whatever order he saw fit; instead of the committee conducting the examination of the witnesses, as is customary in such proceedings, he was permitted to conduct the hearing. The committee allowed him to have an attorney to do that, who conducted it as if it was the trial of a lawsuit. When Mr. KELLER refused to furnish any testimony unless the committee secured power from the House to subpœna witnesses it acceded to the demand, though it is practically certain that the evidence Mr. KELLER produced could have been secured without a subpœna, as subsequent proceedings quite clearly established. Former Attorney General Wickersham was subpœnaed, but his testimony was not at all necessary, as the facts he could testify to were established by records not in issue. Mr. KELLER demanded that Chief Justice Taft be subpœnaed, and I arranged with the Chief Justice to appear and testify, but his presence was finally waived by Mr. KELLER, as the testimony he could give was likewise established by official records. Aside from officials and employees of the Department of Justice and the Interstate Commerce Commission, who came at the request of the committee, the other witnesses were directly or indirectly interested in the prosecution. They represent railway labor organizations or had some private grudge that they wished to air. Mr. Gompers, President of the American Federation of Labor, no doubt could have secured their presence. He admitted that he was instrumental in having the charges in regard to which they testified inserted in the specfiications, and that the attorney of the federation conducted the proceeding for Mr. KELLER.

The claim that I made the statement after hearing evidence on two charges that judging by that testimony it was evident that there was nothing to any of the charges, is absolutely false. The remark which was seized upon and misrepresented had reference to one charge only, as the context clearly shows, and does not refer to the evidence at all but to the law applicable to that particular charge; and though I promptly called the attention of the press to this false statement (see page 386 of the hearings), it failed to correct it. Evidently the correction would not make a news story. I tried to secure other corrections with like results, as will appear from page 378 of the hearings.

One of the absurd things in the critics of this investigation is that they appear to assume that to be fair the committee must act in the august and dignified manner that they expect of a court, and that every cross-examination of the witnesses or criticism of the evidence offered is proof of prejudice. The committee occupies no such position. It is an inquisitorial body made up of lawyers whose duty it is to examine and cross-examine witnesses, and there is no reason whatever why it should hesitate to express its disapproval, as a court often does, of anything that is unfair, whether it is for or against the person who is accused. Impeachment is a criminal proceeding; the accused has a right to expect decent treatment. It is not only unfair to the accused to allow such a proceeding to degenerate into a vehicle for giving publicity to unfounded campaign stories, but it is also an imposition on the committee to try to create a public impression that these stories are true, when no evidence is offered to establish them. If the public is deceived by such stories, the committee must bear the odium of not making its recommendations square with public expectation when in their report they are compelled to disregard them. The House can not use such evidence to convict anyone in the Senate. Against such methods the committee does not only have the right but it is its duty to protest.

Mr. KELLER and others who helped to start this investigation had no right to control the proceedings. They simply occupied the position of witnesses. They had no other duty or function than to give the committee whatever information they had. They had no right to arrogate to themselves, as they did, the position of public prosecutors. Mr. KELLER repeatedly talked about the proceeding as his case. Had Mr. KELLER treated a court the same as he treated the committee he would promptly have gone to jail, as no court would have tolerated for a moment the insolent and abusive behavior.

The claim made by Mr. KELLER that he did not dare to give the names of his witnesses to the committee for fear that the Attorney General and William J. Burns, of the Bureau of Investigation, might intimidate or interfere with them, is clearly nothing but a subterfuge. He refused to give them because he knew of none. The suggestion assumes that the committee could not be trusted, though it should be as able to judge whether any such danger existed and would be as much under obligation to guard against it as he. It is evident that such a statement could not be true as to many witnesses if they are of a character to be relied on. To establish some 50 or 60 different charges it would be necessary to have a large number of witnesses, as they relate to a large variety of transactions. It is not a case of withholding the names of one or two, but the names of all the witnesses that Mr. KELLER claims to have were withheld except as to two charges. It is apparent that the danger of any such interference or intimidation would be very remote. The Attorney General and Mr. Burns are not accused of being idiots. One of the most damaging things that could have occurred to the Attorney General and Mr. Burns would be to have the witnesses disappear or refuse to testify to what they might have assured Mr. KELLER they would testify to. If I had any suspicion that Mr. KELLER knew of any witnesses by which he could establish any impeachable offense I would ask the House to cause him to be arrested and kept in confinement until he agreed to testify, but I am certain that that would bring no results and that it would only give Mr. KELLER an opportunity to pose as a martyr, a thing I do not care to promote.

On the 12th day of last December Mr. KELLER was again repeatedly asked to give the committee the names of witnesses by whom he expected to establish his charges. He then admitted that he did not know of any witnesses as to several of these charges. If any one will read that hearing and study the evasive and shifty answers of Mr. KELLER in regard to what he knew about witnesses, and note the industrious care that his attorney took to protect and help him, I do not believe that he can have the slightest doubt as to the actual facts. In the letter in which he made his melodramatic exit he accused the committee of attempting to whitewash the Attorney General. If Mr. KELLER knows of any witnesses that can establish his charges, he is the one who is guilty of whitewashing the Attorney General in that he refuses to furnish the information to establish guilt. The committee has not refused to call or examine any witness whom he has suggested. The committee, as I have said, permitted him to control the proceedings and to introduce his evidence through an attorney as though the hearing was a lawsuit, though that is contrary to the custom in such cases. He knows that with such a procedure it would be impossible for the committee to whitewash. Whatever evidence is offered is taken down by an official stenographer sworn to correctly report it. Every syllable of that evidence is printed in the very language that the witness gives it and becomes a public record. Not only is that true, but all evidence is taken at public hearings in the presence of hundreds of spectators, many of them newspaper reporters, who take the evidence in shorthand to send it to the press for publication. The committee is simply the instrumentality through which the House obtains the evidence. It does not finally determine the matter. It is the House that decides whether there is evidence that justifies impeachment. No one, so far as I am aware, has claimed, and no one can honestly claim, that the committee refused to admit any competent evidence.

It not only admitted all competent evidence offered by Mr. KELLER but much that was so plainly incompetent that even Mr. KELLER's attorney in offering it admitted that it was not proper testimony. Instead of insisting that Mr. KELLER and his attorney confine their evidence to what would be proper under the rules of law, the committee to forestall the complaint that evidence was excluded allowed them to practically offer anything they saw fit, and did not even question whether the evidence was of acts that would constitute impeachable offenses. Had the committee refused to admit proper evidence or otherwise shown a disposition to be unfair, the newspapers would have promptly condemned the committee. Mr. KELLER and his friends are not only condemning the committee but they are condemning the newspapers as well, because they have not joined in a dishonest attempt to muckrake the committee and the Attorney General.

It has even been charged that the committee is packed. A person who makes such a charge in face of the actual facts is simply trying to mislead the public. This is not a special committee selected for the purpose of investigating these charges. Mr. KELLER himself selected this committee as the one to make

this investigation; but no sooner had he done that and before the committee had had a chance to do anything he set to work to vilify and abuse it by publishing a lot of false charges against it. Most of its members have been on this committee for many years. It is composed not only of Republicans but of Democrats as well. The Democrats would naturally be just as anxious to expose any corrupt act that could honestly be charged against the Attorney General as Mr. KELLER could possibly be. The only thing that stands in the way of their joining in this muckraking attempt is the fact that they have too high regard for their own character and for decency in public service. Many of the leading Democratic papers, whose reporters have been present at these hearings, have condemned Mr. KELLER and his associates just as vigorously as have Republican papers.

Mr. KELLER offered testimony on only two charges. It is hardly necessary to comment on that testimony, as I know of no one who considers it of sufficient consequence to merit consideration. One of those charges is based upon the idea that the Attorney General should be impeached because he appointed William J. Burns head of the Bureau of Investigation. The charge grows out of the fact that in 1911 in an ex parte proceeding, for the purpose of obtaining a pardon, it was claimed that in 1905—some 17 years ago—Mr. Burns packed the jury in one of the Oregon land-fraud cases so as to secure a conviction. The judge who tried the case, the attorney who prosecuted it, the employee of the Department of the Interior who was there investigating jurors, the assistant clerk of court—the clerk being dead—and Mr. Burns all denied it. Senator JOHNSON of California, who knew Mr. Burns intimately in connection with the California graft cases, in which Burns was connected immediately after this trial in Oregon, indorsed Mr. Burns in the strongest terms as a man of sterling integrity. It was a charge that no one had heard of until more than five years after the trial. Personally, I am satisfied that it was without foundation, but whether true or false is not material. There is nothing to show that the Attorney General did not come to the same conclusion that I have, and there is ample evidence upon which to base such a conclusion. But, even if he had believed that 17 years ago Mr. Burns had been guilty of the charge, it would not furnish any ground at this time for impeachment. Mr. Burns is unquestionably a very capable official, and there is no charge that he is not performing his duties honestly and efficiently.

The evidence that Mr. KELLER offered as to the alleged failure of the Attorney General to enforce the railway safety appliance law was so flimsy that his own attorney in effect admitted that it did not sustain the charge, and so did one of his main witnesses, who was also a lawyer. It is perfectly obvious that it was the strike of the shopmen and other railway employees that made it impossible to keep railway equipment in safe condition during the strike, which was the time when it was alleged that the failure occurred. The Attorney General can not be impeached because the shopmen struck.

It was after evidence had been introduced on these two charges that Mr. KELLER refused to proceed. As he claimed that he had evidence as to his other charges, the committee secured a subpœna and had it served, requiring him to appear and testify, but, as you all know, he refused to obey the subpœna.

We then asked Hon. ROY O. WOODRUFF, who had made certain charges against the Attorney General in a speech in the House, and had written me a letter offering to furnish evidence, to appear before the committee. In response to this he appeared and asked an opportunity to examine the records in the Department of Justice, and that he might for that purpose be assisted by an attorney. This request was granted, and he employed as such attorney a former employee of that department, who was thoroughly familiar with these charges and actively hostile to the Attorney General. After he made an examination of the records in the department he appeared before the committee and repeatedly stated that he had no criticism to offer of the manner in which the cases were now being handled. He said they were being carried on by men of high standing and with the greatest expedition possible.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. WOODRUFF. I would like the gentleman to state also that while I was before the committee I did disclose to the committee the fact that the Wright-Martin case, the case of which I complained——

Mr. VOLSTEAD. I will discuss that, and give the gentleman an opportunity to answer if he desires.

Mr. WOODRUFF. Will the gentleman allow me to continue my question?

Mr. VOLSTEAD. I will deal with that case, and then I will give the gentleman an opportunity.

In line with his former complaints, Mr. WOODRUFF, however, sought to create the impression that prior to his speech in the House there had been too much delay in these prosecutions, and said that he had heard that somebody in the Department of Justice had told somebody some months ago that the so-called cantonment cases had been closed up; though they have since been sued. Mr. Goff, the Assistant Attorney General who had been in charge of these cases since the Attorney General was appointed, testified that they had been under constant consideration and that there had been no unnecessary delay.

As evidence of delay in the prosecution of the Wright-Martin Aircraft Co. case Mr. WOODRUFF pointed to the fact that though it was about a year since the War Department certified the claim against that company to the Department of Justice it had not yet been sued, though action was about to be brought. He seemed to think that as soon as a claim is sent to the Attorney General suit must at once be brought without any investigation as to whether there is any evidence to sustain an action or not. Possibly that might be good politics.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. The gentleman can explain later on. In this case it appears from the testimony that there has been considerable difference of opinion among the attorneys in the Department of Justice as to whether the Government could recover at all, but, of course, a small matter like that should not delay a little suit for $3,000,000 depending only on a few wagonloads of figures. There is certainly no sense in having an audit based on the Attorney General's theory of the case, nor in doing any such foolish thing as to see whether there is any chance of having the case adjusted without suit, as was done in this case. It is clear that the Justice Department must not delay. It has no business to hesitate. He who hesitates is lost, and any Attorney General who arrogates to himself the right to use his own judgment rather than that of the War Department as to what suits he can maintain should be impeached. Why, he ought to bring his suit at once, and then send out and see if he can find any evidence to support it. He can not introduce the evidence anyway until the case comes for trial, and that takes months after the suit is brought. The trial of one of these suits does not cost so very much; perhaps a hundred thousand. It usually does not take more than three or four months to try one, and the Government is rich, it can stand it if a mistake is made because there has been no proper preliminary examination. The loss of a suit of this kind and $100,000 in cost is nothing in these days when we talk billions.

But his chief complaint is that the Attorney General did not come to Congress in time to ask for more money with which to run the department. I admit that is serious. It appears from the testimony that he really tried to get along without making such a request. He actually called his force together and asked and secured their consent to work longer hours; and, though the usual quitting time in the departments has been 5 o'clock, his force uniformly worked until 7 o'clock in the evening, and many of them came back after the evening hour and worked much later. Can anyone believe that this was because of any devotion to the public service? Why, certainly not; it is a thing that must be stopped. But it would appear that it was the purpose of the Attorney General to continue this policy because, for fear the work might give out should some of the criminals escape, he asked and had Congress change the law so as to extend the time within which prosecutions could be had from three to six years. Every Attorney General or other Cabinet officer who tries to get along with what force he may have and does not ask for every cent that is in the Treasury ought to be impeached, but fortunately that is an offense that can not be charged against a great many public officials. I hope, however, that my friend will condone this offense, as he says he has no complaint of present conditions.

At the conclusion of the testimony offered by Mr. WOODRUFF the committee asked that the persons in the Department of Justice, who have been in charge of the various matters complained of, be sworn and examined on oath for the purpose of ascertaining if there was any reasonable ground to believe that any of the charges were true. A large number of such witnesses were so examined. From the nature of the charges it is evident that the evidence of such witnesses would in nearly all instances be controlling. No Attorney General is expected to have personal charge of any considerable number of cases pending in his department. The work must necessarily be done by district attorneys, assistants to the Attorney General, and other employees in the Department of Justice. It is evident that when a matter has been in charge of some particular

person he is the one who knows what has been done and what part, if any, the Attorney General has had in its management. The committee sought to get evidence on all the charges, except one or two, that were by unanimous consent considered too frivolous to merit attention. The taking of testimony was continued until all the members of the committee were apparently satisfied that nothing could be gained by any further hearing. A motion was then made to consider the hearings closed, and this was agreed to by a unanimous vote. Of course, this would not preclude the committee from reopening the hearings if any good reason should have appeared for so doing.

It is apparent that there was a design to make the investigation indeterminable and inconclusive by multiplying charges and demanding investigations that would make it impossible to reach a result. The specifications contain more than 50 different charges, and Mr. KELLER has repeatedly insisted on the right to file additional charges whenever he should see fit. In the investigation of these charges, and for the express purpose of enabling him to discover other causes of complaint, he made a demand upon the committee that it procure from the Attorney General all letters, telegrams, briefs, memoranda of conversations and conferences, reports of bureaus, investigators, and agents, and all other papers and documents of any kind whatsoever in the files of the Department of Justice or of said Harry M. Daugherty in connection with or in any manner related to some 147 different cases; and that in addition thereto the committee call upon the Federal Trade Commission for the production of all correspondence with the Department of Justice and of all papers, documents, and evidence transmitted by that commission to the Department of Justice since the 1st day of January, 1921; and that the War Department and the Navy Department be requested to produce all correspondence between those departments and the Department of Justice, together with all documents transmitted by those departments to the Department of Justice since the 1st day of January, 1920. To comply with such a request would have put the Department of Justice practically out of business and would have loaded this committee with records requiring years for it to consider. Mr. Howland, who appeared for the Attorney General, said, though he offered to furnish the committee anything asked for, that it would take a trainload to haul the mass of records demanded by Mr. KELLER from the Attorney General's office to that of the committee, and that it would require a lifetime to read them. Was there no sinister purpose in making such a request? Mr. KELLER knew that this was not a general investigation, and that he had no right to ask for any paper that he did not have reasonable ground to believe would prove some specific fact that had been alleged as an impeachable or criminal act.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. GARRETT of Tennessee. Do I understand, then, the attitude of the committee is to impeach Mr. KELLER?

Mr. VOLSTEAD. I do not think that is a pertinent question. Mr. KELLER has attempted to impeach the committee as well as the Attorney General, and I am simply calling attention to what he has done.

Mr. GARRETT of Tennessee. Well——

Mr. VOLSTEAD. I refuse to yield further.

Was the number of the charges against the Attorney General multiplied and the demand for documents made all embracing so as to enable parties interested in these cases to find out what evidence the Government had or what proceeding it contemplated? Is there not some reason to suspect that the Attorney General was correct in his suggestion that this demand must have been made for the purpose of enabling those who are being prosecuted, either civilly or criminally, to obtain information that would aid them in defeating the just claims of the Government? It has been repeatedly stated that Mr. KELLER had 14 different attorneys who all had volunteered to prosecute these charges without pay; are they really disinterested patriots or have they some ax to grind?

The purpose to prolong this hearing indefinitely appears not only from the number of the charges and the demand for documents but from what has taken place since the committee announced completion of the hearings. When the hearings were closed on the 21st day of December the committee publicly announced that it would meet on the 4th day of January to consider its report, and it was generally expected that the report would then be made. On that day Mr. Ralston, attorney for Mr. KELLER, Samuel Gompers, and the American Federation of Labor, who had bowed himself out of the committee room at the time Mr. KELLER made his exit with the statement that his connection with the case had ended, wrote the committee a letter in which he announced his willingness to argue the question of whether certain of the charges stated an impeachable offense, and this he did despite his former refusal to argue any such question. On this same 4th day of January Mr. Untermyer had this same sort of an impulse. He, too, felt called on to write the committee. Of course no one has any right to surmise that it was more than an accident that these three things all occurred on the same day; but one thing appears quite certain, Ralston and Untermyer, despite the latter's denial of his relation to this investigation, have been among those chiefly interested in pushing it, and now both of them, on the day when they no doubt expected that their letters could not reach the committee until after the committee would have made its report, are bidding for a reopening of the hearing. There had been ample opportunity to present their petition at an earlier date. The committee is not in need of Mr. Ralston's advice. He has not shown any special desire to assist the committee, and so far as is known he has no knowledge that the members of the committee do not possess. Mr. Untermyer in his letter says that he knows nothing about any of the charges except those relating to the cases he turned over to the Attorney General as counsel for the Lockwood committee.

He does not claim that the Attorney General's conduct in regard to these cases is impeachable. His malice against the Attorney General would, I am sure, help persuade him that it is. Still, he says in the letter that—

> It may be that they are not impeachable; I don't know. I have not at any time expressed an opinion on that subject.

But he insists that the committee should nevertheless enter into an investigation, a thing it has no power to do unless the charges are impeachable. He scolds and abuses the committee because it has not done what he concedes it may not have the duty or power to do. The cases that he refers to were promptly turned over to Colonel Hayward, district attorney of New York, who appeared before the committee and testified. He said that he had made an examination of all these cases, and for that purpose asked and obtained from the Attorney General a large force of investigators; that the Attorney General had given him every possible assistance; and that in a number of these cases suits and prosecutions had been instituted, some of which are pending. In other cases decrees or convictions have been secured. In these prosecutions violators of the Sherman antitrust law have for the first time been sent to prison, though that law has been on the statute books for more than 30 years. The testimony of Mr. Hayward might indicate that Mr. Untermyer may have had a motive for his attack. He is an assistant attorney general for the State of New York. As such I presume it is his duty to prosecute violations of the New York statute. Mr. Hayward says that a number of the cases that Mr. Untermyer turned over to the Attorney General were State and not Federal cases. If this is true—and there can be no doubt about it—his attack looks a good deal like an attempt to pass the buck to divert attention from his own delinquency. Why should not Mr. Untermyer be impeached for the same reason that he urges the impeachment of the Attorney General?

Now, I would like very much to go through all of the evidence, but there is not time to do it in such a way as to give the House any insight into the charges and the testimony relevant to them. I simply want to say this, that so far as I am aware, there is not one member of the Committee on the Judiciary that believes that the evidence sustains a single charge impeaching Harry M. Daugherty, whether he is a Republican or a Democrat.

It seems to me that the resolution that I am going to offer ought to pass unanimously. The suggestion that we ought to continue this investigation rests upon nothing but politics. The presumption is that a man is not guilty. We have made a careful investigation and nothing has been developed from any source, nothing has been developed from those who have made charges, they have absolutely refused to give us any information, they are trifling with this House and are insulting this committee charged with the investigation. There can be but one course for this House to pursue, end an investigation that is neither justified by anything that has been accomplished or by anything that can be accomplished. No one has or can point to a single offense capable of proof. The resolution should be passed. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield now?

Mr. VOLSTEAD. Yes.

Mr. GARRETT of Tennessee. The gentleman is aware, of course, that under the rules of the House an adverse report by a committee upon a proposition before it sends that to the table. Now, why is it that the gentleman's committee, having

reached the conclusion and having made the report adversely, places this upon the calendar and then asks us upon this solemn matter of impeachment to vote on the question as to the finding of facts? Why is not the gentleman content to let the matter die without having the House vote upon it?

Mr. VOLSTEAD. I was not aware that the House had any objection against passing upon it. In the first place, I think, as you, that these are solemn charges, and if they are not true they ought to be disposed of; the House ought to be willing to take time to consider them and vote upon them.

Mr. GARRETT of Tennessee. Never before in an impeachment case, where the resolution of impeachment has been reported on adversely, has the House been called upon to pass upon it.

Mr. VOLSTEAD. Well, I have not examined all the precedents, possibly you have.

Mr. GARRETT of Tennessee. The gentleman knows the facts. Many of us do not know the facts. Why should we have to vote upon the question of fact?

Mr. VOLSTEAD. I do not think that is true, if the gentleman will pardon me. I think in many cases we are called upon to vote upon facts. We are called upon to do that whenever there is a contest for a seat in this House; we take the testimony in those cases in the way we have taken it in this case, and that testimony must be considered by the House. [Applause.]

Mr. GARRETT of Tennessee. That is a different proposition.

Mr. VOLSTEAD. Mr. Speaker, I reserve the balance of my time.

Mr. J. M. NELSON. I should like to ask the gentleman a question, Mr. Speaker.

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Wisconsin?

Mr. VOLSTEAD. I reserve the remainder of my time.

Mr. THOMAS. Mr. Speaker, I desire to offer an amendment to the resolution.

The SPEAKER. The gentleman offers for information an amendment to the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Speaker of the House appoint a special committee to inquire into the official conduct of Harry M. Daugherty, Attorney General of the United States, and report whether in their opinion the said Harry M. Daugherty has been guilty of any acts which, in contemplation of the Constitution, are high crimes and misdemeanors requiring the interposition of the constitutional powers of this House.

Mr. MONDELL. Mr. Speaker, I reserve a point of order against the amendment.

The SPEAKER. The amendment is only read for information.

Mr. THOMAS. I yield 20 minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I shall not undertake to discuss the details of the report exhaustively, as the gentleman from Minnesota [Mr. VOLSTEAD] has done, but my disagreement to the concluding portion of the majority report is so strong that I can not consent to permit it to go into the RECORD without a denial of the proposition announced therein.

On page 3, the committee concludes as follows:

Your committee is of the opinion that Mr. KELLER was legally required to obey said subpœna and that the excuse he submitted through his said attorney is without any merit; that the House of Representatives possesses the power to cause him to be arrested and confined in prison until he shall consent to testify, such confinement not to extend beyond the term of this Congress, and power to otherwise deal with him so as to compel obedience to the summons.

The gentleman from Minnesota [Mr. KELLER] is a Member of this House, and the resolution of impeachment, which is the basis of the committee's action, was first presented by him on the floor of the House.

Mr. Speaker, I challenge the conclusion of the committee and deny the authority claimed to inhere in the House.

Mr. Speaker, my regret that the committee arrived at such a conclusion is heightened by the fact that the view of the committee is supported by a very learned and exhaustive brief prepared by my colleague [Mr. SUMNERS of Texas]. But in view of the fact that the action of the committee, unless challenged, may perhaps be cited as a precedent in future cases of a similar character, I can not in obedience to my sense of duty fail to embrace this opportunity to refute it. The majority in their brief take the position that the principle of parliamentary privilege as known under the Constitution and as provided in section 6 of Article I was adopted from the British parliamentary system, and that therefore American parliamentary privileges are the same as the British, and that under the British system the privilege from arrest guaranteed to members did not apply in behalf of a member as against the Parliament itself. Coming to that conclusion, they hold to the view that, therefore, the privilege of freedom from arrest attaching to a Member does not attach to him in any proceeding in which the House is the actor.

At the outset I should like to observe that gentlemen must remember that the British Parliament was absolutely omnipotent. No written constitution limited its powers. Under the British system the Parliament's dictum amended the British constitution. The laws of Parliament themselves are in fact the British constitution. There is no higher British law, no limitation on its authority. The law of Parliament is paramount. British parliamentary privilege was created by Parliament and could be changed or modified at its will. Though it might create parliamentary privilege, it could at its will violate or destroy that privilege, because the latest expression of its will is the supreme law of England.

The brief prepared in support of the contention of the committee quotes from Blackstone the following comment on the privileges of Parliament:

It is in the power of the Parliament and doth not bind the Parliament itself.

In other words, it is in the power of Parliament to make or to unmake, to create or to destroy. And being within the power of Parliament, privilege does not bind Parliament, because merely by its will does it exist at all, and being subject to its will, it does not, of course, bind Parliament when it wills otherwise.

But under the American system of a written Constitution the limitations of power provided by the people in the Constitution attach as well to the Congress as they do to the other branches of the Government. The Supreme Court of the United States well said in Hepburn *v.* Griswold (8 Wallace, 611):

The Constitution is the fundamental law of the United States. By it the people have created a Government, defined its powers, prescribed their limits, distributed them among the different departments, and directed, in general, the manner of their exercise. No department of the Government has any powers other than those delegated to it by the people. All the legislative power granted by the Constitution belongs to Congress, but it has no legislative power which is not thus granted. And the same observation is equally true in its application to the executive and judicial powers granted respectively to the President and the courts. All these powers differ in kind but not in source or in limitation. They all arise from the Constitution and are limited by its terms.

It may also be observed that not even are all powers of government distributed among the three branches of the Government. The tenth amendment to the Constitution provided that—

The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people.

The decision of the Supreme Court and the amendment just quoted clearly illustrate the fundamental principles that must govern in an examination of constitutional authority.

If the court was correct when it said—

All the legislative power granted by the Constitution belongs to Congress; but it has no legislative power which is not thus granted—

Where but in the Constitution are we to search for the powers which it may properly claim? Where shall we look for its power over its Members? Where shall we look for a definition of parliamentary privilege guaranteed to its Members? Was congressional privilege created by Congress or by the Constitution? Is it "in the power of the Congress and doth not bind the Congress itself" or is it in the Constitution and being there "doth bind the Congress"? Parliamentary privilege is not the creature of the Congress; its claim for existence is the same as that of the Congress itself—the Constitution. Parliamentary privilege and the Congress emerged from the Convention Hall in 1787 side by side. The Congress can no more rightfully destroy or deny the privilege that under the Constitution attaches to a Member than it can lawfully enact an ex post facto law. It has no power to do either. Congress did not make parliamentary privilege; neither can Congress unmake it.

What are the sources of the power of Congress in this regard? Section 6 of Article I of the Constitution provides:

They—

That is, the Senators and Representatives—

shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same.

The courts have held that by the language—

treason, felony, and breach of the peace—

are meant indictable crimes; in other words, that the parliamentary privilege does not protect a Member against arrest for

an indictable crime. The majority of the committee also contend that this privilege does not protect a Member against arrest by the House of which he is a Member for failure to testify before a committee of the House.

Now, the grants of power to the House over its membership are contained in other sections of the Constitution.

Section 5 of Article I provides:

A majority of each (House) shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Members, in such manner, and under such penalties, as each House may provide. Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

My contention is that in construing constitutional grants the construction adopted must be such as to harmonize and give effect to all portions of the instrument, although they may seem to be contradictory. Such a construction of the Constitution would establish parliamentary privilege in the exact language of that particular grant, except in so far as it is limited by the other provisions of the Constitution which provide that the Congress may require the attendance of Members, may punish them for disorderly conduct, or may expel them by a two-thirds vote.

My contention is that, with those specific exceptions which the Constitution points out, the parliamentary privilege attaching to any Member is as good against the action of this House as it is against any other branch of the Government. Why? Why the rule of parliamentary privilege? Parliamentary privilege is not simply a privilege of the body itself. It is not simply a privilege that this body can assert in order to prevent some other branch of the Government or strangers from interfering with the deliberations of this body; but parliamentary privilege is also a personal privilege, established for the protection not only of the Member himself but for the higher purpose of preventing his constituents from losing their representation in this body through interference with the person of their Representative.

Now, if this House, according to the view of the Judiciary Committee, has the power to imprison the gentleman from Minnesota [Mr. KELLER] for his refusal to appear as a witness before the Judiciary Committee, it may imprison him in the common jail of the District of Columbia until the end of this Congress. That imprisonment would amount to the deprivation of representation in this body of the people whom Mr. KELLER represents here. But gentlemen may say, "Has not Congress the right to expel a Member?" Congress has the right to expel a Member, because that power is expressly granted under the Constitution, but when that Member is expelled his constituents have the power and the right under the Constitution to elect a successor to represent them here. But when the House of Representatives asserts the right to take from this floor a Member who represents 200,000 or 300,000 people and incarcerate him in the public jail and prevent the exercise of his duties on the floor of this House, because he refuses to testify before a committee, it violates the very principle upon which the constitutional privilege was established. [Applause]. It violates the right of the Member and, through depriving his constituents of his services, denies them opportunity to choose another to serve in his stead.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit an interrogation?

Mr. CONNALLY of Texas. Very briefly. I am pressed for time.

Mr. GRAHAM of Pennsylvania. When the House proceeds against a Member for disorderly conduct, may they not take him from the floor of the House and dispose of him so that he shall not represent his constituency?

Mr. CONNALLY of Texas. By expelling him; yes. I have just said that that power was expressly granted.

Mr. GRAHAM of Pennsylvania. Then will you answer one more question?

Mr. CONNALLY of Texas. Yes.

Mr. GRAHAM of Pennsylvania. You have read the clause of the Constitution which says that protection is granted from arrest except in cases of treason, felony, and breach of the peace?

Mr. CONNALLY of Texas. Yes.

Mr. GRAHAM of Pennsylvania. Are you not aware that that is a provision for the protection of the House and not the protection of the Member?

Mr. CONNALLY of Texas. I have just stated to the gentleman——

Mr. GRAHAM of Pennsylvania. And has no application to the case of Mr. KELLER.

Mr. CONNALLY of Texas. Of course, I do not enter a constitutional combat with the gentleman from Pennsylvania with any degree of boldness.

Mr. GRAHAM of Pennsylvania. We will waive that.

Mr. CONNALLY of Texas. I will suggest to the gentleman from Pennsylvania that I had just observed a moment ago that the House could expel a Member, because the power was expressly granted in the Constitution in so many words. If the gentleman will wait a moment, I shall remind him that I had laid down the proposition that the House may punish a Member for disorderly conduct, and the source of the power is found in the Constitution, wherein it says in so many words that the House has the power to punish for disorderly conduct, but that grant is limited by its own terms, as well as other parts of the instrument.

Mr. GRAHAM of Pennsylvania. Does not this case come under that? Is it not disorderly conduct when a subpœna has been signed by the Speaker of the House and served upon him and he does not answer?

Mr. CONNALLY of Texas. The gentleman asserts that the House has the power to arrest and imprison Mr. KELLER on the ground that he is guilty of disorderly conduct?

Mr. GRAHAM of Pennsylvania. In refusing to obey a subpœna of the House.

Mr. CONNALLY of Texas. I do not yield any further. The gentleman propounded a question and I am going to answer. In what does disorderly conduct consist? What is the charge against the Member? Is it that Mr. KELLER made remarks against the Judiciary Committee which provoked an altercation? No; it is not that he fought or used rough language, but that he did neither. The charge is not that he made too much noise, but that he did not make any noise at all. The gentleman from Pennsylvania says he ought to be imprisoned because he did not appear and testify. In what degree could that be considered disorderly conduct? His failure to testify before the Judiciary Committee, according to the gentleman from Pennsylvania, would make him guilty of disorderly conduct and therefore subject him to imprisonment. Of course, even gentlemen who are not lawyers recognize that that announcement by the gentleman from Pennsylvania is not a reasonable one. I thought the gentleman assumed that the power claimed by the committee was based on the general principle that the parliamentary privilege was not good as against the action of the House in general.

As a matter of fact, the House has never claimed the power to punish a Member even for disorderly conduct except by censure of expulsion.

The clause in which it is provided that the Member can not be questioned in any other place for his action and speech here on the floor of the House, of course, is operative on agencies outside of this House. If the Member should be disorderly in the House, under the language of the Constitution conferring authority to punish disorderly conduct, the House could punish him, but in punishing him it must punish for disorderly conduct, not something else. And it is pertinent to observe just here that the specific grant of power to punish a Member for disorderly conduct, under a familiar rule of construction, impliedly excludes the power to punish a Member for any other cause. I want to suggest to the House that the freedom of speech also involves the freedom of silence. A Member has a right to speak or not to speak before the committees and on this floor.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. HARDY of Texas. Would it be possible for a man to be guilty of disorderly conduct by sitting in silence?

Mr. CONNALLY of Texas. No; except before the Judiciary Committee of this House. [Laughter.]

Mr. J. M. NELSON. And especially when he is so advised by his attorney.

Mr. CONNALLY of Texas. I do not think that affects it. But before I leave the questions propounded by the gentleman from Pennsylvania [Mr. GRAHAM] let me answer his suggestion that the constitutional privilege is a provision for the protection of the House and not the protection of the Member. If the privilege be merely the privilege of the House and not a privilege personal to the Member, for the benefit of himself and constituents, why does it extend to the Member not only during the session of the House but "and returning from the same"? After the House shall have adjourned the Member is protected during his return to his home and to his constituents. If arrested, must the Member remain in custody until Congress reconvenes and asserts its privilege? No; he asserts his own privilege by habeas corpus, if need be. May I refer the gentle-

man from Pennsylvania [Mr. GRAHAM] to Cooley on Constitutional Limitations, section 134, wherein it is said:

This—

A Member—

privilege is not the privilege of the House merely but of the people, and is conferred to enable him to discharge the trust confided to him by his constituents.

If the privilege attaches to the Member for the benefit of the people, is it not, then, the privilege of the people themselves? And that being true, does it not clearly follow that it is protected by the Constitution from the touch of Congress as well as from violation by other departments of the Government?

Jefferson's Manual is clear on that point:

This privilege from arrest, privileges, of course, against all process the disobedience to which is punishable by an attachment of the person, as a subpœna ad respondendum, or testificandum, or a summons on a jury, and with reason, because a Member has superior duties to perform in another place. When a Representative is withdrawn from his seat by summons, the * * * people whom he represents lose their voice in debate and vote, as they do on his voluntary absence. * * * The enormous disparity of evil admits no comparison.

No question absolutely similar in all respects to this case has ever been definitely determined in this House. Of course, you may find precedents where Members of the House have appeared before committees and testified voluntarily, but there is no precedent in the parliamentary history of the United States where a Member has been compelled to testify, except in the case of John Bell, a Member of this House from Tennessee, who finally testified, but testified over his protest. He did not refuse, and therefore the House was not confronted with the question of whether it would undertake to imprison him or to otherwise punish him.

John Bell, of Tennessee, in making his protest made a splendid and convincing argument in favor of the doctrine which I am undertaking to announce. It was during the administration of President Jackson. Bell had made a speech or address on the floor of this House. There was much talk and rumor about misconduct in the executive departments. President Jackson addressed a letter to a committee of the House suggesting that they bring before the committee gentlemen who had made speeches which charged corruption, and require them to testify. Evidently there then existed a purpose, just as there seems to be a purpose in this case, that if anyone lifted their voice here in the House in an attack on an executive department, the powerful influence of the executive departments should be brought to bear to induce some committee to hale before the committee the Member or Members and that the prosecution should be turned on them and that they should be heaped with obloquy and humiliation and made the real object of the attack; that they should be badgered and cross-examined as to their speeches and statements in the House.

Now, here is what John Bell said, among other things, in protest:

"I therefore protest against the course of the committee in subjecting me to such an examination as a private injury, a gross personal injustice, and an act, in its consequences to me, oppressive, tyrannical, and without any sufficient ground of public interest or necessity to justify it.

"I protest against it as an emanation of executive power and influence unconstitutionally exerted over the proceedings of the House of Representatives, an influence wholly incompatible with the due independence of Congress as a coordinate department of Government.

"I protest against it as a violation of my privileges as a Member of the House of Representatives, the committee having no rightful power to summon or examine me as a witness in the manner proposed. The Constitution declares (Art. I, sec. 6) in relation to this subject that—

for any speech or debate in either House, they—

"Members of Congress—

shall not be questioned in any other place.

"This protection will amount to nothing if I may be put upon trial before this committee and be required to answer upon oath as to the grounds upon which I have made statements of any kind in the House, and it is no argument against this objection to say that I may refuse to answer if I think proper.

"I have a right to be free from the conclusions which may be drawn from my silence when questioned under such circumstances.

"I protest against it as a proceeding in derogation of the fundamental powers and privileges of the House of Representatives. Public rumor, uncontradicted by any authentic denial, has heretofore been regarded as evidence sufficient upon which to found statements in debate and to institute inquiries into the abuses of public administration.

"In the House of Commons of Great Britain common fame is held to be sufficient evidence on which to found an impeachment. But who will hereafter enter freely into the debates of Congress upon the numerous questions connected with the purity of the administration? Who will incur the risk of being able to measure his language and qualify his assertions so exactly as to enable him to subscribe an affidavit as to their accuracy when called upon by a committee composed of a majority of his political opponents? I protest against the course of the committee as unprecedented, so far as I know, in the history of a free government; as a direct attack on the public liberty, inasmuch as the perfect freedom of debate in Congress is essential to its preservation; as a proceeding which could only originate or find countenance at a period when the principles of civil and political liberty are either grossly misunderstood or disregarded; as a proceeding fit only to be employed under an arbitrary government as the means of suppressing all inquiry into the abuses and corruptions with which it maintains its unjust authority, and upon these several grounds I might object to answer the interrogatory which has been propounded to me. Yet, as I am of the opinion that the unjust, unconstitutional, oppressive, and personal objects intended to be effected by the author of this proceeding, and the public injury consequent thereupon, would be rather promoted than defeated by my silence, I think proper under all the circumstances to waive all my privileges, whether attached to me as a citizen or as a Member of Congress, and to answer according to my best judgment as to all questions of mere opinion, and according to the best of my knowledge, information, and belief as to all matters of fact, except so far as I may think proper to withhold any matter of private confidence or the names of those from whom I may have received material information."

Mr. EVANS. Will the gentleman yield?

Mr. CONNALLY of Texas. I regret I have not the time. Gentlemen, I call your attention to the concluding language of the very able and learned brief presented by my colleague [Mr. SUMNERS], wherein he says:

Undoubtedly, circumstances and conditions may develop under which a Member should be privileged from testifying with regard to certain matters. It would seem clearly so with regard to confidential communications and the names of informants with regard to governmental matters, so that all those who may know facts of public importance which should be imparted will not be deterred from approaching a Member by fear of forced breach of confidence and resultant hurt from their superiors.

The gentleman concludes that the House has the power to arrest and imprison Mr. KELLER, but observes that undoubtedly circumstances and conditions may develop under which a Member should be privileged from testifying with regard to certain matters; that it would seem clearly so with regard to confidential communications and the names of informants with regard to governmental matters, so that all those who may know facts of public importance which should be imparted will not be deterred from approaching a Member by fear of forced breach of confidence and resultant hurt from their superiors.

In other words, he holds that the House has power to imprison, and yet that it should not imprison in certain specified cases. That situation suggests very strong reasons for the adoption of such a construction of the language, in view of what was in the minds of those who wrote the Constitution as will give life and vitality to the privilege rather than such a construction as will deny it. If Members ought to be protected as to confidential communications, if they ought not to stand in dread of the fact that information which they have elicited from private sources may be exposed, then there is all the more reason to assume that that thought was in the minds of the makers of the Constitution when they provided that Members should be privileged from arrest and from being required to testify before a committee of this House.

If language is susceptible of two constructions, that one must be adopted which will effectuate the purpose sought to be accomplished. The construction contended for by me gives effect to the privilege in the cases in which the committee says it should be effective; their construction denies the privilege in the very instances in which they assert it ought to protect the Member. May I observe that a liberal construction always should be employed in such cases.

Another rule of construction is that a grant of privilege should be liberally construed. (Doty v. Strong, 1 Pinney (Wis.) 88.)

Among the earliest cases in our jurisprudence it was so held in the case of Coffin v. Coffin (4 Mass. 1), in which the court said:

These privileges are thus secured not with intention of protecting the Members against prosecution for their own benefit, but to support the rights of the people by enabling their Representatives to execute the functions of their office without fear of prosecutions, civil or criminal. I therefore think that the article ought not to be construed strictly but liberally, that the full design of it may be answered * * *.

While the language of the Constitution is itself clear, the contention which I maintain is strongly fortified by the rule, that even though the language were ambiguous, it should be liberally construed to give full effect to the privilege.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. THOMAS. Mr. Speaker, I yield five minutes more to the gentleman from Texas.

Mr. CONNALLY of Texas. Mr Speaker, the responsibility of a Member of this House is primarily to his constituents. The functions which he primarily has to perform here are to represent the people of the United States and the people who sent him here. While he owes duties to this House, the power of this House over that Member is limited by the language of the Constitution, just as the power of the judiciary over that Member is limited by the Constitution, and the language of the Constitution is that a Member of Congress shall in all cases—not in some cases but in all cases—be privileged from arrest except in the case of treason, felony, and breach of the peace. You may read into that language the further qualification that he may be punished by the House for disorderly conduct, or may be required to attend the sessions of the House when the House has ordered that he attend. With those limitations the constitutional provision protects the Member against arrest in all cases—not in some cases, not in all cases except when he is called before a committee of this House, but in all cases.

Gentlemen are going to contend that under the British system that right was never successfully asserted as against Parliament, but that does not answer the question. The privileges of the British Parliament were much wider than the privileges of this Congress. The wives of members and their servants were subject to the same rule of privilege. A certain privilege attached to their property. Privilege under the British system was more or less uncertain and nebulous, and was kept so by Parliament itself, because Parliament could change it at will. There the doctrine of parliamentary privilege was not reduced to a grant in so many words, but it was a growth through a long period of years. Some new situation would arise in which a member of Parliament would claim a privilege, and Parliament, in examining that particular case, would pass upon it, and thus the privileges of Parliament under the British system grew up, just as did the common law of England grow up. It was a matter of growth; it consisted of many decisions and rulings scattered through the history of Parliament, and it can not be said that when we adopted the principle of privilege that we adopted the British theory of privilege in so many words, because under the British system it was not reduced to a code. When we adopted the doctrine of privilege we adopted it in the exact words of the Constitution, and in those words it was laid down clearly and distinctly, and they limit the Congress just as they limit the courts and the Executive.

The entire theory of the committee is based upon the erroneous assumption that privilege under the Constitution is identical with that under the British parliamentary system. We borrowed the "principle" of privilege, but we did not adopt either the language of Parliament or the principle itself in its entirety. The committee assumes that American privilege was identical with that of Parliament, and then undertakes to ascertain what the privileges of Parliament were at the time of the adoption of the Constitution and seeks to engraft them upon the Constitution as being what the Constitution in fact means. Privilege was neither identical under the two systems, nor does there arise any necessity for resort elsewhere than the words of the Constitution to ascertain its meaning.

Story lays down the rule that when words are plain and clear no necessity for aid from other sources for their construction arises (Story, sec. 401):

> Where the words are plain and clear, and the sense distinct and perfect arising on them, there is generally no necessity to have recourse to other means of interpretation. * * *

In other words, if the language of the Constitution is plain and unambiguous there is no occasion to resort to contemporaneous or prior construction to ascertain their meaning.

Commenting on contemporaneous construction, Story says:

> Nothing but the text was adopted by the people. And it would certainly be a most extravagant doctrine to give to any commentary then made, and a fortiori, to any commentary since made under a very different posture of feeling and opinion, an authority which should operate as an absolute limit upon the text, or should sepersede its natural and just interpretation. (Story, sec. 406.)

In the words of Story—"Nothing but the text was adopted by the people"—the people adopted the plain, simple language of the Constitution, unmodified by any precedent established under a different system and buried in the archives of Parliament.

We must remember always the difference between the American and the British systems. The English people constituted one nation and one government, and its Parliament was supreme. But when the makers of the Constitution met in Philadelphia there was great jealousy on the part of the States and among the people as to the powers of the government to be created. Here were 13 States, as well as the people residing in them, anxious to limit the powers of the Federal Congress.

They did not intend that even Congress should have the power to deny a State or a constituency representation on this floor. They provided that—

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union—

And so forth.

The whole history of the making of the Constitution bears witness to the intent of the makers to guarantee and protect the right of representation and to limit the power of Congress over its Members and over the right of the people to be represented. It was well said in Hepburn against Griswold, already cited:

> All the legislative power granted by the Constitution belongs to Congress, but it has no legislative power which is not thus granted.

All legislative power was possessed by Parliament, but that which was not conferred on Congress was reserved to and still resides in the people. The people granted to Congress only that degree of power over themselves or their representatives that was expressly conferred. The rest they reserved.

The lack of analogy between the privileges of Parliament and that of Congress may be otherwise demonstrated. In the case of Kilburn *v.* Thompson (103 U. S.) it was claimed that Congress possessed the general power of contempt. The claim that it did was based on the argument that the British Parliament from time immemorial had possessed such a power. In discussing the question the court said:

> But the case before us does not require us to go so far, as we have cited it (a British case) to show that the powers and privileges of the House of Commons of England on the subject of punishment for contempts rested on principles which have no application to other legislative bodies, and certainly can have none to the House of Representatives of the United States.
>
> * * * * * * *
>
> We are of opinion that the right of the House of Representatives to punish the citizen for a contempt of its authority or a breach of its privileges can derive no support from the precedents and practices of the two houses of the English Parliament, nor from adjudged cases in which the English courts have upheld these practices. Nor, taking what has fallen from the English judges, and especially the later case on which we have just commented, is much aid given to the doctrine that this power exists as one necessary to enable either House of Congress to exercise successfully their function of legislation.

That case decided that Congress under the Constitution did not possess the general power of contempt over the citizen that the Parliament possessed. If the Constitution protects the citizen against Congress, why not the Member?

If no aid can be had from the precedents of Parliament, shall we resort to that source for weapons with which to destroy a privilege granted by the Constitution in clear and explicit language to guarantee to the people representation on this floor? Even under the British system it does not appear that Parliament ever imprisoned a member for failure to testify before a committee.

It may be noted that the brief relied upon by the committee quotes Sir Erskine Mays, Parliamentary Practice, page 523, as follows:

> There has been no instance of a member persisting in a refusal to give evidence; but members have been ordered by the house to attend select committees. * * * On the 28th of June, 1842, a committee reported that a member had declined complying with their request for his attendance. A motion was made for ordering him to attend the committee and give evidence, but the member having at last expressed his willingness to attend, the motion was withdrawn.

Notice should be taken that the precedent here cited occurred as late as 1842, long subsequent to the adoption of the Constitution, and, of course, was not in the mind of the people when it was adopted.

Because in Williamson *v.* United States (207 U. S.) it is said:

> * * * by text writers of authority in this country it has been recognized from the beginning that the convention which framed the Constitution, in adopting the words "treason, felony, and breach of the peace," as applied to the privileges of the parliamentary body, used those words in the sense which the identical words had been settled to mean in England.

The committee in effect argues that because the words "except treason, felony, and breach of the peace" are to be construed as having the same meaning that those identical words had in England it is therefore to be assumed that privilege in its entirety as it obtained in Parliament was bodily implanted in the Constitution without regard to the language of the instrument. The committee quotes the following:

> By a resolution of the Commons, May 20, 1675, "That by the laws and usage of Parliament, privilege of Parliament belongs to every member of the House of Commons, in all cases except 'treason, felony, and breach of the peace.'"

Now, it is perfectly clear from that resolution of the Commons that, whatever the privilege of Parliament may have been, it was not available in cases of "treason, felony, and breach of the peace." But, on the other hand, does the resolution make clear what "privilege of Parliament" means? No; for that definition search must be made of "the laws and usage of Parliament" through hundreds of years. It was as variable as the circumstances of the times required.

The Constitution of the United States defined privilege, and then excepted "treason, felony, and breach of the peace," and the court held that the exception meant what the words meant in England and America at the time they were adopted here. Whatever privilege was in England, whatever it is here, whether like or unlike, it is not available as against "treason, felony, and breach of the peace." There is nothing in the decision that warrants an assumption that the court went further than that.

On the other hand, it can be clearly established that the Constitution did not bodily, in haec verba, or literally adopt British parliamentary privilege. As has been already observed, in England privilege attached to the wives and servants of members; here it does not. There, in some cases, it attached to the property of members; here it does not. There the member was protected for a certain or fixed time after adjournment and before the meeting of Parliament. Here the time is "a reasonable" time, dependent on circumstances. Other differences might be pointed out, but it is believed these are sufficient to prove that they differ widely.

The language of the Articles of Confederation covering privilege was as follows:

> Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the Members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from and attendance on Congress, except for treason, felony, or breach of the peace.

This language differs even from that of the Constitution. In addition to changes of form and language the words "they shall in all cases" were introduced. They were introduced for a purpose. The variation in language and the introduction of new terms proves that neither provision was adopted literally from England. But the fundamental difference between parliamentary and congressional privilege lies in the fact that parliamentary privilege, according to Blackstone: "But the maxims upon which they proceed, together with the method of proceeding, rest entirely in the breast of Parliament," while congressional privilege "lies in the breast of the Constitution" and not elsewhere. The Parliament could make privilege what it desired—being supreme, it neither desired nor could protect itself or its members against itself. Any statute which it passed was law. No supreme court could declare its acts unconstitutional or beyond its powers.

Now, let me suggest that if the makers of the Constitution intended to adopt literally the privileges of Parliament, if they wished to lodge congressional privilege "in the breast of Congress" as it in England rested "entirely in the breast of Parliament," why did not the convention of 1787 to section 5 of Article I, "Each House shall be the judge of the elections, returns, and qualifications of its own Members," add the following words: "and of its own privilege and the privilege of its own Members"? That would have constituted a simple and clear method of vesting authority in the Houses. Or, if it had been desirable to require joint action of the Houses, the following provision would have sufficed:

> The Congress shall determine its own privilege, that of the respective Houses and the privilege of the Members of the two Houses.

The best answer as to why that was not done is that the makers of the Constitution did not want to do that thing; they did not want to place the power "in the breast of Congress." That was the very thing they did not want to do. That was the very thing they wanted to prevent. And so they put it in the breast of the Constitution, where neither the Congress nor the courts nor the Executive could touch it. They were getting away from governments that rested in the breasts of kings, and in the breasts of lords, and in the breasts of Parliaments, upon whose unbridled will there was no written constitutional limitation; and they had determined that each and every department of the Government which they were creating should have limits to its authority set down in written form in the Constitution that was to be the covenant of the American people, both as between themselves and as between themselves and those who should hold places of authority in the Government which it established.

They had gotten rid of a king. It was no longer necessary to guard against the tyranny of kings; but there arose a new necessity to guard against the tyranny of governmental agencies which they were setting up, a necessity to guard against the tyranny of the courts, of the Executive, and of the Congress. The people were as anxious to prevent Congress from depriving them of representation through the arrest of their Member or Members as they were to prevent the courts from doing so.

Mr. EVANS. Mr. Speaker, will the gentleman yield?

Mr. CONNALLY of Texas. Briefly.

Mr. EVANS. Is it the position of the gentleman that disobedience of a subpœna issued by the House for a Member is not punishable, or only that it is not punishable by imprisonment?

Mr. CONNALLY of Texas. My investigation has not been exhaustive as to that phase of the matter, nor have I sought to make the distinction that the gentleman does, because I have been chiefly concerned with the imprisonment feature, since that is covered in the report of the committee. On principle, however, I would say that the House could not punish at all for failure to testify. But regardless of that question, I do without hesitation assert that the House has no power to imprison a Member because he remains silent, and that is what the committee in its report says the House has the power to do. It certainly could not attach and imprison him.

Mr. Speaker, may I, in conclusion, for a moment point out the fundamentals that underlie the views I have sought to maintain? Congressional privilege is the creature of the Constitution and imposes a limitation on the power of the Houses of Congress, as it does upon the powers of the judiciary and the executive; that the words "in all cases" protects the Member from arrest in every conceivable case except those mentioned in that clause or elsewhere in the Constitution. The privilege attaches not alone to the House itself but is personal to the Member, both for his own freedom and as a guaranty that his constituents may not be deprived of their representation, and it may be asserted against the House itself. The rules of construction should be liberal in order to make effectual the grant of privilege. American privilege is not the counterpart of the British. Only the "principle" of privilege and not the definition of privilege came from England. In the United States it doth not, as in England, "lie in the breast of Parliament," but resides in the Constitution and nowhere else. It differs as widely from the British as does our system under a written constitution differ from the British system under an unwritten constitution that rests in "the breast of Parliament."

If this House possesses the power to imprison the gentleman from Minnesota [Mr. KELLER] for failure to give testimony before a committee, and that power is not derived from some grant in the Constitution but is inherent in the House independently of the Constitution, and if the Member is invested with no constitutional protection which he can invoke against the will of the House, why can not a majority of the House at its will imprison a troublesome or embarrassing minority and take the minority Members from the floor? For if the power of the House over its Members is not limited by the Constitution, if they possess no freedom from arrest which they may assert against the House, then it may imprison them, not alone for failure to testify before a committee but for any other cause that may suggest itself to the whim of the majority; they have no redress because they may not urge freedom from arrest against the House. Let us assume another case. The Constitution requires a two-thirds vote to expel a Member, but if the Judiciary Committee is correct in its view a bare majority may imprison a Member for the entire life of a Congress.

On the other hand, let me suggest a case in which a constitutional amendment is about to be voted upon—two-thirds, not of the entire membership but only of those present, if a quorum, is required for passage. Would it not be possible for a majority to imprison sufficient Members of the minority to turn the majority into two-thirds of those present?

But gentlemen may say, "Those are extreme cases and may not arise." True, they are extreme cases; but it was for extreme cases that constitutional guaranties were provided. They were fashioned not merely for fair weather but for stress and storm and tempest. Others may say, "No majority would be so tyrannical." But we must not forget that it was to prevent tyranny—to make it impossible, not merely improbable—that human rights were protected by our written Constitution. Constitutional limitations only interfere with those across whose pathway they stand. If there is no limitation on the power of the House in dealing with its Members, what are to be said of the other constitutional guaranties against depriving him of his liberty without due process of law and against unreasonable searches and seizures? If the House may search his mind, why not the house or pocket of a Member?

Mr. Speaker, I trust this House will never announce the monstrous doctrine that it is above the Constitution, that a Member

is not protected by that instrument against its aggression; that it will never assert that at the instigation of Members on this floor, or at the instigation of Executive influence or any other influence outside of this Chamber, any committee of this House, or a partisan or angry majority of the House itself can be invested with the power to issue its writs signed by the Speaker and imprison Members in the common jail or other place of confinement simply because they have elected to stand upon their rights and to say nothing when brought before a committee. Just as no power outside this House can cross its portals and question what is said or done here—just so this House should not be allowed to cross the portals of the conscience of Members and with the implements of inquisition punish them for choosing to remain silent. The privilege of free speech involves alike the privilege of silence; there can be no freedom without the liberty of choice. A Member can not be compelled by this House or by a committee of this House to testify unwillingly. [Applause.]

Mr. THOMAS. Mr. Speaker, I yield 30 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker, I had not intended to occupy any time in this discussion. The facts developed by the committee, I assume, will be discussed by the chairman of the committee and by the gentleman from Kentucky [Mr. THOMAS], who has filed a minority report. My own views and position with regard to the pending resolution have already been made public. While I have the floor, however, I will briefly restate my position.

I agree that the evidence which was adduced before the Judiciary Committee does not warrant an impeachment of the Attorney General, and certainly no presumption should operate against the Attorney General merely because many charges were preferred against him. But that does not, in my judgment, justify an affirmative finding such as the majority of the committee has made that these charges were not true with regard to which no prosecution or examination of the character ordinarily employed took place. Only three specifications had been examined when the character of proceedings changed. The prosecutors withdrew. The legal representative of the Attorney General remained. From that time on, with only unimportant exceptions, if any at all, the testimony with regard to these charges against the Attorney General came from the office of the Attorney General and from witnesses called by the legal representative of the Attorney General. Whatever may have been the disposition of the committee, it proceeded without proper equipment to test this information by an intelligent examination or to discover facts, if they existed, to refute it. It was largely an ex parte proceeding as to the charges, except the first three considered, as I view it, leaving the matter too inperfectly explored to warrant a finding as of facts proven with reference thereto.

I want to be fair to the Attorney General. I repeat that the fact that these charges were filed should create no suspicion that they are true. It is the affirmative finding as of fact that they are false to which I can not agree, because, as I see it, neither the truth nor falsity of those charges was established.

During the course of the proceedings I was asked to examine and report with reference to certain constitutional questions raised by virtue of the failure of Mr. KELLER, a Member of the House, to respond to the subpœna of the House requiring his appearance as a witness before the Judiciary Committee. I complied with that request. I have no pride of authorship in the matter, but I agree with my colleague from Texas [Mr. CONNALLY] that it is rather important whether or not it shall be established as a precedent that a Member of the House, possessed of information valuable to the House in the discharge of a public duty, shall be permitted to lock that information in his own breast and defy all the proeesses of the House, to the public injury. But I do not agree with my colleague that it should be established as a precedent that the Member has that power. I do not believe such a precedent would be according to law or in line with sound public policy. I agree that the duties of the individual to his constituency are important. Each constituency is interested in the presence of its Member. Each constituency is also interested in the general efficiency of the legislative branch. There is no conflict between the duty of the Member to represent his constituency and the duty of the Member to contribute what he knows to the general public benefit, unless he himself establishes that conflict.

At this time I would like it clearly understood that what I shall say has no application particularly to the failure of Mr. KELLER to appear. I did not vote for the report of the Judiciary Committee. I do not feel unkindly toward him. I sat on the side and watched the performance, as it were, and I did not get angry at him, as did some. However, I have the interest which I have just stated. In the time that I have at my disposal I shall not be able to analyze this question, but I shall file the brief referred to, which I hope the Members of this House will read. At this time I shall touch only the high points.

The Constitution provides that in all cases, except treason, felony, and breach of the peace a Member of the House shall be free from arrest during his attendance on the session and going to and coming from the House. I lay down this proposition and I challenge anybody to refute it. If that provision of the Constitution is operative against the Houses of Congress, the House can not arrest a Member of the House for any offense. The language is as plain as it can be, "in all" cases, except three, with regard to neither of which does the House have any jurisdiction other than legislative.

Now, the Constitution provides that the House may punish for disorderly behavior, but there is no express grant of power in that provision to arrest, and I challenge any lawyer on this proposition, if the arrest clause is operative against the House no implied power can be admitted. You can not imply power to do that against which a double negative is expressed. That clause says "in all" cases, except treason, felony, and breach of the peace. Every lawyer knows that the enumerated exceptions exclude others. So we have a double negative against any assumption of an implied power to arrest a Member for disorderly behavior if the position of my colleague is sound. We are talking of constitutional powers. I challenge any lawyer on that proposition. How could you get an implied power against a double negative interposed against that power? This provision in our Constitution was taken from the law of Parliament, as you will observe when you examine the brief.

At the time we adopted this provision into our Constitution—and I challenge anybody in this House on this—no Member of Parliament had a single privilege which he could claim against the House of which he was a Member. The Supreme Court of the United States has declared, and Story so announces in his work on the Constitution, it is elementary that when a law is borrowed from another jurisdiction it comes into the jurisdiction in which it is incorporated with the constructions and modifications which were operative at the time it was borrowed. Elementary writers and the courts agree that a Member of the House acquired no privilege under this provision of the Constitution which the member of Parliament did not enjoy at the time it was incorporated into our Constitution. From the beginning of Parliament there never has been a challenge of the power of the Houses to control and compel the attendance of their respective members.

The precedents show that from time immemorial the Houses have exercised that power. My friend from Texas [Mr. CONNALLY] cites the case of Bell. Bell interposed an objection, but he testified under protest, and the remarkable thing about his objection was that he claimed it was an intrusion of the Executive into the internal affairs of Congress. That was the chief ground of his objection. That was a good objection if sustained by the facts. Parliamentary privilege was established to keep out both the executive and the judiciary and to leave all internal matters to congressional control. Parliamentary privileges grew up in those days when the Houses of Parliament, and especially the Commons, were fighting the battles of the English people against the tyranny of the Crown. They surrounded themselves with these parliamentary privileges, beyond the bounds of which neither the Executive nor the judiciary could go, and never in one single instance in this government of the two Houses of Great Britain did they permit the interposition of the executive power or the direction of the judiciary. Why, that is the philosophy that makes workable this scheme of government of coordinate branches.

What would my distinguished friend from Texas have? He would have the judicial branch of the Government come into the very heart of legislative control and interpose the power of the judiciary and override the will and the judgment of the House seeking to discharge a high constitutional duty with regard to impeachment. I am opposed to establishing such a precedent. I want the executive and the judiciary to stay out. I am talking purely now about constitutional privilege. When it comes to the question of putting a man in jail that is a different question that addresses itself to the conscience and judgment of the House. I believe the House of which I am a Member is just as honest and conscientious and capable of rendering a fair and honest judgment as any court that ever sat in the world. [Applause.] Whenever I am afraid to leave to the men

with whom I sit side by side the question of whether or not I should go to jail or testify I will quit this body. The committee can not send anyone to jail; only the House can do it. There never was a day, there never was a minute, in any government organized along the line of this Government that you could permit a thing like that which is claimed. A government of coordinate branches could not live; we would become subordinate to the judiciary.

Blackstone lays it down as fundamental that whatever thing arisen in each House shall be adjudicated there and nowhere else.

I am surprised that my distinguished friend from Texas, a man who sits in this House, in view of the battles that have been fought by the Commons in the history of old England, and in view of the position which our ancestors have taken, that the Houses, the legislative branch of this Government, shall be free from judicial interference, would be willing to open the door that has been barred for these hundreds of years against judicial interference and confess to the world that he is unwilling to risk the judgment of his colleagues, men of integrity, men who are interested in preventing the establishment of a precedent that would interfere with a Member representing his constituents. Do not you think every man who sits on this floor is interested in preventing the establishment of a precedent that would interfere with his opportunity to represent his constituents? Here is the place for the judgment to be. We are the most capable of judging. That is why the framers of the Constitution left the right to judge where they found it in the English system. They took no chances. They lifted bodily the law of privilege as to arrest from the English system and embodied it in our Constitution. We are not going to establish precedents which will hurt the independence of the Member, nor will we give to him an unnecessary privilege which will hurt the House in the discharge of its constitutional duties.

Mr. Chairman, I have no interest in this matter which is not shared by every Member of this House. For whatever it may be worth I submit the brief referred to in which I have undertaken to discuss this question in some detail:

BRIEF BY HON. HATTON W. SUMNERS IN RE CONSTITUTIONAL QUESTIONS RAISED BY THE REFUSAL OF THE HON. OSCAR E. KELLER TO OBEY THE SUBPŒNA OF THE HOUSE DIRECTING HIM TO APPEAR AND TESTIFY BEFORE THE JUDICIARY COMMITTEE OF THE HOUSE.

On the 11th day of September, 1922, the Hon. OSCAR E. KELLER, a Representative in Congress from the fourth district of Minnesota, preferred impeachment charges against the Hon. Harry M. Daugherty, Attorney General of the United States. On the same date House Resolution 425, together with such charges, was referred to the Judiciary Committee of the House of Representatives.

On the 1st of December, 1922, at the request of the Judiciary Committee, the Hon. OSCAR E. KELLER filed specifications.

On the 12th day of December, 1922, hearing of testimony on specification No. 13 was begun. At the conclusion of the hearing on the next charge considered, No. 4, the Hon. OSCAR E. KELLER filed a written statement with the committee, challenging its good faith, stating that he would not further proceed before the committee, and withdrew from the Chamber. Thereupon a subpœna, signed by the Speaker of the House, was issued and served by the Sergeant at Arms of the House upon the Hon. OSCAR E. KELLER, commanding him to appear as a witness before the Judiciary Committee of the House, which subpœna he disregarded.

His attorney, appearing before the committee, advised the committee that the Hon. OSCAR E. KELLER had determined not to appear as a witness, claiming that his privilege as a Member of the House protects him against all compulsory process of the House.

An examination of the American precedents and of the decisions of our courts discloses that the issue here raised, while not a new one in so far as the exercise of power on the part of the Houses of Congress is concerned, has never been directly passed upon by either House of Congress, by the Supreme Court, or by any other court in so far as I have been able to ascertain.

The precedents disclose, however, that each of the Houses of Congress, as occasion has developed, has proceeded to summon its respective Members as witnesses before its committees. In only one instance has a Member raised the question of his privilege to disregard the summons of his House. In that instance the issue between the House under its claim of power and the Member under his claim of privilege was avoided by the appearance and testimony of the Member, under protest.

It is to be borne in mind that the claim of privilege under consideration, as made, is not one addressed to the discretion of the House. It is a claim of privilege made against the House, a claim of constitutional privilege, which challenges the jurisdiction of the House and indicates a purpose, in the event of attempted coercion on the part of the House, to appeal to the judiciary branch of the Government against the House, alleging an attempt on the part of the House to exercise a power denied to it by the Constitution.

Looking to the Constitution itself, we find the declaration of congressional privilege with reference to arrest to be stated in this language:

* * * "They (the Senators and Representatives) shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; * * *." (Art. I, sec. 6, Const.)

At common law, "breach of the peace" meant a breaking of the public peace. Blackstone tell us that:

"Felony in the general acceptation of our English law comprises every species of crime which occasions at common law the forfeiture of lands and goods. This most frequently happens in those crimes for which a capital punishment either is or was liable to be inflicted. (Blackstone, vol. 4, p. 94, Tucker's edition.)

"This privilege from arrest privileged them, of course, against process, the disobedience of which is punishable by attachment." (Story, p. 860.)

The determination of the question whether or not the House can compel its Members to testify before its committees depends upon whether the clause of the Constitution just quoted is operative in favor of the Member against the House of which he is a Member, or was intended as a privilege of Congress operative only in behalf of the Houses of Congress and their respective Members against outside interference.

It is an interesting and, as we shall discover, an important fact, that this provision of our Constitution was borrowed from the law of the British Parliament, or rather we borrowed from that law its formula, of ancient origin, by which, from time immemorial, the British Parliament had declared its privilege with reference to arrest.

We find upon an examination of British precedents one decision—I quote from the great English authority, Sir Erskine May, in his Parliamentary Practice, page 112, discussing the privilege of members of Parliament with reference to arrest:

"In Larke's case, in 1429, the privilege was claimed, 'except for treason, felony, or breach of the peace'"—

And in the famous Thorpe case:

"The judges made exceptions to such cases as be 'for treason, or felony, or surety of the peace.'"

And

"By a resolution of the Commons, 20th May, 1675, 'that by the laws and usage of Parliament, privilege of Parliament belongs to every member of the House of Commons in all cases except "treason, felony, and breach of the peace."'"

Delegates to the Continental Congress asserted this privilege and expressed it in the same formula:

"And the Members of Congress shall be protected in their persons from arrest and imprisonment during the time of their going to and from their attendance upon Congress, except for treason, felony, or breach of the peace." (Art. V.)

In Williamson *v.* United States, 207 U. S. 425, Williamson, a Member of Congress, having plead his privilege, under the clause of the Constitution quoted, against arrest and conviction during a session of Congress, etc., for conspiracy to commit the crime of subornation of perjury, not a felony at common law, and the case having reached the Supreme Court, Chief Justice White, for the court, after quoting Lord Chancellor Brougham in the Wellesly case, in which Lord Brougham held that "he who has privileges of Parliament * * * can in no criminal matter be heard to urge such privilege," declared:

* * * "by text-writers of authority in this country it has been recognized from the beginning that the convention which framed the Constitution, in adopting the words 'treason, felony, and breach of the peace,' as applied to the privileges of the parliamentary body, used those words in the sense which the identical words had been settled to mean in England."

Continuing, the court quotes from Story's treatise on the Constitution:

"The exception to the privilege is that it shall not extend to 'treason, felony, or breach of the peace.' These words are the same as those in which the exception to the privilege of Parliament is usually expressed at the common law, and doubtless were borrowed from that source. * * *

"In short, that as in a multitude of other cases they—the framers of the Constitution—intended to adopt with the words the full meaning which had been given to them by usage and authoritative construction" (p. 567).

In its conclusion the court held that:

"Exemption from legal process—of Members of Congress—may be considered the same as it is in England * * *.

"Since from the foregoing it follows that the terms 'treason, felony, and breach of the peace' as used in the constitutional provision relied upon except from the operation of the privilege all criminal offenses, the conclusion results that the claim of privilege of exemption from arrest and sentence was without merit."

It may be of interest that in 1875 the Judiciary Committee of the House held to the same effect as the Supreme Court later held in the Williamson case.

Robert Small, a Member of the House of Representatives from South Carolina, was indicted in that State for having accepted a bribe while a member of the State legislature; was arrested, tried, convicted, and sentenced to serve five years in the penitentiary. The offense charged was a misdemeanor in South Carolina, neither "treason, felony, nor a breach of the peace." On the ground that such an offense not being included among those exceptions enumerated in our Constitution for which a Member of Congress may be arrested, during the sessions, etc., the matter of privilege was raised in the House and also in the court where the cause was pending. Both by the House and by the court it was held that the declaration of congressional privilege embodied in our Constitution, having been taken from the British law of parliamentary privilege, should be given the meaning and scope given to it in Great Britain at the time of its incorporation into our Constitution.

This brief quotation is taken from the report of the committee:

"They—the words 'treason, felony, and breach of the peace'—were copied literally from the familiar rule of English parliamentary law, and were evidently intended to be taken in the same sense in which they were there understood."

That the framers of the Constitution should have proceeded to incorporate into our Constitution a provision from the law of the British Parliament without even deeming it necessary to place some expression in the Constitution to show that it was the parliamentary privilege as then construed, rather than the privilege expressed by the words used, if given their common-law meaning, which was made a part of our Constitution, will not seem so extraordinary when the history of parliamentary law and privileges in this country is considered. British parliamentary law became established in this country with the beginning of representative government here. It was the law and the usage of the colonial assemblies. It was in operation during the existence of the Continental Congress. It governed in the deliberation of the Constitutional Convention. The formula by which the parliamentary privileges were ordinarily declared was embodied in the Articles of Confederation. The precedents and resolutions by which surrender and adaptation had come about were as familiar to American statesmen and

the American people as to British statesmen and the British people at the time of the adoption of our Constitution, and were as operative here at that time as in Great Britain. We had appropriated the whole thing, formula of expression, construction, and modification long before the Constitution was framed. The authority of the rules and precedents of the British Parliament has been recognized by both Houses of Congress from the beginning. Jefferson's Manual, which is now the recognized authority in the absence of a rule or precedent of our own, in the main is his interpretation and construction of the British rules and precedents.

In so far as the records disclose, this provision was adopted without debate. Apparently it was assumed, and doubtless was a fact, that all those present knew from where it came and what it meant. Not only were the words "except for treason, felony, and breach of the peace" borrowed from the law of the British Parliament but the whole clause of which these words are a part, as can be seen by comparison, came from that source. In fact, our entire law of congressional privilege came from the law of privilege of the British Parliament. There is scarcely any variation in language as between the usual method of stating the laws of privilege of the British Parliament and corresponding provisions in our Constitution dealing with the powers and privileges of Congress and of the Houses thereof.

It would seem there can be no question but that the authorities thus far examined establish two points: First, that the clause in our Constitution with reference to the privilege from arrest of Members of Congress was borrowed from the law of the British Parliament, and second, that in our Constitution these borrowed words are to be given the same scope and meaning which was given to them as a part of the law of the British Parliament at the time of their adoption into our Constitution. As Story puts it, and Chief Justice White quotes with approval, "they—the framers of the Constitution—intended to adopt with the words the full meaning which had been given to them by usage and authoritative construction." (Story, 567.)

The next question is, How was the law of privilege of Parliament, and especially this clause with reference to arrest, understood and applied as between the member of a house of Parliament and the house of which he was a member at the time these words were adopted into our Constitution? If at that time they did not establish or declare any privilege which the member of Parliament could enforce against the will and judgment of the house of which he was a member, it must follow that their adoption into our Constitution did not create any privilege which the Members of Congress can claim against the will and judgment of the House of which he is a Member. The converse of that proposition is also true, of course.

Sir William Blackstone, commenting on the laws of Parliament, says:

"It will be sufficient to observe that the whole of the law of the custom of Parliament has its original from this one maxim, 'that whatever matter arises concerning either house of Parliament ought to be examined, discussed, and adjudged in that house to which it relates, and not elsewhere.' Hence, for instance, the lords will not suffer the Commons to interfere in settling the election of a peer of Scotland; the Commons will not allow the lords to judge of the election of a burgess; nor will either house permit the subordinate courts of law to examine the merits of either case. But the maxims upon which they proceed, together with the method of proceeding, rest entirely in the breast of the Parliament itself." * * * (Commentaries, Book I, chap 2, p. 163.)

The House of Commons, with reference to this privilege, declared in 1641:

"(3) It is not to be allowed in case of public service for the Commonwealth, for that it must not be used for the danger of the Commonwealth. (4) It is in the power of the Parliament and doth not bind the Parliament itself." (2 Com., p. 261.)

"It is in the power of the Parliament and doth not bind the Parliament itself." By adoption into our Constitution it became the power of Congress, and, it would seem under our own authorities cited, the conclusion would be sound that it doth not bind the Congress itself.

The highest court of England in 1839, in Stockdale *v.* Hansard, opinion by Justice Littledale, says:

"It is said the House of Commons is the sole judge of its privileges, and so I admit, as far as proceedings in the house and some other things are concerned."

In Bradlough *v.* Gossett, opinion by Justice Stephens, the court says:

* * * "the House of Commons has the exclusive power to interpret a statute so far as the regulation of its own proceedings within its own walls is concerned, and even if that interpretation should be erroneous, this court has no power to interfere with it, directly or indirectly."

As the Commons said with reference to this particular privilege under consideration:

"It is the power of Parliament and doth not bind the Parliament itself."

As Blackstone says:

"The whole of the law of the customs of Parliament had its origin in this one maxim, 'that whatever matter arises concerning either House of Parliament ought to be examined, discussed, and adjudged in that house to which it relates, and not elsewhere."

And the highest court of England has held:

"The House of Commons is the sole judge of its privileges * * * so far as proceedings in the house * * * are concerned."

And again:

"The House of Commons has the exclusive power to interpret a statute so far as the regulation of its own proceedings within its own walls is concerned, and even if that interpretation should be erroneous, this court has no power to interfere with it, directly or indirectly."

We recognize the same principle in our law. It is fundamental to the very existence of every government of coordinate branches. Each of the Houses of Congress make its own laws of procedure. It determines the qualifications and the fact of election of its own Members. It punishes them for disorderly behavior. It has the right to expel them for any cause whatever. If its acts should be erroneous, there is no appeal. The maxim of the British law is applied "that whatever matter arises concerning either house * * * ought to be examined, discussed, and adjudged in that house to which it relates and not elsewhere." What is said in their debates can not be questioned elsewhere. Within their own walls they are exclusive, final, and supreme. That is the plan which makes workable the philosophy of a government of coordinate branches.

As to the justification for and the object sought to be attained by "privileges of Parliament," Blackstone says:

"Privilege of Parliament was principally established in order to protect its members not only from being molested by their fellow subjects but also more especially from being oppressed by the power of the Crown"—

to prevent outside interference.

In so far as I have been able to discover, no commentator, no precedent, no judicial interpretation indicates that one of these privileges, at the time of their adoption into our Constitution, was the privilege of the Member against the House of which he is a Member, nor could he appeal with reference thereto to any other tribunal.

At the time of the adoption of our Constitution there was not only no claim of privilege on the part of the Member operative against the House of which he was a Member, but, to the contrary, there was then and had been from time immemorial the positive assertion and definite exercise by the houses of Parliament of a power over their respective members, acquiesced in, utterly inconsistent with the idea that any such privilege existed or ever had existed.

Since the beginning of the Parliament the houses of Parliament have compelled their respective members to attend as witnesses before their committees. I quote from what is perhaps the highest authority, Sir Erskine May's Parliamentary Practice, page 523:

"There has been no instance of a member persisting in a refusal to give evidence; but members have been ordered by the house to attend select committees. * * * On the 28th of June, 1842, a committee reported that a member had declined complying with their request for his attendance. A motion was made for ordering him to attend the committee and give evidence; but the member having at last expressed his willingness to attend, the motion was withdrawn."

I have taken occasion to examine the record with reference to this case. A Mr. Cochran, member from Bridport, was requested by a special committee of the House of Commons to appear as a witness before it. He declined on the ground that he was under indictment in his district; that the record of his testimony before the committee might be sent down, etc.; that the proceedings before the committee were in secret session; and claiming that under these circumstances it would be violative of his general rights as an Englishman to compel him to appear before the special committee. The committee moved the house to order him to appear.

In the debate upon that motion the question was also raised as to the precedents, whether a member of Commons was to be compelled to testify as a witness. A committee was appointed to examine and report as to the precedents, and made a lengthy report, which I have also examined. In this report the committee stated that it had not found any instance in which any member of the house had refused to attend to be examined before any committee appointed by the house; that it had found one case, that of "Sir Archibald Grant, a member of the house, being committed to the custody of the sergeant at arms, in order to his forthcoming to abide the orders of the house, for the purpose of his being examined before a select committee." Most of the cases reported upon were those in which the member had been ordered by the house to attend. The following quotation from the report indicates what seems to have been the usual procedure:

"Jovis, 19 die Januarii, 1720. The master of the rolls acquainted the house, from the committee of secrecy, that he was directed by the said committee to move the house that Sir Robert Chaplin, Sir Theodore Janssen, Francis Eyles, Esq., and Jacob Sawbridge, Esq., four of the directors of the South Sea Co., and members of this house, may attend the said committee and be examined before them, in the most solemn manner.

"*Ordered*, That Sir Robert Chaplin, baronet; Sir Theodore Janssen, knight and baronet; Francis Eyles, Esq., and Jacob Sawbridge, Esq., members of this house, and directors of the South Sea Co., do attend the committee appointed to inquire into all the proceedings relating to the execution of the act passed the last session of Parliament, intituled" * * *. (Vol. 19, p. 403.) (Vol. 97, H. of Com. Journal, p. 450.)

After examining the report, and evidently anticipating the order of the Commons, Mr. Cochran said—I quote from the Journal of the House of Commons:

* * * "having looked at the precedents and finding that they tended against the views he had originally taken * * * said he had no objection to repeating that he intended to attend."

There was extensive debate had on this matter, some half dozen speeches being reported, including a speech by Mr. Cochran. Neither Mr. Cochran nor anyone else claimed the existence of a privilege under the law of Parliament which a member could avail himself of as against the order of the House of Commons. That was the law of Parliament at the time of the adoption of our Constitution. Not only did such construction attach itself to our Constitution by reason of our adoption of that which for hundreds of years had borne that construction, but an examination of our Constitution shows that only as thus construed does the provision as to arrest of Members of Congress fit into our constitutional structure.

For instance, the Constitution provides that each House may "punish its Members for disorderly behavior." A construction which holds the provision as to arrest not to be operative against the Houses of Congress, just as in Great Britain at the time of the adoption of our Constitution it was not operative against the houses of Parliament, would leave the Houses of Congress with the implied power to arrest as an incident to the preservation of order and the punishment for disorderly behavior, a power essential for the discharge of the public business.

On the other hand, if held operative against the Houses of Congress, the words "in all cases" and the enumeration of the exceptions, "treason, felony, and breach of the peace," would interpose a double negative against the power of the Houses of Congress to arrest for disorderly conduct.

The Supreme Court in Kilbourn *v.* Thompson (103 U. S. 189) indicates very clearly that it does not regard the clause of the Constitution with reference to arrest operative against the Houses of Congress. In a discussion of the power of the Houses of Congress it says:

"As we have already said, the Constitution expressly empowers each House to punish its own Members for disorderly behavior. We see no reason to doubt that this punishment may in a proper case be imprisonment, and that it may be for refusal to obey some rule on that subject made by the House for the preservation of order."

The only theory under which that holding could rest is the rational, historically supported theory that the freedom from arrest clause is not operative in favor of the Member against the House of which he is a Member. The Member of Congress, when summoned by the House of which he is a Member to testify before one of its committees, proceeding within the scope of its jurisdiction, has exactly the status of any

other witness. In an impeachment matter the Supreme Court, in the case of Kilbourn v. Thompson, says:

"The House of Representatives has the sole right to impeach officers of the Government and the Senate to try them. Where the question of such impeachment is before either body acting in its appropriate sphere on that subject, we see no reason to doubt the right to compel the attendance of witnesses, and their answer to proper questions, in the same manner and by the use of the same means that courts of justice can in like cases."

It may be observed that the more recent decisions draw the distinction between the power to punish for contempt held by courts of justice and the power held by the Houses of Congress to coerce, by punishment, as an aid to procuring testimony.

Considering parliamentary privileges generally, we find that they had their origin in the days when the Houses of Parliament, and especially the Commons, were fighting the battles of English liberty against the tyranny of the King. They built around themselves this wall of privilege, beyond which the governmental agencies directly under the control of the King could not reach. It was their domain. No other agency of the Government might enter. There they denounced tyranny and held the purse string of the nation. Their maxim, in effect, was that whatever matter arose within their wall was to be settled there and nowhere else. Whatever was said there could not be questioned elsewhere. They made their own laws of procedure, construed them, and enforced them. They fixed the qualifications of their members and passed upon their election. They expelled whomsoever they adjudged worthy of expulsion, answerable to no authority whatsoever.

In not one single instance has the construction of the judiciary or the coercion of the executive been permitted within that realm of exclusive jurisdiction. The idea now presented, that in this matter between the House and one of its own Members, developed during the discharge of its duty under the impeachment clause of the Constitution, that one of the two great laws of parliamentary privileges fashioned to exclude judicial and executive interference, gives to the individual Member of Congress the power to open the door, barred from the beginning against the judiciary, and to draw that branch of the Government into the very center of that which has always been the exclusive domain of the Houses of Congress and of their predecessors, the Houses of Parliament, is a most remarkable proposition. It is in direct conflict with law and precedent. It is violative of the purpose and the philosophy of parliamentary privilege.

The framers of the Constitution wisely left the adjustment of all conflicts between the representative duties of the Member and his duty to contribute any facts in his possession to the inquisitorial agencies of the House of which he is a Member, where they found it in the English system, viz, with the House of which he is a Member, the only tribunal qualified to adjust such conflict. In the House of which one is a Member, each individual Member has a personal interest in preventing the establishment of a precedent which would militate against the opportunity of the Member to represent his constituents in legislation, and yet each Member is also directly interested in promoting the efficiency of that House. And it is a fact, in so far as I have been able to discover from an examination of precedents and the history of parliamentary and congressional procedure, that during the entire legislative history of the American Congress and of the British Parliament there has been no scandal or circumstances indicating a wanton or inconsiderate exercise of the power which has always been held by the Houses of Parliament and of Congress to determine and adjust conflicts of duty, so as to safeguard the interests of constituencies and at the same time procure for the general public benefit facts peculiarly within the possession of the Member.

These considerations, supported by an unbroken line of policy and procedure dealing with the question of privilege extending back through the entire history of this country and into the parliamentary history of England for hundreds of years, would seem to leave no doubt as to the soundness of the conclusions that the individual Member of Congress possesses no constitutional privilege as against the power of the House, proceeding even to the point of arrest, sought to be exercised to compel him to testify before a committee of the House of which he is a Member, proceeding within the scope of its jurisdiction.

Undoubtedly circumstances and conditions may develop under which a Member should be privileged from testifying with regard to certain matters. It would seem clearly so with regard to confidential communications, and the names of informants, with regard to governmental matters; so that all those who may know facts of public importance which should be imparted will not be deterred from approaching a Member by fear of forced breach of confidence and resultant hurt from their superiors. Members ought not to be required, it would seem, to attend a committee during a session of their respective Houses at any point other than at the seat of government, and there not during the time when their respective Houses are actually engaged. A better practice would be, in the first instance, to request the Member to attend. In the event of his failure or refusal, the committee should move the House to order him to attend. On that motion all questions could be considered and passed upon rather than later, after the Member had, at least technically, assumed an attitude of contempt.

Under any plan the genius of our system of government requires that those matters be determined by the House of which one is a Member, free from interference by either of the other branches of the Government. These suggestions, however, are merely those which have occurred to me during an examination of this matter, with the certainty of judgment that each House alone has jurisdiction to consider and act with reference thereto.

Mr. CONNALLY of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. THOMAS. Mr. Speaker, has the gentleman from Minnesota [Mr. VOLSTEAD] consumed all his time?

The SPEAKER. All but 10 minutes.

Mr. THOMAS. I yield 10 minutes to the gentleman from Texas [Mr. BLANTON]. The gentleman from Minnesota and myself agreed to extend the time an hour, making two hours on a side, instead of an hour and a half.

The SPEAKER. The Chair was not aware of that. Perhaps that is a matter that had better be agreed upon by the House. The gentleman from Kentucky [Mr. THOMAS] suggests that he has made an agreement with the gentleman from Minnesota [Mr. VOLSTEAD] that the debate shall be four hours instead of three hours.

Mr. VOLSTEAD. No; there was some talk between the gentleman and myself in regard to extending the time an hour, but——

Mr. THOMAS. That is what I understood the gentleman to say right over there.

Mr. VOLSTEAD. I did not so understand.

Mr. THOMAS. If I understand the English language the gentleman said it. I yield 10 minutes to the gentleman from Texas.

The SPEAKER. The gentleman from Texas is recognized for 10 minutes.

Mr. THOMAS. But I wish to ask the gentleman from Minnesota if he will now agree to an extension of one hour.

Mr. BUTLER. Mr. Speaker, did the House agree to extend the time?

The SPEAKER. It did not. The gentleman from Texas is recognized for 10 minutes.

Mr. BLANTON. Mr. Speaker, I want to say to the members of the Committee on the Judiciary that the coon which they are after is not up the tree around which the barking is taking place, but it is elsewhere. The Bible says:

And they hanged Haman upon the scaffold which he had erected for Mordecai.

That is good logic; that is good law; and I am in favor of it. But the Bible does not say that they hanged somebody else. It says, "They hanged Haman." It does not say that they hanged some little carpenter that helped to build the scaffold for Haman. They hanged Haman. Mr. KELLER is not the Haman we are after.

Why, the very minute that the gentleman from Minnesota [Mr. KELLER] appeared before the committee, he asked if he could have an attorney, which was granted, and when somebody kept talking to him and consulting with him the gentleman from Missouri [Mr. DYER] said:

Who is it that keeps talking to you, Mr. KELLER? I do not know—

Mr. KELLER said. But the man who had been talking to KELLER said—

I am Mr. McGrady. I appear here for the American Federation of Labor. Mr. Gompers is in Atlantic City, but he will be here next week, and we can go on with the proceeding when he comes back next week.

To be exact, let me quote from page 5 of the hearings before the Judiciary Committee, to wit:

The CHAIRMAN. Do you mean that we are to furnish you an attorney?
Mr. KELLER. No; I will furnish my own attorney. I just want to be permitted to have counsel, as I see fit, at any time.

And I quote again from page 13 of the hearings:

Mr. DYER. Has the gentleman consulted an attorney in regard to this matter?
Mr. KELLER. I should want counsel.
Mr. DYER. Who was the gentleman who just spoke to you?
Mr. KELLER. I do not know.
Mr. MCGRADY. I am Mr. McGrady, representing the American Federation of Labor.
Mr. DYER. I wanted to know who you were.
Mr. MCGRADY. I would like to finish my statement. The American Federation of Labor has asked to be heard on this case. President Gompers, with the executive council of the American Federation of Labor, is at Atlantic City to-day, but will be here next week. We have already made a request to be heard.

Thus you see, gentlemen, that Mr. Samuel Gompers and the great American Federation of Labor sent one of their distinguished attorneys there to represent Mr. KELLER, when Mr. KELLER did not even know who he was, and the attorney had to introduce himself, though he had up to that time been conferring with Mr. KELLER during the hearing. It was the voice of Mr. KELLER but the hand of Mr. Samuel Gompers.

And then, a little later, Mr. Jackson H. Ralston, the general attorney for the American Federation of Labor, but who is known far and wide in the United States as the friend and attorney of prominent anarchists, appeared before the Judiciary Committee at the beginning of its first main hearing, December 4, 1922, as the attorney for Mr. KELLER, and proceeded thereafter to conduct the hearings. And it was admitted before the committee that Mr. Ralston was employed by Samuel Gompers and the American Federation of Labor for that specific purpose.

To show that Mr. Ralston exercised absolute control as the attorney for the American Federation of Labor, let me read an excerpt from page 173 of the hearings to show that when Samuel Gompers desired to make further statements the Federation of Labor's attorney tried to muzzle him, to wit:

The CHAIRMAN. Do you have anything further?
Mr. GOMPERS. Yes, sir.
Mr. RALSTON. I think that is all.

To show you what Attorney Ralston was trying to head off, let me quote from page 174 of the hearings, to wit:

Mr. HOWLAND. Mr. Burns was engaged to assist the Government in the McNamara case, wasn't he?
Mr. GOMPERS. I think so; yes, sir.
Mr. HOWLAND. You took a decided interest in those cases for the McNamaras, didn't you?
Mr. GOMPERS. No, sir. I took an interest to see that men would have a fair trial, no matter what they were charged with—what charges were made against them
Mr. HOWLAND. You took the position that they were not guilty?
Mr. GOMPERS. I believed them not guilty, and so stated that I believed them not to be guilty.
Mr. HOWLAND. And they afterwards confessed?

It will be remembered that the McNamara brothers were bomb-throwing anarchists, who were brought to justice through the efforts of Mr. Burns, and convicted, and also that Samuel Gompers raised a tremendous fund in their behalf by soliciting subscriptions from all over the country for their defense.

Now, let me quote from page 175 of the hearings:

Mr. HOLLAND. Does Mr. Ralston represent the American Federation of Labor in this proceeding?
Mr. GOMPERS. He does.

When Mr. KELLER was summoned before the committee to testify, he did not appear. Who appeared for him? Mr. Jackson H. Ralston? No. This great attorney for the American Federation of Labor had an engagement that morning to play a round of golf with Mr. Gompers, very probably, or at least he had something on foot that made it inconvenient for him to attend the hearings that day, so he sent one of his subattorneys. Who? Why, he sent Mr. James H. Vahey, a renowned labor attorney from Boston, who came all the way from New England to act as a messenger boy for Attorney Ralston. This is the same Mr. James H. Vahey who represents the striking railroad men of New England, who represents the striking policemen of Boston who tried to ruin that great city. He appeared and told the committee that he did not bring Mr. KELLER, that he did not bring Chief Ralston, but that he brought merely a letter from the Right Hon. Jackson H. Ralston conveying information to the committee that as soon as it was convenient for him to do so he would appear and then advise the committee what he was going to let Mr. KELLER do about the summons from the House of Representatives.

Let me quote from page 363 of the hearings, to wit:

FRIDAY, *December 15, 1922.*

The committee met at 10.30 o'clock a. m., Hon. ANDREW J. VOLSTEAD (chairman) presiding.

IN RE SUBPŒNA OF HON. O. E. KELLER.

The CHAIRMAN. The committee will come to order. A subpœna was issued yesterday, at the direction of the committee, for OSCAR E. KELLER to appear here this morning to testify, and I understand that the subpœna has been served. The Chair asks if he is present. If he is, we want him to come forward and be sworn.
Mr. VAHEY. Mr. Chairman, I am asked by Mr. Ralston to hand you a letter.
Mr. MICHENER. Just a minute, so that the record may be complete. Please state your name, occupation, and residence.

STATEMENT OF MR. JAMES H. VAHEY, BOSTON, MASS.

Mr. VAHEY. My name is James H. Vahey, a lawyer, and I live in Boston.
Mr. MICHENER. Were you one of the attorneys named by Mr. Ralston at the beginning who would represent Mr. KELLER on certain specifications here?
Mr. VAHEY. I do not know whether he named me or not; I was not here until day before yesterday; that was the first day I was here.
Mr. MICHENER. He mentioned you as representing Mr. KELLER on some of these specifications. Now, do you appear on behalf of Mr. KELLER?
Mr. VAHEY. I am associated with Mr. Ralston by bringing here and delivering to the chairman the letter, at Mr. Ralston's suggestion.
Mr. FOSTER. I think the record should show that at the request of Mr. Ralston Mr. Vahey is here, and I think it is pertinent to ask if he appears as counsel of record for Mr. KELLER; and if so, state it.
Mr. VAHEY. I appear at the request of Mr. Ralston to deliver a letter, which I have handed to the chairman.
Mr. BOIES. I assume the record will show there is no response by Mr. KELLER under the subpœna.
Mr. BIRD. Is Mr. Ralston in the city?
Mr. VAHEY. Yes, sir.
The CHAIRMAN. I will read Mr. Ralston's letter to the committee [reading]:

RALSTON & WILLIS, ATTORNEYS AND COUNSELLORS AT LAW,
EVANS BUILDING,
Washington, D. C., December 15, 1922.

Hon. A. J. VOLSTEAD,
Chairman Committee on Judiciary,
House of Representatives, Washington, D. C.

SIR: Some time last evening Representative KELLER was served with a subpœna to appear before your committee at 10.30 o'clock this morning. I was immediately asked to represent him in the matter. Before this, however, I had made certain imperative business engagements for to-day, engagements which I can not forego. I have, therefore, to say that, without submitting at this time to the jurisdiction of the committee with regard to the subpœna, I am now expecting, at your next hearing, to-morrow or later, to take such position before the committee with regard to the subject as may seem appropriate.

Very respectfully yours,

JACKSON H. RALSTON.

And the committee supinely sat there, helpless, and my good friend from Pennsylvania [Mr. GRAHAM], who, thank God, has a backbone, said:

Gentlemen, there is just one thing to do. Let us go to the House and get authority to make this man come. We do not want Vahey, from Boston; we do not want Ralston, from Washington; we want KELLER.

The committee would not back him up; but the committee adjourned to a time when it would not be inconvenient for Mr. Jackson H. Ralston to appear before them, and let me quote from page 380 of the hearings to show what then happened, to wit:

IN RE SUBPŒNA OF HON. OSCAR E. KELLER.

Mr. RALSTON. I think as a matter of courtesy I should be heard for a moment.
Mr. GRAHAM. Where is Mr. KELLER? He ought to be here with you if you are heard.
Mr. THOMAS. Can't he be heard at all?
Mr. GRAHAM. Pardon me; I am not addressing you.
Mr. THOMAS. It don't make any difference. I am on this committee as well as you are.
Mr. GRAHAM. I appreciate that, but do not interrupt me when I am asking a question.
Mr. THOMAS. You interrupted him.
Mr. GRAHAM. I have a right to. That is my privilege.
Mr. THOMAS. And I have a right to interrupt you.
Mr. GRAHAM. Well, do not let us have any altercation about it. I am here to do my duty as I see it.
Mr. THOMAS. So am I.
Mr. GRAHAM. Well, I give you credit for that, but you may not see clearly.
Now, I ask, is Mr. KELLER here, Mr. Chairman?
The CHAIRMAN. Can you answer, Mr. Ralston?
Mr. RALSTON. I am here for Mr. KELLER.
Mr. GRAHAM. That is not an answer. He ought to be here. I object to proceeding without his presence.
Mr. RALSTON. I have a statement to make for myself.
Mr. HERSEY. I want to hear Mr. Ralston.
Mr. JEFFERIS. I move that we hear Mr. Ralston.
Mr. BIRD. Mr. Chairman, I think the simple fact should be established for the record that Mr. KELLER is not here. I think the sergeant at arms should call him, and if he is not here I think we should then hear Mr. Ralston.
The CHAIRMAN. My impression about it is we should first hear Mr. Ralston, and if we want to hear Mr. KELLER we can call him.
Mr. BIRD. You do not object to the record showing that Mr. KELLER is not here?
Mr. RALSTON. I don't care anything about that. I am here for him.
Mr. GRAHAM. I move that he be called.
Mr. BIRD. I ask that the sergeant at arms call Mr. KELLER.
The CHAIRMAN. All those in favor of that motion will say "aye," opposed "no."
(The motion was put and carried. The sergeant at arms called "OSCAR E. KELLER," "OSCAR E. KELLER," "OSCAR E. KELLER." There was no response.)
The CHAIRMAN. It may be noted that he did not answer. Now, Mr. Ralston, you may proceed.
Mr. RALSTON. On behalf of Mr. KELLER I have simply this brief statement to make, that I have advised Mr. KELLER, on his application to me, that in the issuance of process requiring his appearance, he being a Member of Congress, with the implied threat, of course, that lies behind the process, the committee has, in my judgment, exceeded its powers under the constitutional provisions, and that being true, in defense of the rights of Members of Congress, as well as for other reasons, Mr. KELLER can not be required by any such process to appear before this committee.

And it then took the great Judiciary Committee of this House from December 16, 1922, until this the 25th day of January, 1923, to bring on the floor of this House any kind of a report. And what is their report? This is what they tell this Congress, for you, colleagues, should know, and I quote as follows:

That the said OSCAR E. KELLER was, as above set forth, duly summoned as a witness by authority of the House of Representatives to give testimony before this committee touching matters of inquiry committed to that committee, and that he willfully made default in that in disobedience to said subpœna and without valid cause or excuse, but in contempt of the authority of the House of Representatives, he willfully failed and refused to appear as such witness and willfully failed and refused to testify, in obedience to said subpœna. Your committee is of the opinion that Mr. KELLER was legally required to obey said subpœna and that the excuse he submitted through his said attorney is without any merit; that the House of Representatives possesses the power to cause him to be arrested and confined in prison until he shall consent to testify, such confinement not to extend beyond the term of this Congress, and power to otherwise deal with him so as to compel obedience to the summons.

Does the committee ask for the House to do anything? No; not at all. Do they ask for the House to compel KELLER to do what they say he should do? No; not at all. They make no recommendations whatever. They take it all out in speeches on the floor denouncing KELLER as a falsifier but letting it go at that. They are after the catspaw of somebody else. If KELLER falsified, somebody else caused him to do it. Why is not the main power condemned?

Behind the whole thing is the use of KELLER, the poor, little, innocent dupe of somebody else. I am not in favor of hanging the carpenter who built the scaffold. I am after Haman. [Applause.] When Jackson H. Ralston told KELLER that the American Federation of Labor told him to tell him that he did not have to testify the committee ought to have proceeded against Jackson H. Ralston and his little messenger lawyer

from Boston, because there are lawyers on this Judiciary Committee, there are ex-judges on this committee, there are ex-prosecuting attorneys on this great committee. They know that when an outside person interferes with the jurisdiction of a court—and that is the jurisdiction which this committee had—the party on the outside who interferes with a witness and designedly keeps him from giving proper testimony is more guilty than the witness who violates the order of the court; and if they would bring in here a resolution asking this House to send for Ralston and send for Vahey and send for McGrady and send for Gompers, and have them bring their little dupe in here, I would vote to take action against them first and then to make their dupe testify, because it is what he ought to do. I would take such action against these fellows who have interfered with the jurisdiction of this House as would cause them to hesitate long in the future before they would again interfere with the great legislative body of this Nation.

But we are here hanging merely the carpenter on Haman's scaffold. What is the matter with this great committee? What made it hesitate to do its duty? Why does it linger and linger and linger? I want to say to the distinguished gentleman from Minnesota [Mr. VOLSTEAD] that he of all other people in the world ought not ever to talk about passing the buck. Let me again call your attention to what Mr. Ralston said.

Mr. CLARKE of New York. Did the gentleman say "buck" or "bock"? [Laughter.]

Mr. BLANTON. B-u-c-k, "buck," commonly known to most Members of Congress. [Laughter.]

Poor KELLER! He has my sympathy. He has been the dupe. He came here to represent organized labor. That is the danger of any Representative being sent here by a class. Why, the Republicans did not elect him in Minnesota. The Democrats did not elect him. Organized labor elected him and sent him here. He was merely representing the organizations who sent him here. They handed him a bag, the contents of which he knew nothing. He had confidence in them. Organized labor told him, "In that bag is sufficient evidence to impeach the great Attorney General of the United States," and he conscientiously believed them; but when he opened this bag he found just what I told the Speaker was in Mr. KELLER'S impeachment resolution, nothing but generalities; and if the Speaker had sustained my point of order that I made on September 11 in this House, all this farce would not have been enacted.

Here is what happened on September 11, 1922, when the gentleman from Minnesota [Mr. KELLER] presented to the House his charges of impeachment, and I quote from the RECORD:

> Mr. BLANTON. Mr. Speaker, I rise to a point of order.
> The SPEAKER. The gentleman from Texas will state it.
> Mr. BLANTON. I make the point of order that the recitation of generalities does not under the rules of this House constitute an impeachment of a public official; that this recitation is nothing but generalities, no specific charge of malfeasance in office, no specific charge of improper conduct in office, but a mere recitation of generalities which could be lodged against any official of the United States. I make the point of order that it does not come within the rule.
> The SPEAKER. The Chair could not hear the gentleman from Minnesota very well, but the Chair thought that there were definite charges. [After examining the written charges.] The Chair overrules the point of order.

And when the Judiciary Committee first began its consideration of the matter the chairman of that committee took the same view, that such charges were too general and were not specific, as required, for I quote from the hearings, on page 7, the following:

> The CHAIRMAN. There is nothing in them except general charges.
> Mr. KELLER. I am ready to sustain them——
> The CHAIRMAN. There is nothing specific in the charges.

And the chairman then required Mr. KELLER to file specific charges, which took up many pages of the hearings.

But when poor KELLER opened up his bag, which organized labor handed him, it would not furnish the evidence. If there had been no railroad strike there would not have been any proposed impeachment. If there had been no injunction against lawbreakers there would have been no proposed impeachment. On that question I am with the Attorney General in his action in stopping the anarchy which Samuel H. Ralston, the anarchist attorney who appeared here and conducted this examination, has been defending, which Vahey has been defending. I am with the Attorney General in upholding the law of this country, but I am not going to persecute a poor little dupe like my colleague, KELLER. I am going after the ones higher up, and I think you ought to do the same thing. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that the time be extended one hour, one half of it to be controlled by my friend from Kentucky [Mr. THOMAS] and the other half by myself.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the time of debate be extended one hour, one half to be controlled by himself and the other half by the gentleman from Kentucky [Mr. THOMAS]. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Minnesota has used 50 minutes and the gentleman from Kentucky [Mr. THOMAS] has used 48 minutes.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

The SPEAKER. The gentleman from Pennsylvania [Mr. GRAHAM] is recognized for 10 minutes. [Applause.]

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I will take as little time as possible, so as to leave as much for others as will be comprehended within the extension. Replying to the gentleman from Texas [Mr. CONNALLY], I will only say that the splendid answer of the other gentleman from Texas [Mr. SUMNERS] covers the ground and his objections most thoroughly. I recommend to every Member of the House who is interested in such matters the careful perusal of the very able paper prepared by Mr. SUMNERS of Texas and presented to our committee upon this question of constitutional right. I have no manner of doubt whatever that the House has the power and has always exercised the power to subpœna any Member and have him testify and, if necessary, compel him to testify.

Briefly, I may say that the provisions of the Constitution which have been quoted here are for the protection of the House, and all history shows that, and not for the protection of the Members. In the old days they could take the Members out and leave the House without a quorum and destroy its power. Members should be free from arrest. That was to prevent external interference. But when you come to the internal operations of the power of the House, as Mr. SUMNERS so clearly shows, the House has full and complete power over its Members. And to say that when the House subpœnas a man and tells him to testify, and he does not, that he is not contumacious, disorderly, violating the honor and the dignity of the House, is to argue a negative that can not be sustained.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes; surely.

Mr. GARRETT of Tennessee. May I inquire of the gentleman why it is that all of the gentlemen of the Judiciary Committee, in discussing this question, seem to be giving their entire time to Mr. KELLER rather than telling us why the resolution for the impeachment of the Attorney General should not be considered?

Mr. GRAHAM of Pennsylvania. I am simply replying to an argument addressed to the House by a gentleman sitting near you who raised this question of constitutional power, and I think in its importance it overtops even the question of the impeachment of the Attorney General, the question of the power of this House over its Members.

Mr. GARRETT of Tennessee. The resolution——

Mr. GRAHAM of Pennsylvania. I can not yield further; I have only 10 minutes, and it is not fair to me to cut it down. I do not desire to discuss the constitutional power of the House further than to say that it is fully and completely answered, beyond criticism, by the subcommittee's report prepared by the gentleman from Texas [Mr. SUMNERS].

Now, I ask the attention of the House very briefly to two and perhaps three things. This committee took up Mr. KELLER'S resolution in a perfectly fair spirit. There was not a man on that committee that did not feel his responsibility as a Member of this House, as a lawyer, to handle this question according to law, and recognize the right of every man coming before that committee or involved in the investigation.

Very early in the proceedings, when we were trying to proceed in orderly regularity, objection was made to this method, objection was made to that, and, as the other gentleman from Texas [Mr. BLANTON] has said, Mr. Ralston thrust himself to the front, and was determined to have certain specifications only heard. Simply for the purpose of ascertaining the truth we asked Mr. KELLER what objection he had to proceeding with the specifications in their order, and he said that he had different attorneys prepare them and he did not know the names of the witnesses, and so on. That led to inquiry. I am not giving the exact words, but the hearings will disclose them as to what he did not and what he did know. Some of us wanted to ascertain whether he knew anything upon which he took the solemn position he did of charging impeachment against a high officer of this Government.

We felt that when an individual takes that responsibility he ought to have some facts within his knowledge. It was disclosed by his answers that he had no knowledge whatever, and

the testimony further shows when we proceeded on with it that he originally went to the Attorney General in a certain case and asked that that case be taken up and prosecuted, a case or allegations against the United Gas Improvement Co. of Philadelphia. He accompanied a gentleman by the name of Monad and they together made the demand. The Attorney General, without having an investigation made or previous knowledge of the facts, said certainly. He said one man has been removed from the investigation that had charge of it under another administration, and that man was immediately restored by the Attorney General and put in charge of it. Then the word came to the Attorney General that he was making a blunder; that he had been misled by these men and there was nothing in that case. It had been examined by two administrations before that. Attorney General Gregory was maligned and abused because he was charged with not going on with that same case, and Attorney General Palmer was brought under criticism concerning the investigation of it, but both of them rightfully turned it down.

The Attorney General said, "I will have an independent examination," and appointed a very eminent lawyer from Ohio to investigate it, whose report is on file with our committee and is a part of the records of the Department of Justice. That uninterested investigator found that this case was without any basis whatever, and that in point of fact it amounted to a persecution accompanied by an assault upon everybody that refused to do the will of these people.

That is the secret of this impeachment. Disappointed because the Attorney General refused to proceed further with it, these articles of impeachment were filed, and when you read them you will find nothing but glittering generalities. Our chairman and committee joined in making him come down to concrete accusations. Then it was that under the cover of Mr. KELLER other influences appeared on the scene, and an extensive series of charges and specifications were framed and when they came to try them they could not proceed with any evidence except upon one accusation, and what was that? They charged the Attorney General with having appointed Mr. Burns—who had been disapproved by Attorney General Wickersham and President Taft in a certain indirect manner nearly 20 years ago—not an impeachable offense; no lawyer would contend that; and they were permitted to go on with proof under that charge, and when the evidence was heard it showed that they wanted simply to blackguard the Attorney General and to attack Burns. Burns had been instrumental in making certain arrests, which Mr. Gompers objected to, and Burns was obnoxious to him. Gompers appeared and tried to testify against Burns, but failed to establish a single fact that reflected upon the honor or integrity of Burns. When Burns came to the stand to testify he absolutely refuted the whole story and showed that there was no ground to support the inference drawn by Attorney General Wickersham and President Taft from the report made to them by Pardon Attorney Finch.

I wish I had time to quote the testimony or a brief portion of it, for it is unanswerable. When he came to testify he explained that papers which were left there in that office, in Washington State, where the Jones case had been tried, were all left there when he gave up his connection with the case in any way in 1905. And mark you, this alleged misconduct concerning a selection of the jury was in 1905, and a prominent man in that State was indicted for land frauds. Burns was simply there as an inspector for the Government. That was in 1905. Jones was tried and convicted. Sentence was suspended. In 1911 an application was made for his pardon just preceding a presidential nomination.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. I yield to the gentleman two minutes more.

Mr. GRAHAM of Pennsylvania. This was just preceding a presidential nomination. Mark you, this man although indicted and convicted, was never obliged to serve one single day in the penitentiary—not a day. Sentence was suspended. The case had gone up to the highest court on appeal and had been confirmed both as to the fairness of the selection of the jury, the trial, and every incident in it. And yet that man never served a day in jail. Application was made for his pardon seven years after the conviction in the midst of a hot political campaign in which the delegation of his State was involved. Mr. Burns will show you that he never had a chance to answer the charge in any legal or formal way, and he will show you that the papers found supposedly in his handwriting were not in his handwriting at all. He will show you that the imputation that he has said certain things about jurors and the selection of them, and the evidence of it that had been left there, are utterly without foundation. The Attorney General knew this. He has the explanation and the truth from Burns, and when he made that appointment he exercised his right in selecting a man to fill this place. That was the whole strength of what they had to throw mud over Burns and get the revenge which they desired against this prominent official, and I say that if this proceeding has no other effect, in my opinion, it has one good effect, because it has shown the enmity of these very men, improperly substituted—no; properly substituted—by the gentleman from Texas, as the people who ought to be hanged. They tried to get their revenge on Burns even if they struck down the Attorney General. [Applause.]

Mr. THOMAS. Mr. Speaker and gentlemen of the House, the matter under discussion is the impeachment resolution concerning Harry M. Daugherty, Attorney General of the United States. I am not acquainted with the Attorney General. If I ever saw him, I am not aware of it. I never spoke to Mr. KELLER, who preferred the charges, and never knew him until he appeared before the Judiciary Committee in this case. I have no bias whatever in this matter, and I come to discuss it at least with clear vision, although some may think with faulty judgment, and perchance they may be correct, for we all have our faults and follies and human limitations. I would not intentionally do the Attorney General or the members of the committee who adopt his views of the case any wrong, nor do I impugn the motives of the committee, but I do condemn what seems to me to be their clouded judgment and the strange and unaccountable antipathy some of them seemed to have toward some witnesses and to some persons who did not testify, as well as the manner in which the inquiry was conducted. In discharging duties, especially of this character, we should be mindful of human frailties which are incident to all. Life at longest is short, and in dealing with our fellow men we should at least to some extent temper justice with mercy and do unto others as we would have them do unto us, for a human being is at best only a weak vessel drifting on tempestuous and uncharted seas toward far blind shores, and—

> Break, break, break! the breakers roar
> 'Till they lave some distant shore,

and dash the helpless craft against the rocks and bury physical existence forever beneath wild waters.

While we should temper justice with mercy we must remember that such consideration is secondary to the public welfare and that the mantle of protection should first be thrown around the whole citizenship in preference to the individual, and with this view I shall discuss the questions at issue, without regard to individual desires, as fully as I can in the time allotted to me, and shall shoot as true to the mark as I possibly can, unmindful who may suffer.

This impeachment proceeding had its inception on the 7th day of last April and grew out of remarks made on the floor of this House by Mr. JOHNSON of South Dakota and Mr. WOODRUFF, of Michigan. Mr. JOHNSON, in the course of his remarks, stated that—

> The facts I am going to show indisputably prove that the War Department has sold property and to-day is selling property at ridiculously and criminally low prices to favored customers, concealing the facts from Congress and deliberately misrepresenting the facts. They also show the War Department is trying to control the Department of Justice by putting men who ought to be in the penitentiary on the Department of Justice pay roll and asking Congress to appropriate for it.

On that occasion Mr. JOHNSON further stated:

> Mr. WOODRUFF and myself have performed our full duty in presenting this matter to the Congress. The duty now devolves upon you gentlemen and the President. We need no investigation if the Government will function, and an investigation will be worse than useless if it is conducted with some of these men now in power in control of the records.

And he further stated:

> My only object in presenting this matter at this time is to show its relation with invisible government.

Mr. JOHNSON then proceeded to enumerate a great number of war frauds—an hundred or more—by which the Government lost many millions of dollars, and charged that no steps had been taken to punish the criminals or recover the money.

His charges, made on the floor of the House, were made known to the members of the Judiciary Committee. It is the duty, as the committee well knows, of the Attorney General to investigate and prosecute all of the offenders in all such matters. Mr. JOHNSON was politely requested by the chairman of the Judiciary Committee to appear before the committee, and if he knew—

> of any witnesses that can substantiate any of the charges, I wish you would give the committee the names of such witnesses so that I may be able to subpœna them and have them appear.

To this invitation Mr. JOHNSON responded and stated he would appear; if the committee desires he would submit a list

of witnesses, including Army officers and civil accountants, who, in his opinion, will substantiate every statement made to the House, and would also submit a list of records in the War Department which the committee may have brought before it, and that it was a pleasure to him to know that the Judiciary Committee desires to go into these matters thoroughly and that he would be glad to cooperate in every way and proffered his services to cross-examine the witnesses. (Hearings, p. 412.)

Mr. JOHNSON appeared before the committee and reiterated that he could produce witnesses to substantiate every charge he had made on the 7th of the preceding April. The committee did not request him to furnish a list of witnesses or a single witness or record. It evaded the matter under the flimsy pretext that the charges made by Mr. JOHNSON were not embraced in the specifications filed by Mr. KELLER. This, of course, was the merest pretext and showed clearly, in my opinion, the committee's intention to exculpate the Attorney General.

The Resolution 425, passed by the House, authorized and directed the committee to inquire into the official conduct of the Attorney General to determine whether he had been guilty of any acts which, in contemplation of the Constitution, are high crimes and misdemeanors. The resolution did not authorize nor direct a trial of charges against the Attorney General, and this fact was well known to the committee. The resolution did not authorize nor direct the committee to inquire into some of the official conduct of the Attorney General but to inquire into his official conduct, which meant any official conduct, and report to the House whether in its opinion he had been guilty of any acts, not some acts, which in contemplation of the Constitution are high crimes and misdemeanors. It is a vain thing and sophistry in a circle of the most apparent kind to contend that the committee had the right to require Mr. KELLER to file specifications and then confine itself to evidence as to those specific charges without the privilege of amending or extending the charges. There is not a judge of a court in America who knows any law whatever who would deny a litigant the privilege of filing an amended petition containing a material allegation. The resolution is to inquire into the official conduct of the Attorney General, and had the committee been mindful of its duty or had realized its obligation it would have made a thorough inquiry into his official conduct regardless of specifications, giving him, of course, due notice of and every opportunity of defense.

The numerous cases of war graft presented by Mr. JOHNSON related to the official conduct of the Attorney General. The Attorney General certainly knew of the charges, and if he did not it is inconceivable that he did not, and he did beyond any doubt know of them since the 7th of April, the day Mr. JOHNSON publicly made them on the floor of the House. It was his plain duty under the law to have investigated and prosecuted these cases, but he has not done so, and no reason or excuse has been given why he has failed in this duty, and the committee conveniently determined not to summons the witnesses, excusing itself because these matters were not contained in KELLER'S specifications, when if it had considered specifications necessary and done its duty it would have amended the specifications, subpœnaed the witnesses, and investigated the charges.

Some of the committee, when the inquiry or whatever it may be termed was being conducted, seemed imbued with the idea that an impeachable offense must also be an indictable offense. Whether that was a feeble attempt to protect the Attorney General I do not know, but that contention was soon abandoned, as it has never been the law in any civilized country. It was never the law in England and—

> In each of the only two cases of impeachment tried by the United States Senate in which convictions resulted the offenders were found guilty of offenses not indictable either at common law or under any Federal statute. (A. and E. Enc. of Law, vol. 15, p. 1067.)

And none of the articles exhibited against United States Judge Archbald, of Pennsylvania, on which he was impeached charged an indictable offense or violation of positive law.

One of the complaints against the Attorney General is that he appointed William J. Burns Chief of the Bureau of Investigations when he knew before the appointment was made that Burns was an unfit person and an improper character to be appointed. This charge was based in part on the conviction of Willard N. Jones for being concerned in the Oregon land frauds in 1905. Jones was pardoned by President Taft on the recommendation of Attorney General Wickersham, because Mr. Taft believed from the evidence presented that Jones's conviction was obtained through the activities of Burns in succeeding in stuffing the trial jury box by himself and agents with jurymen he ascertained in advance were for conviction. In his recommendation to President Taft for pardon of Mr. Jones, Mr. Wickersham stated:

> The course of the Executive seems to me to be clear, and that is, he can not countenance the methods employed in the prosecution of these cases.

In granting the pardon, Mr. Taft wrote Mr. Wickersham:

> From the case made it is perfectly clear that this conviction was effected by the most barefaced and unfair use of all the machinery for drawing a jury that has been disclosed to me in all my experience in the Federal court. (Hearings, pp. 141–143.)

Some members of the committee used every effort to keep this evidence from being made a part of the record. (Hearings, pp. 141–142.) They objected to it all, and they objected because they claimed that Attorney General Daugherty did not have any knowledge of the existence of this evidence before he appointed Burns, but it was shown by several witnesses, including Mr. Wickersham, that he did have complete knowledge of all the evidence bearing on the Jones case, and it was finally admitted by Mr. Daugherty's attorney.

The next move in the defense of Daugherty by the committee in the Burns matter was to try to make it appear that Mr. Wickersham had signed the recommendation for the pardon of Jones as a mere matter of form and had not given his personal attention to the papers in the case, and that Mr. Taft had signed the pardon merely on the recommendation of Mr. Wickersham. This illusion, however, was dispelled by the testimony of Mr. Wickersham, who stated:

> I gave it very careful attention.
> I went over the report very carefully.
> I personally examined all the documents referred to in the case. (Hearings, p. 178.)

Mr. Wickersham testified that Burns never came to see him in defense of his action, although he sent for him to do so, but that he was informed he called only once at the Department of Justice in Mr. Wickersham's absence.

Burns sent a telegram in cipher to Hon. E. A. Hitchcock, at that time Secretary of the Interior, on August 17, 1905, the very date on which the jury box was filled in the Jones case, which was as follows:

> Jury commissioners cleaned out old box from which trial jurors were selected and put 600 new names, every one of which was investigated before they were placed in the box. This is confidential. (Hearings, p. 140.)

Burns was in charge of Oregon land-fraud cases. The hearings show that he had agents in the field investigating possible jurors to determine who were for conviction. Inadvertently he seems to have left the telegram and other papers in the case in the office of the district attorney, where they were discovered in the old jury box. Burns states that when he returned to Portland he found Thomas B. Newhausen in charge of the investigation of the jurors, and he further states we had been making investigation of the jurors from the time we first went up there in what they designate here as the "old jury box."

Afterwards Burns was asked by Daugherty's attorney if you meant to say that these men were investigated by you, and he replied, "Oh, not at all." Then later Burns stated we continued to investigate. So he first states we—that is, Burns and others—had been making investigations; then he denied that these jurors had been investigated by him, and then capped the climax of his contradictory statements by declaring, "We continued to investigate." Annotations were made opposite the names of the jurors investigated, such as "convictor from word go." "Socialist anti-Mitchell." "Just read the indictment." "Think he is a populist. If so, convictor." "Would be apt to be for conviction." "He is apt to wish Mitchell hung." "Would convict Christ." "Convict anyone." Burns's favorite way of describing an unsatisfactory juror was to designate him as —— of ——. Burns states in his testimony—

> that the jury was selected after being investigated by jury commissioner and clerks of the court. (Hearings, p. 229.)

But his statement is contradicted by Judge Gilbert, who tried the case. Judge Gilbert, in letters, states:

> All orders on which names were placed were made by me. I know of my own knowledge that no men were sent out to ascertain the views or inclination of any of the men so selected. I was advised of each step taken by the commissioner in making the jury lists. (Hearings, p. 169.)

So Burns's statement that the jury was selected after being investigated by the clerks and jury commissioner is contradicted by Judge Gilbert.

Corroboration of Burns's methods in the Jones case is the Beekman case in New Jersey. Beekman was charged with "running whisky" and Burns sent a man named Joyce, a deputy United States marshal, to New Jersey to obtain evidence against Beekman. Joyce remained several days in New Jersey but failed

to obtain any evidence. Joyce undertook to explain the matter to Burns, but Burns told him it was his—

Plain duty over there to take that —— of a —— before the grand jury in Newark and have him indicted. I told him I did not think so. He said I had no business of looking into the matter of witnesses of the ones that made the affidavit; it was none of —— business. Thereupon he flew into a rage and told me it was none of my —— business, that it was my plain duty to have those witnesses before the grand jury in Newark and have this man indicted, which was afterwards done. (Hearings, pp. 255–256.)

Joyce further stated that he afterwards learned the reputation of the two witnesses on whom Burns relied and stated:

The very worst I think I ever heard. Neither of them would be believed on oath according to the very many men I talked with, business and professional men in that section. (Hearings, p. 256.)

Mr. MCARTHUR, formerly connected with investigations of the Oregon land-fraud case, afterwards speaker of the House of Representatives of Oregon, and now an honored Member of this House, made a complete disclosure of Burns' activities in the Jones case. He states that on or about July 25, 1905—the jury box was filled August 17, 1905—Burns telephoned to him that he wished to see him in the district attorney's office, and while there, in the presence of Francis J. Heney, Burns handed him a typewritten list and said, as nearly as Mr. MCARTHUR can remember:

Here, Mac, is a list of prospective jurors from several counties. Take it and weed out the —— of —— who will not vote for conviction and return it to me as soon as possible, for we are going to make up a new jury box, and no man's name goes into the jury box unless we know he will convict, for, by ——, we are going to get Williamson this time, you can bet your sweet life, and we will send this whole —— outfit to jail, where they belong. We are going to stack the cards on them this time. (Hearings, p. 140.)

Mr. MCARTHUR became indignant and told Burns that such methods were altogether improper, and that no self-respecting man could be a party to them, and Burns replied:

Any methods are justifiable in dealing with these —— of ——. (Hearings, p. 140.)

MCARTHUR further states that about the 1st of September, 1905, he met Burns, who said to him:

Well, Mac, we weeded out the —— of ——; at least, I think we did, and we will get Williamson this time, and, by ——, we will get the whole —— crowd. (Hearings, p. 140.)

And he further states that Burns said:

Old Slayden kicked like —— because my men worked the lists over before they went to the jury commissioners, but it didn't do the old —— of —— any good, as the corrected lists went in, anyhow.

Burns stated in his testimony that Jones paid for his pardon, but did not say who he paid nor how much he paid, but intimated that the price was that the Oregon delegates to the national convention should go instructed for Roosevelt but should vote for Taft, thereby attempting to besmirch the good name of Mr. Taft to save himself and Daugherty. All the evidence in this case, in my opinion, shows beyond a reasonable doubt that Burns and his agents packed the jury box with jurors they knew would convict Willard N. Jones.

In the Burns matter the committee permitted Senator JOHNSON, of California, to testify as a character witness for Burns without in anyway qualifying as such witness. He stated he knew Burns when he was investigating the graft cases in San Francisco and was permitted to tell his own personal estimate of him, which anyone knows was not competent testimony. JOHNSON stated he would believe Burns before he would Mr. Wickersham, but at the suggestion of some of the committee he qualified that by saying it was because he did not know Wickersham but knew Burns. By a parity of reasoning I presume Senator JOHNSON would state that he would believe Burns before he would Christ because he knows Burns but never knew Christ.

The pious soul of one of the committee was horrified because in the course of his investigation of the Beekman case Joyce was compelled to visit a number of saloons in order to try to obtain evidence, and he accused Joyce, in Daugherty's defense of course, that while in saloons he found it necessary to take a few drinks of whisky; and he accused Joyce of violating the law, about which there is a difference of opinion, and in behalf of Daugherty heckled Joyce all he possibly could. I presume the intelligent committeeman must have considered it Joyce's duty to visit a Sunday school in order to obtain evidence against a "whisky runner."

One of the charges brought against the Attorney General was that he failed to prosecute the railroads for violation of the safety appliance laws. His defense to that charge that he did not have sufficient funds to prosecute the railroads does not appear to be well taken, in view of the fact that he found sufficient funds to send agents all over the United States to ascertain whether any of the railway employees were violating the Chicago injunction.

The Attorney General also stated that he was not able to prosecute such cases because the railroad brotherhoods had failed to present him with evidence in those cases. This is a puerile excuse and the merest subterfuge to conceal his negligence and nonfeasance. The railroad brotherhoods were under no obligation whatever to furnish him with evidence of violations of the law. The Government has inspectors to investigate those matters and furnish evidence of violations of the law, and he well knew it when he made that excuse, and such evidence was furnished as shown by the testimony of Commissioner McChord. As a matter of fact, there was a great railway strike, which began the 1st of July; and the Attorney General hastened to Chicago September 1 and obtained the most far-reaching and oppressive injunction against the railway strikers ever obtained in the history of this Republic, while he permitted the violators of safety appliance laws to go unprosecuted.

As to the Attorney General's statement that he did not have funds sufficient to prosecute violators of the safety appliance laws, the following may be illuminating: On the 7th of April, 1922, Mr. JOHNSON of South Dakota offered to the appropriation bill providing for the expenses of the Attorney General an amendment appropriating $500,000 more for the expenses of the Attorney General's office, which was adopted and finally became law. Mr. HUSTED, of New York, chairman of the subcommittee having in charge this appropriation bill, stated:

The Department of Justice has not asked for this item, but the Department of Justice is engaged in this work and has ample funds to carry it on at the present time. It does not need an additional dollar for this purpose, and if the money was appropriated it simply adds $500,000 to the amount carried in the bill which we would have to raise by taxation and which the department could put to no good purpose. (Hearings, p. 413.)

So the statement of the Attorney General that the violators of the safety appliance laws could not be prosecuted for lack of funds is evidently a defensive fabrication, and the Attorney General, as a further defensive smoke screen, asked for the appropriation of $500,000 about two weeks after Mr. JOHNSON had made his charges on the floor of the House on April 7.

According to the testimony of Commissioner McChord, the number of railway locomotives found defective from July to November, inclusive, was 18,976, and 2,890 locomotives were out of service. As a matter of course, the railroads had been continuously violating the law, or so many engines would not have been found defective nor such a number ordered out of service by the inspectors. Violators of this law were reported to the Attorney General August 15, 1922. Mr. McChord testified that he stated to the Attorney General in a letter that—

Certain violations of the act were reported to the Attorney General for appropriate legal action. With a continuance of existing conditions this will be increasingly frequent. (Hearings, p. 199.)

The President in his message to Congress stated that all laws to restrain conspiracies and to interfere with interstate commerce and the laws to insure the highest efficiency in the railroad service will be invoked, and the bill of the Attorney General in the Chicago injunction stated it is the duty of the Attorney General to enforce the safety appliance laws. He enjoined the employees but failed to prosecute the railroads, and instead protected the railroads by the most villainous injunction. So far as the evidence shows, he has never taken any steps to enforce the safety appliance laws. He has completely failed in his official capacity in this regard, has willfully neglected to perform his official duty, and is guilty of nonfeasance, an indictable and impeachable offense.

The lumber trusts have been continuously violating the antitrust law ever since and before Daugherty became Attorney General. The Federal Trade Commission placed the evidence of such violations in the hands of the Attorney General at various times ever since he has been in office, and yet he has made no effort to prosecute, and in that is guilty of nonfeasance and a willful neglect of duty. Evidence of the violation of the antitrust laws by the Southern Pine Association, the Western Pine Association, the Georgia-Florida Sawmill Association, the North Carolina Pine Association, the South Cypress Manufacturers' Association, the California Sugar and White Pine Manufacturers, the Redwood Manufacturers' Association, the California Redwood Association, the Redwood Shingle Association, the Northern Hemlock Manufacturers' Association, the National Lumber Manufacturers' Association was placed in the hands of the Attorney General, most of them nearly two years ago, yet he has taken no steps, so far as I am advised, to enforce the law. These companies are illegal combinations to enhance and maintain an exorbitant price for building material to the detriment of the public. No wonder there is a shortage of houses and many homeless people in this Republic with these illegal combinations operating in defiance of law with the tacit consent of the Attorney General. No wonder living becomes harder for poor people and the struggle for existence more acute when such oppression is carried on right under the nose of the Attorney General while he sits complacently by and, in plain violation of his duty, makes no effort to correct the evil.

In addition to these cases placed in the hands of the Attorney General evidence of a violation of the antitrust laws by the American Tobacco Co., National Implement and Vehicle Association, Macbeth-Evans Glass Co., Mathieson Alkali Works, Cumberland Manufacturing Co., National Malleable Castings Co., Maple Flooring Manufacturing Association, California Packing Corporation, Southern Wholesale Grocers Association, Duncan's Trade Register, Goodman Manufacturing Co., and the Pioneer Bindery Printing Co. was placed in his hands. The Attorney General has had the evidence in most all these cases ever since he has been in office and if he has ever made a move to prosecute any of these unlawful combinations I have never heard of it, but on the contrary he excuses himself by the statement that he is still investigating when all necessary evidence has long since been furnished by the Federal Trade Commission. His neglect of duty in these cases is the most willful nonfeasance and is of itself alone amply sufficient to call for his impeachment.

The committee had before it, or rather the chairman did, a statement from the Federal Trade Commission as early as December 25, 1922, that it had furnished the Attorney General with a statement of violations of law by these illegal combinations, giving the dates when such evidence was furnished, and Mr. KELLER in his specifications stated:

I request and demand that your committee require the production by the Department of Justice of all letters, telegrams, briefs, memoranda of conversations and conferences, reports of bureaus, investigators, agents, and all other papers, documents of any kind whatsoever in the files of the Department of Justice or of the said Harry M. Daugherty in connection with or in any matter related to any of the matters mentioned in this bill. (Hearings, p. 90.)

In addition to this Mr. KELLER requested that the committee have produced all documents and evidence in the Department of Justice that might throw light on the operations of 43 illegal combinations, including the evidence furnished by the Federal Trade Commission. He also requested that the documents and evidence concerning violations of law by the United Gas Improvement Co., Welsbach, Cities Illuminating Co., and a number of others be produced. The committee did not require the production of the files which Mr. KELLER claimed would prove his contention, but demanded of Mr. KELLER he should name just what papers he wanted, and did have produced some papers, but of such a character as to throw but little light on the situation, and it did not attempt, so far as I am aware, to have produced any of the evidence furnished the Attorney General by the Federal Trade Commission, although requested to do so, but contented itself by stating that the Attorney General would furnish any paper called for and ended by stating that Mr. KELLER refused to offer any evidence, in the face of the fact that in his specifications he had called for various documents which the committee refused to have produced.

The statement made on the floor of the House this day that the Attorney General was willing to produce any record does not correspond to the facts. In his answer to the Keller specifications calling for various documents, naming them, the Attorney General says:

In this connection the Attorney General begs leave to advise and inform your honorable committee that these documents are of an official character, and that to submit them to the inspection of anyone not a member of the Department of Justice would be highly prejudicial to the best interests and subversive not only of the rights of the people of the United States but would be violative of the rights of those confidences, as many of these documents reflect, were given to the Government of the United States upon the express official understanding that such confidences would be treated and preserved as inviolate. (Hearing, p. 93.)

So the Attorney General refused to produce the documents, and the committee would not compel him to produce them, but contented itself by abusing KELLER and threatening to send him to jail because he would not, as the committee claimed, produce the evidence when the committee itself absolutely refused to produce the documents containing the evidence which KELLER specifically named and demanded. It seems to me the committee proceeded on the theory that the best thing to do was to heckle KELLER and the witnesses after the manner of some attorneys, when they have a bad case, to "cuss" the court and abuse the witnesses.

KELLER was not a witness. He never claimed to know any of the facts of his own personal knowledge. All he claimed to do was to be able to produce the evidence if given a fair opportunity, which I believe he could have done. He stated he was not a witness—

Mr. KELLER. I ask the right to address the committee, and I am going to ask you whether you are going to refuse to hear me on that statement.

The CHAIRMAN. If you will be sworn——

Mr. KELLER. I do not have to be sworn.

The CHAIRMAN. Well, we will have you sworn; we will serve a subpœna on you; you can not bully this committee. (Hearings, p. 360.)

Notice the unfair, unjust, and insulting way Mr. KELLER was treated. He was not a witness, but desired to make a statement. Mr. JOHNSON and Mr. WOODRUFF both appeared before the committee, and each of them not only made a statement but testified and neither of them was sworn, nor did the committee require them to be sworn.

That committee, it seemed to me, half the time during the proceedings, did not know which way it was drifting so intent was it, I think honestly, on the exoneration of the Attorney General.

Without any intention whatever of comparing the committee to frogs, still its conduct sometimes reminded me of a doggerel about those creatures—

What a wonderful bird the frog are!
When he sit he stand almost,
When he hop he fly almost;
He ain't got no tail hardly, either;
When he sit, he sit on what he ain't got almost.

No real effort was made by the committee to obtain evidence as to why the Attorney General has not prosecuted the parties who have been violating the laws. It was the duty of the committee under the resolution.

The Attorney General, if my information is at all correct, has placed one Rocellar Gray, a negro, his chauffeur, on the Bureau of Investigation's pay roll, one of the highest paid men in that department. He draws pay from the Government, but is in reality Daugherty's chauffeur, according to my information. Mr. WOODRUFF submitted a list of witnesses in this matter and some papers as requested, but no effort was made to get at the facts.

Ambassador Harvey's son-in-law was indicted, according to information in New Jersey, for shipping arms or ammunition, or both, to Ireland in violation of law. The Department of Justice had the indictment sealed, and Attorney Crim was sent to New Jersey and had the case reopened before the grand jury and attempted to induce the grand jury not to return another indictment, and insisted on remaining in the grand jury room while the grand jury voted, but was not permitted to do so, and the grand jury returned another indictment in the case of Harvey's son-in-law, which the Department of Justice had dismissed under an old carpetbag statute which gives a district attorney the right to dismiss an indictment over the protest of the presiding judge.

The committee did not inquire into the charge that large quantities of whisky had been seized by agents of the Department of Justice and appropriated to the use of high officials in that department, and the Attorney General has failed and refused to prosecute any of them. The charge was made that a hundred thousand dollars' worth of confiscated liquors have been illegally disposed of by Government agents, and these agents, instead of being discharged, have been the recipients of favoritism and promotion; and William B. Matthews, formerly agent in charge of the Washington office of the bureau of investigations, stated:

The facts in the case are that every man connected with this affair has been treated as a favorite and has been placed in some other good job or given a promotion in the Government service.

A Washington grand jury investigated this case, but did not return an indictment because it was handicapped in obtaining evidence. This case was a matter of public notoriety and published in Washington newspapers.

The grand jury in its report stated that the investigation developed the fact that a large number of suit cases, trunks, and boxes, presumably containing alcoholic liquors, had been seized at the Union Station by agents of the Department of Justice and stored in rooms in that department and that during the periods of seizure, storage, and withdrawal no warrants were issued nor legal process instituted with regard to the persons transporting or parcels of liquor transported; that the liquor so seized while supposed to be forfeited to the United States was not in fact so forfeited for the reason that such seizure was never confirmed through legal action by the proper office of the Department of Justice, and therefore neither the liquors nor the persons transporting it ever came into the custody of the court. The grand jury further reported that certain representatives of the Department of Justice disposed of the liquor by making gifts to relatives and friends and by destroying such of it as appeared to be unfit for consumption. No prosecution was ever instituted by the Department of Justice, and no inquiry made by the Judiciary Committee. This violation was committed right under the nose of the Attorney General, yet he has made no move to get at the facts and no attempt to prosecute the guilty. It seems to me that the Department of Justice instead of being an instrument of prosecution has become a harbor for criminals.

The chairman of the committee, in his pursuit of KELLER in his remarks to-day, stated that—

Mr. KELLER himself selected this committee (Judiciary) as the one to make this investigation.

That was a loose statement and the chairman is evidently forgetful. The CONGRESSIONAL RECORD of September 11, 1922, shows that Mr. KELLER introduced his resolution together with some specifications, and that thereupon Mr. MONDELL moved that the resolution be referred to the Judiciary Committee, which motion was adopted.

During the administration of President Taft, Morse, a New York banker, was charged with looting a bank and convicted and sent to the Atlanta Federal Penitentiary. In connection with Thomas B. Felder, a man of malodorous reputation, Mr. Daugherty undertook for a fee of $25,000 to secure from President Taft a pardon for Morse. Daugherty denied emphatically that he received any fee for getting Morse out of the penitentiary, and Senator WATSON, of Indiana, denied it several times on the floor of the Senate, but after the letter from Felder to Leon O. Bailey was published stating that Morse had agreed to pay them $25,000 to secure the pardon and that if they would renew their efforts to secure the pardon he would pay them $100,000, Daugherty admitted it. It seems that Daugherty and Felder had failed in their first efforts. The letter cites several instances of Daugherty having visited Morse in New York to secure payment of this fee after Morse was pardoned. Six thousand dollars of it was paid. Felder further says in his letter that if it had not been for himself and Daugherty Morse would have been in his grave. A board of physicians was employed to examine Morse, but reported there was nothing seriously the matter with him. Another board examined Morse and reported him to be in a serious condition.

This was a board of Army doctors. They went to the office of Doctor Fowler, who had been the physician at the penitentiary when Morse was first incarcerated, and obtained a statement from him that Morse had incipient Bright's disease. With this as a cue, they came to Washington and obtained a premise from the President that if an examination showed that Morse's life would be endangered by confinement he would be released. Then they secured a board of Army doctors and had him examined, and they reported he had Bright's disease and was in a very precarious condition. Just after this occurred Felder made this significant statement:

We understood the department has since got hold of evidence that each time Morse was examined by this board of experts that he took either soapsuds or some kind of chemicals that made his kidneys bleed, and therefore fooled the experts. (CONGRESSIONAL RECORD, p. 8018.)

Daugherty got the Morse case, not because he is a lawyer, but because he was close to the President, and practiced a fraud on the President to secure the pardon. Attorney General Daugherty denied he had anything to do with the Morse case, yet on April 30, 1913, he wrote a letter to Morse in which he said:

I inclose you herewith a copy of the letter setting forth the contract you made August 4, 1911, with Mr. Felder for his services and mine. You will observe that I was correct in the statement that there was a balance due when you were commuted. (CONGRESSIONAL RECORD, p. 7948.)

Fowler, the penitentiary surgeon engaged with Daugherty and Felder in perpetrating that fraud on President Taft, was discharged from his position, but was reinstated when Daugherty became Attorney General. There was nothing the matter with Morse. He immediately became well and hearty after his pardon and ready for new fields to pillage.

The Attorney General's action in the Bosch Magneto Co. is on a parity of rascality with the fraud practiced in the Morse case. That is one of the large cases pending before the Department of Justice, in which it is contended that the Government was robbed of anywhere from two to ten millions of dollars, and Mr. Scaife, a then special agent of the Department of Justice, made the investigation. He is the man whom the Attorney General wanted discharged, not because he did not tell the truth but because he gave out information to two Members of Congress. He discharged him saying, "You have been disloyal to the Department of Justice." Felder had been retained as counsel for the Bosch Magneto Co. Felder stated to Scaife that he had an interview with the Attorney General and the Attorney General had agreed to cooperate with him in the case and that the Attorney General wanted Felder to see Scaife and he desired to associate Scaife with him. Scaife refused to become associated with Felder. A letter to this effect was published in the CONGRESSIONAL RECORD May 20, 1922. The Attorney General has never denied the truth of the statements contained in the letter, and, although Mr. Scaife was before the committee, the committee was very careful not to interrogate him about it.

Felder knew that Scaife was the gentleman who made the investigation in the case in which the Government was expected to recover millions of dollars, and came straight from the Attorney General's office, where he had a conference about this matter, and at the request of the Attorney General, and offered to employ Scaife to become the head of the defense in a suit which the Attorney General is presumed to bring against the Bosch Megneto Co. Thomas B. Felder, at the request of the Attorney General, attempted to lure away from the Government the investigator on whom the Government must rely to recover judgment against the Bosch Magneto Co. This one case is foul enough to impeach half a dozen Attorneys General.

Mr. Speaker, during the war a small group of men controlled the manufacture of airplanes, and among this number were the Standard Aircraft Corporation and the Standard Aero Co., which were controlled by Mitsui & Co., Japanese companies. In the fall of 1917 it was discovered that the Standard Aircraft Corporation had shipped five Liberty airplane motors from San Francisco to Japan, and the bill of lading for the shipment as set out in the Hughes investigation. In the answer of the Attorney General he alleges these claims have never been placed in his hands, but in the next paragraph contradicts himself by stating in effect that the Department of Justice had made laborious efforts in the matter, and asks to be excused from disclosing the facts on the alleged ground that it would be detrimental to the Government's interests to make these disclosures. It was brought out in the Graham investigation that the Mitsui company is the head of the Japanese secret service in this country.

In a settlement made between the Government and the Standard Aircraft Corporation the Government records show that over $2,000,000 was paid to these companies for amortization and depreciation of plants and machinery. The same settlement also shows an item of $375,000 has been paid them for rent. It is evident the company could not collect for a building it did not own and therefore one or the other of these items was a false claim. An investigation was made which disclosed that these companies had never owned the plant or building and therefore had defrauded the Government out of over $2,000,000. The files in the Air Service and in the Contract Audit Section of the War Department will substantiate these statements. I suggested that Secretary of War Weeks be called before the committee as I wanted this matter inquired into, but my suggestion was not heeded by the committee. This matter has long been known to the Attorney General and he has taken no steps whatever to prosecute this matter and the committee did not take the trouble to obtain any testimony in regard to it but contended itself with heckling. In this matter the Attorney General has dodged his official duty and is subject to impeachment.

Mr. Speaker, the Attorney General had favored the banking house of J. P. Morgan & Co. in that he had indictments dismissed against the directors of the United States Gas & Improvement Co. for violation of the antitrust laws. The directors of this company were indicted for numerous violations of the antitrust law charging them with killing off competing companies and the Attorney General had the indictments dismissed on the flimsy pretext that there might be a variance between the allegations of the indictments and the proof, and the committee accepted this lame excuse and did not go into the merits of the case, although R. Moman, on December 21, 1922, telegraphed the committee demanding to be heard.

The charge was made that the Attorney General favored the New York, New Haven & Hartford Railroad, and Samuel Untermyer informed the committee that he had valuable testimony to offer in connection with the General Electric Co. and cement cases. The General Electric Co. is a criminal monopoly and has placed upon the people of the United States a 100 per cent monopoly of the business of electric-light bulbs. The bulb business constituted only 20 per cent of the volume of the total business of that company, but it yielded 85 per cent of its total profits. This was long since placed in the hands of the Attorney General fully prepared, but he has made no effort whatever to prosecute this criminal combination.

There are a number of other cases in which the Attorney General signally failed to perform his official duty. They are too numerous to specify, and the committee, had it so minded, could have obtained testimony of his dereliction in these cases, but it dodged the matter by demanding that KELLER furnish the evidence, when the resolution authorizes and directs the committee and not KELLER to inquire into the official conduct of the Attorney General.

The forgetful chairman of the committee states in his remarks to-day that the gentleman from Kentucky [Mr. THOMAS], who asks for further investigation, made no such demand when the committee closed its hearings. The chairman stated when

Mr. Howland had made a statement, had testified relative to certain specifications, "if you are through we will go into executive session," which was done. Nothing was said about the hearings being closed. In executive session I refused to vote for the Volstead resolution exonerating Daugherty and stated I thought there should be further investigation and would offer a minority report, which I did. The chairman of the committee should read the record and polish up his memory before he makes loose statements.

Into the controversy came jumping the effervescing, bouncing, bounding, bucking gentleman from the sun-baked plains of Texas [Mr. BLANTON], a man of many good parts, but, like the traditional parrot, he talks too much. He came with blood in his eye and talked of scaffolds and hangings, and seemed to have gore on the brain. He in no way discussed the evidence or merits of the case, but contented himself with wholesale abuse of all witnesses in the case who had the temerity to give any testimony at all reflecting on Daugherty, and he was especially severe on the attorneys he presumed represented Mr. KELLER, as well as Samuel Gompers. The mention of Gompers's name always puts him into an intense rage, and the thought of the American Federation of Labor or any other labor organization, except the farmers in his own particular district, throws him into a conniption fit, but he acts very kindly toward the farmers of his district because they do the principal part of the voting in that section; otherwise he probably would be as virulent toward them, because they are laboring people, but he is careful not to kill the goose that lays the golden egg. He states if there had been no strike there would have been no injunction and no impeachment. He knows full well that the railroads caused the strike. He knows they violated their written agreement to meet the railroad employees long before the strike and arbitrate the question of wages, and violated their written agreement and demanded a reduction of wages and an increase of rates, which they, through the assistance of Daugherty and the Interstate Commerce Commission, obtained. He knows that for months before that it was generally published that the railroads intended to break down the labor organizations, and in pursuance of that policy secured the passage through Congress of the infamous Esch-Cummins railroad bill, to enable the railroads to collect from the people sufficient funds to bear the expenses in attempting to disorganize the labor organizations. He knows that under the law millions of dollars were collected from the people, including the farmers of his district, whom he professes to so devotedly love, and turned over to the railroads for the purpose of defraying the expenses of the railroads in that effort. He knows he voted for that bill to take money out of the pockets of his farmer constituents to give to the railroads.

He manifested in his remarks no respect for old age and gray hairs, but was exceedingly abusive toward Samuel Gompers because he obeyed the subpœna of the committee and appeared and testified, and was equally abusive of KELLER for the reason that he refused to testify and wanted to hang somebody.

The truth is Mr. BLANTON did not discuss the relevant testimony adduced in the case. He seems to have an inordinate desire to see his name appear in the CONGRESSIONAL RECORD. He appears to be a monomaniac on the subject of seeing his name in the RECORD. He seems to have arrived at that state of mind that he believes—

> Every day and every minute,
> The RECORD's wrong if I'm not in it.

The fact is, Mr. BLANTON manifested no conception of the merits of the case but contented himself to indulge in villification. He has about as much knowledge of the case as a swan floating on the broad bosom of mid-Atlantic has of the immeasurable depths beneath it.

Mr. Gompers was present in obedience to a subpœna. He conducted himself with modesty, decorum, dignity, and courtesy. His testimony was brief and simple, and only to the effect that after having been sent for by Daugherty in regard to the Burns appointment he protested against the appointment, which statement was admitted by Daugherty's attorney and proved by several other witnesses. That and the fact he is a member of the American Federation of Labor is the cause of the outpouring of BLANTON'S vials of wrath.

No member of the committee nor Member of the House who has discussed this question to-day has touched upon the evidence. All of them have studiously avoided that. KELLER has been abused and charged with discourtesy toward the committee, of which I do not think he is guilty, and I desire to call attention to some of the epithets that have been hurled at him and witnesses and attorneys engaged in this case. They are such as "cheap political scavengers," "muckraking klan," "dirty politics," "henchmen," "shyster lawyer," "dastardly act," "insolent attempt," "insolent letter," "insolent and abusive epistle," "falsehoods and misrepresentations," "insolent manner," "promptly have gone to jail," "friend and attorney of prominent anarchists," "innocent dupe," "messenger boy," "an anarchist," "to blackguard the Attorney General," "false and voluminous charges," "weasel politics," "dissembling Samuel," "insolent attitude," "slander and scandal," "scurrilous charges," "disseminators of falsehood and calumny," "mixed hatreds, emotions, and falsehoods," "arrogant, truculant, and offensive," "impertinent," "disgusting and demoralizing," "wholesale, reckless, rampant, and discriminating abuse," "slanderous attack," "willful and malicious misrepresentation."

These and some other affectionate epithets were hurled at KELLER, witnesses, and attorneys in this case in the committee and on the floor of the House to-day by the exceedingly courteous committee which complains of discourteous words used by Mr. KELLER.

Mr. Speaker, the committee in consideration of the Daugherty matter at times proceeded as though the resolution had been passed by the House and it had been authorized to conduct an investigation and even more; it proceeded as though the House itself had had prepared a bill of impeachment and the committee was the United States Senate sitting as a court to hear evidence on this bill. Such action was a usurpation of the prerogatives of the House and Senate and finally it was turned into a farcical proceeding.

The committee appeared to me to have prepared barrels of whitewash for Daugherty and barrels of blackwash for KELLER, because he had dared to exercise his constitutional privilege of calling attention to what he believed to be reprehensible and impeachable official conduct of the Attorney General and requested that Congress inquire as to the conduct of that official. The rulings made from time to time as to evidence by the committee have, in my opinion, no parallel in any court in the land.

Mr. KELLER divided his accusations into 14 divisions or charges, together with a number of subdivisions, making a total of about 130 alleged instances of official misconduct on the part of the Attorney General. KELLER was present and represented during the hearings on only 2 of these 130 charges, and because of the heckling he had been subjected to by the committee and the discourtesy with which he had been treated withdrew from further participation in the proceedings. In this course he was fully justified, as he had a constitutional duty to perform and it was his right and duty to refuse to participate in proceedings which, in his opinion, were violative of his fundamenatl obligations and rights as a Member of the House.

After KELLER'S withdrawal the greater part of the committee's time was consumed, in my opinion, in devising ways and means to shut out any testimony that might tend to substantiate the Keller charges. Unless I am greatly mistaken in my opinion several of the members of the committee acted as advocates for the Attorney General in combating the charges, and I think there is ample evidence of this in the published hearings. It seemed to me it was not necessary for the Attorney General to be represented by counsel and few were the questions asked by the Attorney General's counsel, as that was diligently looked after by several members of the committee. It would require much time to specify the many gross failures of the committee to make any effort to get at the real facts of the many charges. The very nature of an impeachment proceeding is to remove an unfit official from office. Were he guilty of crimes, he could be reached by courts.

Mr. Speaker, Anglo-Saxon law and tradition from the earliest time have universally and tenaciously held to the doctrine that nonfeasance or conduct prejudicial to the interest of the public are sufficient to remove public officials from office. I believe the discourtesy shown KELLER and contempt manifested toward him amounts to a notice that if any Member of the House dares to exercise his constitutional right to criticize a public official of the executive branch of the Government he will become the victim of espionage and persecution.

Mr. Speaker, I am fully aware of the fact that to argue against the passage of this resolution is like casting pearls before swine, but the people of this Republic will not fovever submit to a condition in which the great Department of Justice shall remain in charge of persons utterly unfitted to hold this exalted position.

Some gentleman in his remarks to-day, if I caught his words aright, stated that all the newspapers are for Daugherty. That statement is ridiculous and even if true throws no light on the subject. One Washington newspaper in its report of the first day's proceedings was very severe on the conduct of the committee, but afterwards remained silent. No doubt that invisible Government to which Mr. JOHNSON of South Dakota re-

ferred touched the mainspring of that paper's opinion and it remained silent thereafter.

Daugherty will not be exhonerated by the House; he will be "whitewashed." Of the gentlemen here to-day who have evaded the evidence and spoken so vehemently in defense of the Attorney General nearly all of them are "lame ducks," and most of them, according to reports, are applicants for appointive positions. Mr. WOODRUFF, one of the men who asked for the investigation, received every vote cast in his district, and Mr. KELLER, making an issue of the Daugherty case, received the largest majority ever cast for him, while Mr. VOLSTEAD, coming from the same State as KELLER, was overwhelmingly defeated.

The farmers of the country, the men with the hoe, who furnish the staff of life without which the world would perish, the miners—the subterranean fighters, who furnish the fuel to light and warm the world—the soldiers of the rail, the veterans of the cab, who serve in the front danger line of the grand army of transportation, and every class of labor is just as much entitled to organize to protect their rights as any other class of citizens.

It has been held in the United States that impeachment will lie against public officers for gross abuse or betrayals of trust, for inexcusable neglect of duty, although no indictable crime either at common law or under any statute be committed. (Cooley Constitutional Law, 159.) It has been fully shown by the evidence, and could have been further shown had the committee produced the evidence which it could have done, that the Attorney General has been guilty of gross abuses, betrayals of trust, and willful neglect of duties in numerous instances.

The Attorney General was an apt pupil of the George B. Cox school of political activity in Cincinnati. Cox was known far and wide as a corrupt politician who bossed Cincinnati and controlled and corrupted the courts. So incensed did the people of that city become because of the corrupt activities of Cox that they arose in their indignation and wrath and burned the courthouse, and Daugherty does not seem to have reformed or abandoned the methods he acquired under the teachings of Cox.

The man who has a valid defense and is conscious of his innocence and is sufficiently intelligent to make a clear statement but shirks a cross-examination furnishes strong evidence of guilt. There is no statute or rule of evidence to prevent the public from presuming that when an intelligent man is arraigned charged with the commission of an offense his failure to testify is very strong evidence against him. Daugherty did not testify, as he probably feared cross-examination. When he must have realized his dangerous position he was content to remain absent and permit his henchmen to testify for him without venturing to support them. Newberry did not succeed in his course of conduct in not testifying, nor will the Attorney General succeed in securing the verdict of the public by his failure to appear and testify.

The Attorney General's defense has been flimsy and contradictory excuses. Pages of human history are filled with unplausible excuses because of duties unperformed and crimes committed. In the beginning, when Cain slew Abel and was charged with the offense, he defended himself by inquiring, "Am I my brother's keeper?" Such has been the subterfuge of mankind all through the flight of time. Before the tables of stone were delivered to Moses, amid the thunders and lightnings of Sinai, before the building of the pyramids, those silent sentinels of the desert that have withstood the ravages of time, before the construction of the Egyptian Sphinx, which has stood unmoved for centuries in the trackless wastes of Lybian sands, and before the barons wrested the charter of English liberty from King John at Runnymeade, mankind has always been ready with excuses for crimes committed and duty neglected. It was so when the scarred and veteran legions of Cæsar bore aloft the imperial Roman eagles. It was true when Mark Anthony loved, when Christ was crucified, and when Homer sang, and will be until the end of time, and—

> No thief e'er felt the halter draw
> With good opinion of the law.

The oppressive and felonious claws of bureaucracy are clutching at the prerogatives of Congress, and already I can hear the death rattle in its throat in the surrender of the rights of the people and the privileges of the legislative branch of the Government to the demands of the executive departments. If reformation does not come, and public officials are not taught that public office is a public trust, if public officials are not properly disciplined for dishonesty and official misconduct, then, eventually, the black tempest of revolution in mournful cadence will sweep over this Republic—

> Like dreams of sorrow o'er the face
> Of sleeping beauty,

"and the grass, green from the soil of carnage," will wave above the graves of millions slain.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. JEFFERIS].

Mr. JEFFERIS of Nebraska. Mr. Speaker, when considering the charges and the making thereof against the Attorney General certain events and the time of their occurrence are most instructive.

On July 1, 1922, some 260,000 of the 400,000 railway shopmen went out on strike.

On September 1 the Attorney General filed a bill in equity in the Federal court of Chicago, and a restraining order was issued restraining the striking shopmen and their leaders from interfering with the operations of interstate commerce.

On September 9 to 16 Samuel Gompers and the executive council of the American Federation of Labor were in session.

On September 11 the Attorney General, having given 10 days' legal notice to the defendants in the Chicago case, commenced the introduction of evidence contained in some 1,700 affidavits to obtain, if possible, a temporary injunction.

On the same day, September 11, Representative KELLER, of Minnesota, in the House of Representatives, made impeachment charges against the Attorney General, alleging, among other things, that he had abridged the freedom of speech, the freedom of the press, and the right of the people to peaceably assemble, and at the same time introduced Resolution 425, authorizing the Committee on the Judiciary to inquire into the official conduct of the Attorney General and to report whether or not he had been guilty of any acts which could be considered as high crimes and misdemeanors in office and which would warrant his impeachment.

On September 16 the Judiciary Committee met to proceed with the hearings, but Representative KELLER was not prepared to offer any evidence in support of his contentions.

On November 23 the committee requested the Representative for a more specific statement of the act or acts about which he complained.

On December 1 Representative KELLER filed his amplified specifications.

On the 1st and 2d days of December the Progressives met in Washington, and Mr. Samuel Untermyer, of New York City, on the evening of December 2, at the dinner of the Progressives, attacked the Attorney General and disgorged himself of an effervescent diatribe of marked similarity to the amplified specifications filed on the 1st day of December by Representative KELLER.

On December 4 the Attorney General filed with the committee a specific answer to each and all of the so-called charges, and the committee promptly announced its readiness to proceed with the hearing of evidence, but Mr. KELLER stated he was not ready to proceed, and that he could not do so unless the committee obtained the power to subpœna witnesses, so the chairman of the committee on that same day, in order to make some progress, secured the adoption of Resolution 461 by the House of Representatives, which authorized the Committee on the Judiciary to send for persons and papers and to sit during sessions of the House.

On December 12 Representative KELLER and Mr. Ralston, attorney for the Representative and the American Federation of Labor, appeared before the committee, as did certain other persons who had been requested to appear as witnesses.

At the opening of the hearing Mr. Howland, a former Member of Congress from the State of Ohio, who was present representing Attorney General Daugherty, addressed the committee, saying:

> I now respectfully ask the committee to ask who these gentlemen are associated with Mr. KELLER in this impeachment proceeding?

This modest request to learn the mere names of the persons associated with Representative KELLER in the charges caused considerable of an explosion, as the following inquiries establish:

> Mr. RALSTON. Mr. Chairman, for the issues that are before this committee, the gentleman will pardon me for saying that the question is entirely impertinent. The only issue before this committee is the one of the innocence of his client.
> The CHAIRMAN. Do you refuse to answer the question?
> Mr. RALSTON. It is not a question before this committee.
> Mr. HOWLAND. It is now; I have put it before the committee.
> Mr. RALSTON. It is not before the committee unless it is pertinent.
> Mr. HOWLAND. Very good.
> Mr. JEFFERIS. Can you not state briefly the parties interested in this?
> Mr. RALSTON. I can state briefly, yes, the parties interested in it. I can not, naturally, enumerate them. They are something over 100,000,000 in number.

Mr. FOSTER. Did they help prepare this? This says, "those were prepared by men who are interested in this impeachment proceeding with me."

Mr. RALSTON. His clerk's assistance, I suppose, he has a right to get with or without compensation.

Mr. FOSTER. I do not refer to that; I refer to the statement made by Mr. KELLER. It is up to you whether you care to give that information. It says, "those were prepared by men who are interested in this impeachment proceeding with me," and his question was whether you cared to state who they were.

Mr. RALSTON. If the committee votes that is a pertinent inquiry, that it has anything to do with the issues before this committee, I will answer it as far as is within my power.

Mr. JEFFERIS. Do you not think, in order to see whether this is a prosecution in good faith or not, that the committee and the country would like to know whether it has animus behind it; and you can tell that, possibly, by knowing who the individuals are who helped to prepare this.

Mr. RALSTON. The question of whether this is in good faith or bad faith depends upon the facts which will be developed here. If Mr. Daughterty intends to rest his defense upon the good faith or bad faith of his accusers, he is at perfect liberty to do so.

Mr. JEFFERIS. It is not what Mr. Daugherty intends; it has got beyond Mr. Daugherty. This is a matter of national importance, and the people are interested, as I view it, in knowing whether or not they will continue to have confidence in their Government.

Mr. RALSTON. The people are interested in knowing whether or not the facts we put forth are true.

Mr. KELLER filed these charges last September, I believe. Now, Mr. KELLER has gotten assistance from many sources since then and expects to get assistance from many sources in the future which will tend to support these charges. Now, Mr. KELLER on his oath as a Member of Congress, filed the charges.

Mr. JEFFERIS. Suppose we grant that. What is there, what reason is there, that you could not or would not be willing to state the men who have helped to prepare these charges?

Mr. RALSTON. I have no personal objection to it at all, except its utter impertinence and, if I could copy an expression used by Mr. Daugherty, an attempt on his part to create a smoke screen before this committee.

The CHAIRMAN. Oh, I do not think so.

Mr. RALSTON. I think so, absolutely.

Mr. CHANDLER. Is that seeking to create a smoke screen, when he is not seeking to suppress the names of his prosecutors?

Mr. RALSTON. I am not seeking to suppress any names. If the committee rules that is pertinent to the question, I will answer.

Mr. CHANDLER. It certainly is.

Mr. RALSTON. It seems to me it is entirely impertinent.

The CHAIRMAN. I do not think that it is an impertinent question. It is one which is asked in courts in the trial of cases.

Mr. RALSTON. I have never known of its being asked in the trial of a criminal case before in my experience.

The CHAIRMAN. It is involved in nearly every case.

Mr. RALSTON. It is always involved, yes, if there is no other defense, which appears to be the case here, so far.

The CHAIRMAN. Go on and answer the question.

Mr. RALSTON. If the chairman rules it is pertinent——

The CHAIRMAN. I rule it is pertinent.

Mr. RALSTON. I consider it is a smoke screen. However, Mr. KELLER has had my assistance; he has had the assistance of his secretary, I have no doubt. Whether he has had other assistance in the presentation of this thing—there are two secretaries—but whether he has had other assistance in the preparation of this thing, I do not know.

Mr. HICKEY. Have you any objection to stating who compensates you for your services?

Mr. RALSTON. I was asked to prepare those without any question of compensation.

Mr. HICKEY. By whom?

Mr. RALSTON. I was asked, so far as the particular issues he is acquainted with are concerned, by Mr. Gompers, and no question was raised as to compensation.

Mr. HICKEY. Mr. Gompers is president of the American Federation of Labor?

Mr. RALSTON. Yes, he is; he is also an American citizen.

Mr. HICKEY. And you are attorney for the American Federation of Labor?

Mr. RALSTON. Yes; I have been on many occasions.

Mr. HICKEY. So that you really appear for this organization at this time?

In the course of time Mr. Ralston, the attorney for Representative KELLER and the American Federation of Labor, evidently concluded that he would make an effort to deal frankly with the committee, and announced:

Mr. RALSTON. I want to deal frankly with the committee. So far as those first charges are concerned, I do not expect to deal with them personally at all. I have not studied them; I did not prepare them; and Mr. Untermyer is particularly interested in them, and I presume expects or hopes to appear before this committee. You will understand from that that up to this time the charges which I have particularly prepared myself, or aimed to prepare myself, are three in number.

Mr. HICKEY. I understand, but I thought likely you had some information from those who did prepare them.

Mr. RALSTON. No.

The CHAIRMAN. Let me ask Mr. KELLER.

Mr. KELLER. Mr. Chairman and gentlemen of the committee, at the time we had the first hearing, when I appeared before the committee, you set the following Tuesday for me to appear before this committee with the attorney. I saw Mr. Untermyer the following Sunday, and he is the man who is interested in those first charges.

The CHAIRMAN. What do you know about them yourself?

Mr. KELLER. I am not ready to state right now.

Mr. GRAHAM. You preferred these charges. Now can not you produce the evidence that moved you to make these solemn and serious charges against a public official on the floor of Congress?

Mr. KELLER. I will be ready when I get ready.

Mr. GRAHAM. Oh, no; you won't. Do not get impudent with the committee.

Mr. KELLER. I say I am not prepared this morning to take them up. I am simply answering a question of Mr. FOSTER, and that is on the following Monday I said when I appeared before this committee Mr. Untermyer would have been ready on Tuesday to come here and answer these charges. This committee adjourned until December 4. Now Mr. Untermyer is in such shape that he can not appear at any particular time and take care of these particular charges.

Mr. GRAHAM. May I ask a question at this point? Mr. KELLER, you say you consulted Mr. Untermyer when?

Mr. KELLER. The first time was on a Sunday following the meeting on September 16.

Members of the committee thus learned after much effort that the three chief promoters and actors in the scheme designed to bring about the impeachment of Attorney General Daugherty were the two versatile Samuels and one Representative.

Since these three participated in originating the false and voluminous charges against a single officer, some might think of them as three of a kind, but the fact is that each of them plies his individual art in his own special manner when playing what Will Payne would call "weasel politics" in a vain effort to destroy the good name of the present administration and to disrupt the Republican Party.

Some were led to believe from the vaporings of Samuel Untermyer, of New York City, as published in the press, that he was just "rearing to come" as a volunteer, without hope of pecuniary reward or compensation, to prosecute the alleged impeachment charges in a notorious attempt, as many believe, to intimidate the Attorney General in the discharge of his official duties.

But this dissembling Samuel, having received much publicity and notoriety in the free advertising columns of the press, was pleased to remain in New York and play "weasel politics" in Big Bertha fashion by belching forth poisonous slander against the Attorney General and members of the Judiciary Committee.

While this wily Samuel remained in New York City the committee thoroughly and fairly investigated the specifications which he had fomented against the Attorney General. The committee heard the open, straightforward, sworn testimony of Col. William Hayward, an eminent lawyer of national reputation and standing, who is serving the Government of the United States as district attorney for the southern district of New York with that same degree of fidelity and zeal which distinguished him as a brave and courageous soldier, one of the Nation's defenders and heroes upon the battle field, and found that Samuel's charges were the mere vaporous productions of his wild and distorted imagination.

The distant, isolated, and insolent attitude of this Samuel deprived the committee of an opportunity to see this self-important mortal in his habiliaments of clay and prevented the committee from learning how it was possible for him in New York to know or, rather, pretend to know so much which never occurred before the committee in Washington.

However, this crafty Samuel, the Big Bertha of long-distance slander and scandal, by avoiding the Judiciary Committee furnished the country with conclusive proof that the freedom of speech and freedom of the press to defame and attempt to assassinate the reputations of Cabinet officials and Members of Congress have survived the recent Chicago injunction.

The New York Samuel knew this full well, but for fear that some of his kind might not, he belched forth the scurrilous charges against the Attorney General and members of the committee to notify his fellow disseminators of falsehood and calumny that it was still open season for feeding the flames of unrest and discontent among the people by slandering honorable men who are responsible for the administration of the orderly functions of government.

This Samuel's absence on the 12th and 13th days of December troubled the other Samuel and the Representative from Minnesota more than their gloomy faces indicated. They were mentally depressed when Senator HIRAM JOHNSON testified to the high character and courage of William J. Burns and told how he, the Senator, had recommended Burns to the Attorney General for appointment, but their hopes fell to 40 degrees below zero when Mr. Stevenson, the able lawyer for the Brotherhood of Locomotive Firemen and Enginemen, testified that the Attorney General was ready, willing, and anxious at all times to help the brotherhoods as the facts would warrant in every way within his power to obtain the relief they sought, and that, in the judgment of the witness, the Attorney General should not be impeached.

The next morning, December 14, the Representative came before the committee all alone; neither of the Samuels was present to stimulate his waning courage. Disappointment settled heavily upon the brow of the lone survivor, so he hunted his trusty telephone, called the Samuel of New York, 226 miles away, and told him of his plight and want of evidence. Now, the Samuel of New York may have told the Representative to

write a letter denouncing the committee and to refuse to have anything more to do with the charges, and to tell the committee he had made this decision after consultation with his advisers, among them being Mr. Samuel Untermyer, of New York City.

Anyway, the Representative wrote the letter denouncing the committee, refused to proceed further with the charges, and told the committee that he made this decision after consultation with his advisers, among them being Samuel Untermyer, of New York, and then the Representative made his get-away to his sanctuary of silence, from whence even a subpœna issued by the House of Representatives and signed by the honored Speaker failed to budge him.

The committee heard nothing further from Samuel of the house of Untermyer from the 14th of December until the evidence had been completed upon all the charges and the same had been printed. Then, on the 4th of January of the new year, Samuel, of New York, oiled up his typewriter, conned his unabridged dictionary, and wrote a scorching five-page letter denouncing the committee and hurled it at the chairman of the committee through the United States mail. By this act of long-distance throwing, after he had advised the Representative to proceed no further, some think that the New York Samuel hopes to be known as one of the world's famous athletes.

In this last effort of Samuel's to become famous by denouncing and belittling others one might think that he feeds upon the meat of ferocious animals and now when the hearings are closed that he was anxious to tear the very vitals of the Attorney General had the committee subpœnaed him to come after he had advised the Representative from Minnesota to quit, but whom he, in his letter of January 4, says he never represented, and with whom he never at any time sustained professional relations, meaning that he had received no money as a retainer for his stunts of long-distance throwing of advice and counsel.

Samuel's doings two weeks after the hearings were closed reminds me very much of that old coon dog down in Texas which would not fight a live coon, but when one had been shot and killed and everything was all over the old dog would rush up and shake the dead coon and growl and roar like a ferocious lion.

If the Samuels of the Untermyer type, by nation-wide publicity and propaganda of mixed hatreds, emotions, and falsehoods, could succeed in undermining and destroying the confidence of the people in the integrity of Government officials and Representatives in Congress, they would tear away the very foundations upon which this Government rests, and the institutions of liberty, which have flourished for nearly a century and a half under the Constitution of the Republic, would fall as the star from heaven, fading as it drops.

The other Samuel—Samuel Gompers, president of the American Federation of Labor—with his private secretary and attorney, did come before the committee and made solemn affirmation to tell the truth as a witness.

He was asked when it was that he suggested to Mr. Ralston, the attorney for the federation, that impeachment proceedings should be started against the Attorney General. Samuel answered that he did not know that impeachment proceedings were to be brought against Mr. Daugherty until after he read them in the newspapers.

Later on I asked him:

> I was trying to fix the date when the action was taken here by the executive committee of the American Federation of Labor to go ahead or take part in these charges against the Attorney General.

To this inquiry Samuel answered:

> The dates, as near as I can recollect, I think it was on the 14th of November when the executive council, or the 16th, when the executive council met in its regular session.

The answers of Samuel, the witness, would tend to prove that neither he nor the executive council were interested in the charges made by Representative KELLER in the House on September 11, 1922, until about the middle of the following November.

But the American Federationist, the official magazine of the American Federation of Labor, of which Samuel Gompers is the editor, in its October issue, at pages 768 to 769, tells a different story and flatly contradicts and impeaches the statement of Samuel, the witness, and proves what the executive council was doing from September 9 to September 16.

The magazine says:

> It was with these things in view that the executive council of the American Federation of Labor at its meeting, September 9 to September 16, determined to use all of its influence and to attempt to mobilize the strength of the organized-labor movement in an effort to bring about the impeachment of the Attorney General, who has so ruthlessly overridden the law and the Constitution of our Republic.

As a result of its decision, the following official communication was issued from the headquarters of the American Federation of Labor on September 18 (the first and last paragraphs are):

> WASHINGTON, D. C., *September 18, 1922.*
>
> *To All Organized Labor.*
>
> GREETINGS: The injunction issued against the shopmen by Judge Wilkerson on application of Attorney General Daugherty is a most flagrant violation of the Constitution of the United States and of the laws enacted by our Congress. No one apparently is free from its sweeping provisions. It prohibits the freedom of speech, the freedom of press, and the right of the people peaceably to assemble to discuss their grievances.
>
> * * * * * * *
>
> It is urged that you make immediate preparation for the holding of the mass meeting on Sunday, October 1, 1922; that you solicit and obtain the cooperation of the farmers, both as organizations and as individuals, and sympathetic, freedom-loving citizens of your community; also that resolutions be prepared and adopted by the mass meeting, copy of which, duly signed, should be transmitted to the Member of the House of Representatives representing your district at Washington, D. C., and forward a copy of the same to this office.
>
> Fraternally yours,
>
> [SEAL.] SAMUEL GOMPERS, *President.*
> Attest: FRANK MORRISON, *Secretary.*
> JAMES DUNCAN, *First Vice President.*
> JOSEPH F. VALENTINE, *Second Vice President.*
> FRANK DUFFY, *Third Vice resident.*
> WILLIAM GREEN, *Fourth Vice President.*
> W. D. MAHON, *Fifth Vice President.*
> T. A. RICKERT, *Sixth Vice President.*
> JACOB FISCHER, *Seventh Vice President.*
> MATTHEW WOLL, *Eighth Vice President.*
> DANIEL J. TOBIN, *Treasurer.*
> *Executive Council, American Federation of Labor.*

The answers of Samuel, the witness, when compared with the article by Samuel, the editor, raise some vital queries, namely:

Did Samuel, the witness, though affirming to tell the truth, forget that the executive council had resolved during the week of September 9 to 16, as stated in the magazine, to use all of its influence not to impeach the Attorney General but to bring about his impeachment? Or did the failure of the crafty Samuel, of New York, to appear lead the Washington Samuel to conclude that it would look better for Representative KELLER to enjoy the distinction of sole authorship of the charges from September 11 until November 14, and that he, Samuel, and the executive council had only stepped forward at that time as incidental nurses to keep them clean and holy until Samuel, of New York, could come, and then they, the two mighty Samuels, would snatch the charges from the trembling arms of the Representative, who had nursed and clothed them with his love and high personal prerogatives during their early infancy?

Why did not Samuel and the executive council accompany Bert M. Jewell, president, and John Scott, secretary, of the railway employees department of the American Federation of Labor, and their attorneys, to court on September 11 and offer to introduce at least one affidavit or one witness to dispute some one of the 1,700 affidavits which the Attorney General and his assistants read in open court to support the bill in equity?

Why beat about the bush and urge organized labor to solicit "farmers" and "freedom-loving citizens" to join in holding mass meetings to pass resolutions to be forwarded to Members of the House in an effort "to bring about" the impeachment of the Attorney General when he was but striving in a peaceful, lawful way to keep railroad trains in operation in interstate commerce for the transportation of mails, and food from the fields, and fuel from the mines to enable all the great mass of freedom-loving people of the Republic to withstand the cold blasts of the coming winter?

Why have organized labor solicit farmers and sympathetic freedom-loving citizens to cooperate with them? Why insinuate that the farmers of the Nation are not a freedom-loving people? Where, I ask, are the people or a class of people who excel the American farmers as a freedom-loving people so long as they are not overreached by falsifiers and deceivers?

The propaganda of this Samuel and his executive council to bring about the impeachment of the Attorney General might fool some, but sympathetic, freedom-loving people go to the courts of the land when they have controversies to settle.

I have represented labor organizations in open court in strike-injunction controversies, and the truth proved their cause, and the court decided promptly in their favor. He who is armed with the truth does not have to run away or keep away from the courts or from the Judiciary Committee of the House.

But, perhaps, Samuel and the executive council were tainted with the belief, so tersely expressed on September 16 by Representative KELLER to the committee when he declared:

> The committee should take the charges that I make, that they are true until they are proven not true.

If such was their belief then liberty-loving citizens had better look to the regular officers of the law throughout the Republic for protection, rather than to great actors playing

"weasel politics." If the day ever comes when the mere making of charges proves their truth, then liberty-loving citizens may well tremble; for even injunctions may then be granted without the introduction of proof in open court to substantiate the charges of a bill in equity.

When this Samuel was upon the witness stand under solemn affirmation on the 13th day of December his testimony was confined to charge numbered 13, to the effect that the Attorney General should be impeached for having appointed William J. Burns Director of the Bureau of Investigation of the Department of Justice, after Samuel in company with his private secretary on July 27, 1921, had brought to the attention of the Attorney General that Burns, according to the opinions expressed in two letters written in 1912 by former Attorney General Wickersham and President Taft, had been guilty of wrongdoing in reference to the names of a jury panel in 1905 when he—Burns—was in the employ of the Government assisting Francis J. Heney in the prosecution of a land-fraud case in Oregon, and that one Macauley had also sent the Attorney General a letter and some newspaper clippings tending to show that Burns was not a fit man for the position. Mr. Gompers admitted, however, that Burns had never been indicted or prosecuted for any wrongdoing in 1905 or at any other time.

HIRAM W. JOHNSON, Senator of the United States, then testified that he had recommended Mr. Burns's appointment:

Mr. HOWLAND. As near as you can remember, will you state to the committee, in substance, your recommendation to the Attorney General?

Senator JOHNSON. I told him the experience I had had with Burns in San Francisco in the graft prosecutions; that I considered him one of the ablest detectives I had ever known; that I believed him to be a man of character and integrity; and that he would in every way possess the requisite qualifications for the office to which he aspired.

William J. Burns testified under oath of his long years of service in the Secret Service Division of the Treasury Department and in the Department of the Interior; that he had long sought an opportunity to explain the opinions of him, expressed in the letters of 1912, and proceeded to do so in clear-cut, straightforward English.

Burns, as a witness, also informed the committee that the Burns Detective Agency, while looking after the business of the American Bankers' Association, had arrested Macauley, of Toronto, Canada, some years ago for passing counterfeited drafts of the Canadian Express Co., and that Macauley had not been friendly to him since that time.

Burns also testified that Mr. Gompers had been unfriendly toward him and had hounded him at every opportunity since he arrested the McNamaras at Indianapolis. This Mr. Gompers denied.

The appointment of Mr. Burns by the Attorney General was evidently disappointing if not actually displeasing to Mr. Gompers, who felt that his objections were controlling and that the Attorney General should have complied with his wishes in the matter.

Mr. Daugherty answered Macauley's letter in the following language:

I have been interested in reading your inclosures, which information I had before considering Mr. Burns's appointment. I have known Mr. Burns for many, many years and am quite sure he will render me and the administration faithful and efficient service.

Thus it was that charge 13, on the 13th of December, proved to be a defeat for Mr. Samuel Gompers, even though he had not stayed away or run away, and for Mr. William J. Burns it was a victory, a vindication of his integrity and sterling manhood.

When Samuel Untermyer, in his speech at the progressive meeting in Washington on December 2, charged the Attorney General with nonenforcement of the antitrust laws, and that such laws were a dead letter in the Department of Justice, he knew or ought to have known that Mr. Daugherty, within the 20 months that he had been Attorney General, had commenced proportionately as many actions in antitrust cases, if not more, than during the administration of any other Attorney General since the passage of the Sherman Antitrust Act. The exact figures are:

	Cases.
President Harrison, 4 years	7
President Cleveland, 4 years	8
President McKinley, 4 years	3
President Roosevelt, 8 years	44
President Taft, 4 years	80
President Wilson, 8 years	88
President Harding, 20 months	32

Untermyer likewise knew that during Mr. Daugherty's administration as Attorney General, for the first time in the 32 years' history of the Sherman Antitrust Act, defendants had been given jail sentences for the violation of that law. He knew also that the entire list of 35 or 36 cases which was turned over to the United States district attorney at New York by the Lockwood committee had been unsupported by any evidence of an interstate nature, and that many of the cases on the list were purely local in character and without interstate activities, which precluded their prosecution under the Sherman Antitrust Act, and that the United States district attorney for New York was busy with an increased force investigating all of said alleged cases with the greatest of diligence.

That this New York Samuel under such conditions should write letters and attempt to impeach the integrity and good standing of the 21 members of the Committee on the Judiciary and the Attorney General of the United States before the court of public opinion without proof is but an illustration of his efforts to strain the credulity of the country into the belief that he is the only honest man in the whole lot.

Lawyers who have had experience in even one action of any magnitude where the witnesses lived far apart and the legal questions involved were complex know full well that it takes much time and work to prepare such a case before it can be filed in court, and every lawyer knows that the preparation before the commencement of suit is of greater importance than is the trial itself.

A résumé of the year's work accomplished by the Department of Justice during the administration of Harry M. Daugherty, in the Federal courts, should be a source of sincere pride to those who believe in law enforcement throughout the land.

In brief it is:

Civil suits have been initiated against builders of Army camps to recover for the Government sums in excess of $50,000,000.

A large number of individuals and corporations have been indicted, charged with criminal conspiracy against the Government resulting in the loss of millions of dollars in handling war contracts.

Prosecution of violators of food, drug, and prohibition acts have been vigorous. During the year fines approximating $5,000,000 were assessed in 25,000 of these cases.

More than 60,000 new criminal cases were docketed during the year and approximately 55,000 were terminated. There are now pending about 65,000 such cases.

Civil suits to which the United States is a party were instituted to the number of 9,646, and more than 8,000 were terminated. There are now pending approximately 12,000 civil suits affecting the United States.

More than 400 separate cases of importance, representing billions of dollars, are now in process of what may be called liquidation. The task is a stupendous one and beset with intricate obstacles.

Prosecution of antitrust law violations has been vigorous. Jail sentences or fines, and in some instances both, were imposed upon 63 corporations and individuals as a result of suits successfully prosecuted by the Department of Justice this year. The jail sentences were the first ever secured by the Government in antitrust cases. There are 36 cases of this character now pending, more than half of which were begun prior to July 1, 1921.

A drive has been inaugurated against those guilty of using the mails for fraudulent purposes, which has robbed the American people of not less than $150,000,000. Approximately 500 of these cases are in the hands of the United States district attorneys throughout the country, and the Department of Justice will push them to speedy trial.

The department has successfully defended the Government in litigation, as evidenced by the fact that in 262 suits against the Government, in which the claimants asked a total of approximately $38,000,000, the cases were disposed of and the claimants obtained an aggregate sum of a little less than $2,000,000. In civil suits the department has collected nearly $4,500,000 for the Government, and in criminal cases of all kinds it has collected in fines and penalties a total reaching nearly $8,000,000.

As fair-minded people learn the true record of the present Attorney General they, like the editorial in the New York American, will ask:

WHAT BIG INTERESTS HAVE SET OUT TO GET ATTORNEY GENERAL DAUGHERTY?

What is all this attack on Attorney General Daugherty about?

Anybody who has had experience with persecutions of this kind knows they are not due to failure to be aggressive in performance of duty, but are always due to powerful enemies that have been offended by a just and impartial performance of duty.

The plain question in Attorney General Daugherty's case is, therefore, not what has Attorney General Daugherty failed to do, but in what vigorous way has he enforced the law, which has caused some big interest to hate him and to go out to "get him," and to stir up its big hired lawyers and its little owned politicians to attack the man who has offended this interest and to say things that will be printed in newspapers even though they are never proved nor even attempted to be proved?

The investigation of Attorney General Daugherty has fallen utterly flat.

No proof of any allegation has been presented. The chief accuser, and on the flimsiest of pretexts, has even refused to testify; and the evidence which has been heard from the most honorable and independent men like Senator HIRAM JOHNSON, has all been in defense of Attorney General Daugherty, and in support of Attorney General Daugherty, and in commendation of his acts and his activities.

What is needed now is another investigation, to find out who the big interests are who are attacking the Attorney General of the United States, and who are trying to discredit him and weaken him and weaken the force of his official procedure.

Is it the whisky ring, against which the Attorney General's office has been especially active?

Is it the war profiteers, who were so powerful with the late Democratic administration?

Is it the Palmer-Garvan outfit, who fraudulently confiscated alien property and delivered it to their friends, and whom the Attorney General has exposed?

Most surely there is some big interest and some corrupt interest responsible for the attacks upon the Attorney General of the United States, which attacks up to this time have been so utterly baseless and futile as to make them an insult to the American people whom the Attorney General represents.

Surely the enemies of Harry Daugherty have made a sorry showing. They sought to destroy his good name, because he had the courage to prosecute an injunction suit to preserve the common welfare of the whole people of the Nation—even though it displeased an organized minority—because he had the courage to prosecute and put in jail violators of the antitrust laws, because he had the courage to indict and bring suits against profiteers in war-fraud cases, as well as against other violators of the law.

To-day 110,000,000 of freedom-loving people, inhabiting 3,000,000 square miles of territory beneath the Stars and Stripes, know that 260,000 miles of railroads built from the savings of the American people, at a cost of many millions of dollars, and employing 1,600,000 workmen, are in operation throughout the land in interstate commerce; that business and industry are forging forward; that Harry M. Daugherty and Judge Wilkerson, by following a precedent established in 1894, made this possible, brought order out of chaos without the help of a single soldier. With the passing of time, even leaders of organized labor are beginning to sing songs of cheer to the rank and file, who pay their salaries. Prosperity and progress are at hand because of the wise policies of the administration of President Harding.

E. H. Fitzgerald, grand president of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, in an article entitled "New faith and new hope," in the January issue of the American Federationist, says:

Traffic has been increased month after month at an amazing rate until to-day the number of carloadings almost equal those of 1920—the greatest traffic year in American railroad history.

Everything points to the fact that the improvement is not merely temporary or seasonable but healthy and lasting. The railroads are a barometer to other industries, and heavy traffic demands mean increased employment in all lines of business.

Aye, leaders of organized labor are apparently beginning to recognize and appreciate the great benefits that labor received by the action of the Government in keeping the railroads in operation, even if they do not say so.

Bearing in mind what Mr. Fitzgerald states with reference to the railroads being the barometers of business activities, it is most hopeful and reassuring to read in the American Federationist the article by Daniel J. Tobin, treasurer of the American Federation of Labor and general president of the International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers of America, in part as follows:

During the past year the great struggle of the workers was of such a nature that at times it looked as though the life of the labor movement and its usefulness to the workers was in serious danger. On New Year's Day, 1922, there were nearly 5,000,000 men and women out of employment, while on this New Year's Day, 1923, there are perhaps only a few thousand that can not find employment. With 5,000,000 men and women out of work, it was pretty hard to hold the great labor movement of our country together, because, with hungry hordes everywhere, rules and principles are easily set aside and this condition confronted us at the beginning of the year just past.

W. D. Mahon, vice president of the American Federation of Labor, president Amalgamated Association Street and Electric Railway Employees of America, in his article entitled, "Electric railway men look upon New Year with confiding promise," in the same issue of the Federationist, also voices the spirit of prosperity, content, and optimism of his associates when speaking of the increased employment of labor and its resultant benefits. He says:

The street and electric railway business is so interwoven in social life as to be largely dependable upon the movements of other industries, and the general resumption of shop employment is bringing great relief to street-railway properties, which is as well an advantage to the workers, and there are many more men employed in this vocation at the beginning of the year 1923 than were so employed at the beginning of the year 1922.

The American people are appreciating the splendid services of Attorney General Daugherty more and more. When truth gets a hearing, falsehood seeks the cover of silence. Whether Representative KELLER be punished by the House of Representatives, as I believe he should be, or by his conscience in the sanctum of his "little gray home in the West," he will long remember the day when he thought it better to flee from the Committee on the Judiciary than to remain and reveal the fact that he was without evidence to support his charges.

Mr. GARRETT of Tennessee. Mr. Speaker——

The SPEAKER pro tempore (Mr. TILSON). For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT of Tennessee. To propound a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT of Tennessee. Mr. Speaker, this is an adverse report. May I inquire how it happens to the upon the calendar?

The SPEAKER pro tempore. The Chair is informed that the Speaker has given that matter attention, and if the gentleman from Tennessee will withhold his parliamentary inquiry I believe the Speaker will answer it.

Mr. VOLSTEAD. Mr. Speaker, I yield to the gentleman from Kansas [Mr. BIRD].

Mr. BIRD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BIRD. Mr. Speaker, on the 11th day of September, 1922, the gentleman from Minnesota, Mr. KELLER, a Representative in Congress from the fourth district of Minnesota, arose in his seat and upon his responsibility as a Member exercised his high privilege and set in motion impeachment proceedings against the Hon. Harry M. Daugherty, the Attorney General of the United States, upon the charge that the said Harry M. Daugherty had been guilty of high crimes and misdemeanors in office. Upon the same day the gentleman from Minnesota [Mr. KELLER] offered House Resolution 425 to the effect that the Committee on the Judiciary of the House be authorized and directed to inquire into the official conduct of Mr. Daugherty and to report to the House whether, in their opinion, he had been guilty of any acts which, in contemplation of the Constitution, are high crimes or misdemeanors requiring the interposition of the constitutional powers of the House. By this proceeding the Committee on the Judiciary, a standing committee of the House, became charged with the responsibility of inquiring into the official acts of the Attorney General with a view to determining whether or not high crimes and misdemeanors had been committed in office such as would require the House to make appearance before the bar of the Senate and there make charges of impeachment.

Three conclusions were to be reached: First, what are high crimes and misdemeanors in office as to require impeachment; second, what specific acts of dereliction were in the mind of the accuser; and, third, to consider the nature, reliability, and the sufficiency of the evidence to be submitted and obtainable.

There can be no doubt but that as our Government has advanced the term "high crimes and misdemeanors" has been greatly broadened until it embraces malfeasance, misfeasance, or dereliction, or any acts that cause the office held to be in disgrace and disrepute, and in the consideration of the matter before it the committee held to this broad interpretation.

House Resolution No. 425 was promptly called up in the committee on the 16th day of September, 1922, and the gentleman from Minnesota [Mr. KELLER] was asked if he desired to be heard upon the resolution. The gentleman stated at that time that he was not a lawyer; that he desired to be permitted to have counsel to aid him; that he be given a reasonable time to prepare his case; and, further, at that time took the astounding position, so unknown to American jurisprudence and common fairness, that "I have made my charges, and they are true until they are proven not true." Continuance was had, counsel unlimited was permitted, and the gentleman was at that time requested to amplify his accusations by filing written charges and specifications with the committee. This was done, and after several preliminary meetings of the committee the hearing upon the resolution, 425, was begun. The charges under the written specifications fall into several divisions; failure properly to conduct the office of the Attorney General with reference to antitrust proceedings, failure to enforce the safety laws of the United States with reference to railroad equipment during the railroad strike of last year, improper use of injunctive relief in the Chicago case, improper dismissal of one Major Watts, improper conduct with reference to criminal law violators and those convicted of crime, the improper appointment of William J. Burns as the Director of the Bureau of Investigation of the Department of Justice. All charges were contradicted and denied in entirety by the Attorney General.

Mr. KELLER appeared by his counsel, Mr. Jackson H. Ralston, attorney for the American Federation of Labor, and statement was made that the American Federation of Labor, Mr. Samuel Gompers, its president, Mr. Samuel Untermyer, and others had assisted and aided in the bringing of the charges. Considerable effort was made to ascertain what Mr. KELLER knew personally upon the subject, but those efforts were unavailing, he refusing steadfastly and determinedly to divulge any information upon the charges, which refusal continued throughout the hearings even to the extent of refusal to obey the subpœna of the House.

The hearing proceeded upon specification 13, which refers to the appointment of Mr. Burns. Protest had been made to Mr. Daugherty by Mr. Gompers and some man by the name of Macauley to the appointment of Burns because of some alleged acts of Mr. Burns some 15 years ago. The acts were denied by Mr. Burns before the committee; the evidence showed that no charges of any nature were ever made against Mr. Burns, much less proven at any time in the matter. A letter was used that had been written by Mr. Daugherty after he had appointed Mr. Burns, in which he stated in effect that he had heard about the allegations before the appointment was made, that he had known Mr. Burns for many, many years, and thought that he would render faithful and efficient service. What nonsense to ask this House to prefer impeachment charges against a Cabinet officer of our Government upon a matter of that kind.

Next specification, No. 4, with reference to the safety laws, was proceeded with. Hon. Charles C. McChord, chairman of the Interstate Commerce Commission, was the witness used by Mr. KELLER, and that honorable gentleman by his answers to the questions showed that the enforcement of the laws referred to in this specification was by law in the hands of the Interstate Commerce Commission and the various United States district attorneys and that the enforcement was in no sense within the purview of the duties of the Attorney General.

Upon this specification Mr. Thomas Stevenson, attorney for the Brotherhood of Locomotive Firemen and Enginemen, was also called by Mr. KELLER's attorney. He testified concerning his transactions with the Department of Justice, and that in his judgment Mr. Daugherty had done nothing with reference to the matter referred to in specification No. 4 for which he should be impeached.

At this juncture of the hearings Mr. KELLER dramatically withdrew from the proceedings, refused to testify himself, refused to present further testimony, and Mr. Ralston, his attorney, also withdrew his assistance from the committee after thanking the committee for its courteous treatment.

In my judgment not one single bit of testimony was offered or brought forth even tending to show impeachable conduct on the part of the Attorney General, notwithstanding that the committee let down all the bars in the hearing and let in testimony beyond the bounds of all reason.

Mr. Untermyer had failed to show up at all as counsel or otherwise in the proceedings, but took occasion to have read at some political gathering in Washington while the hearings were in progress an invective against the committee and against the Attorney General's office. Mr. Gompers became conspicuous for his absence. Mr. Vahey was very much non est, and the drama that was staged by Mr. KELLER and Mr. Ralston could not fail to impress one that the entire proceedings were conceived and initiated by designing minds that were entirely hostile to the Attorney General for personal and improper reasons and that the gentleman from Minnesota had been used as a more or less sophisticated instrumentality that seemed wholly ignorant of the necessity of producing evidence to sustain so serious a charge as that of impeachment.

The exit reminded one of the scampering of rodents from a pile of trash that had just been upturned by the broom of a responsible and vigorous housekeeper.

The committee, confronted with such a situation, voted to proceed with the hearings, held them open until all witnesses desiring to be heard had testified, and then publicly closed them. A number of witnesses from the department were called and were subjected to rigid and vigorous cross-examination by the committee. Every charge and every specification was discussed and gone into under oath. Some delays in the Department of Justice were explained and accounted for, but nothing whatever of misconduct of an impeachable nature was uncovered.

As soon as the hearings had been closed the "savage howlings in the moonlight" again set up. Mr. Untermyer began writing the committee; Mr. Ralston wished to again address the committee, make a speech, and argue the law, notwithstanding his ceremonious withdrawal from the proceedings. This was very properly refused.

As to Mr. KELLER, I consider his actions before the committee entirely reprehensible, but I do not wish to lose sight of the question submitted to the committee, which was concerning the official acts of Mr. Daugherty.

Broadly as we considered the matter referred to us, freely as we admitted evidence, we found nothing of an impeachable nature against the Attorney General.

House Resolution 425 should be laid upon the table and the committee discharged.

Mr. VOLSTEAD. I yield to the gentleman from Virginia [Mr. MONTAGUE] seven minutes.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. MONTAGUE] is recognized for seven minutes. [Applause.]

Mr. MONTAGUE. Mr. Speaker, there may be differences of opinion as to the exact character of the Judiciary Committee in considering impeachment charges, but so far as I am individually concerned I have approached and considered the subject with such a judicial frame of mind as I am capable of. I hope my temper and mind in participating in the investigation was at least with a judicial purpose, if I did fall short of judicial methods and conclusions.

I do not desire to discuss, except incidentally, the conduct of the gentleman from Minnesota [Mr. KELLER]. I make this observation because there is no resolution now pending before the House by which it can deal with the gentleman from Minnesota.

I did not sign this report, because I wished to keep clear and separate the action of the committee in dealing with the impeachment resolution, and its procedure in relation to the gentleman from Minnesota [Mr. KELLER].

The report of the committee is clearly divisible, one portion dealing with the resolution itself and the other portion relating to the misconduct of the Member from Minnesota, and a discussion of the power of the House in dealing with that misconduct. And it was the confusion of the two divisions or aspects of the report that constrained me to withhold my vote thereupon in the committee.

But I had no doubt, and no one else in the committee had, Mr. Speaker, that the evidence was insufficient to sustain the charges of impeachment formulated against the Attorney General, and I voted in the committee that there was no evidence to prove or support the offense charged in the proceedings, and I stand upon that now. [Applause.]

I can well appreciate how gentlemen on the committee were disconcerted by the conduct and action of the gentleman from Minnesota [Mr. KELLER]. The bare record discloses but imperfectly human action. One must see it and hear it and handle it, so to speak. I do not wish to be unkind to the gentleman from Minnesota [Mr. KELLER] when I observe that his conduct from the very outset was arrogant, truculent, and offensive, and therefore if imprudent expressions fell from the lips of any member of the Judiciary Committee I hope the House will understand that such member had grave and serious provocation, not only in words but in the manner and demeanor of Mr. KELLER himself.

The contention has been made during this debate by asking why should Mr. KELLER have been summoned before the committee when it did not summon other Members of the House. The explanation is very simple and complete, namely, Mr. KELLER declined to make any statement when invited and when he appeared before the committee, and after his declination there was nothing else to do but to ask the House to issue a subpœna for him; whereas these other gentlemen appeared and courteously gave such information as they possessed. When we had reached an impasse with Mr. KELLER, then we had to resort to our constitutional privileges to ascertain what he said he knew but would not divulge.

But, Mr. Speaker, I rose to express my own conviction as a member of the Judiciary Committee that upon the charges investigated there was not sufficient evidence to sustain the charges of impeachment contained in the resolution or as more particularly made in the supplementary resolution or bill of complaint wherein the charges were made in more concrete and precise form.

I do not desire to discuss the Burns charge save in a general way. My colleague, the gentleman from Pennsylvania [Mr. GRAHAM] and others on the committee, have dealt with that. But I make this statement that the so-called delinquency, misdemeanor, or crime imputed to Mr. Burns occurred some 15 years ago. The Attorney General after the lapse of this long time appointed or retained Mr. Burns, and there is no evidence in this record that since this employment Mr. Burns has rendered other than efficient and honorable service. Now who can rationally or justly contend that such a retention or appointment is impeachable? Should one contend that any public official in making such an appointment, even though it was most unfortunate, had thereby committed a "high crime or misdemeanor"? Should one single solitary wrongful employment constitute a high crime or misdemeanor? It may be a grievous mistake, but is it a crime? Is it an impeachable offense? We should not lightly charge an Attorney General of the United States, whether Republican, Democrat, or So-

cialist, with "treason, bribery, or other high crimes and misdemeanors," and we should at least require the proof and procedure demanded by the ordinary grand jury in investigating similar and other crimes.

I wish to touch one charge upon which more stress was put than was put upon any charge or count in the bill of indictment. That is, that the Attorney General was criminally guilty in not taking appropriate legal steps to bring about a more thorough and frequent inspection of locomotives and railroad machinery during the past recent months.

That charge was pressed with great insistence, as members of the committee know. The charge was that in consequence of this failure of inspection engines or boilers had broken and deaths or injuries had resulted. In this connection I wish to observe that Mr. Stevenson, a lawyer of Chicago, representing the Brotherhood of Engineers and Firemen, an intelligent and zealous lawyer, appeared before the Judiciary Committee, and this important question was asked him by the gentleman from Ohio [Mr. FOSTER]. I read from the record:

Mr. FOSTER. In your judgment, knowing the attitude of the Attorney General, do you think his conduct in this matter has been such that in your judgment the Attorney General should be impeached? Give the committee the benefit of your judgment, as you have been in touch with the situation.
Mr. STEVENSON. That is a difficult question to answer.
Mr. FOSTER. Yes; but the committee want your judgment.
Mr. STEVENSON. No; I do not think so.

Now, Mr. Stevenson was the counsel for the Brotherhood of Engineers and Firemen, who were more intimately concerned with the inspection of these boilers and machinery than any other class of employees in America, and as their counsel Mr. Stevenson said that Mr. Daugherty should not be impeached for the alleged delinquency in this matter. Such is the record; such is the evidence; and my oath and duty impel me to be governed thereby. [Applause.]

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, not being actuated by any overwhelming friendship for the Department of Justice because it has not prosecuted the war profiteers, but relying on the record in this case, I intend to vote to sustain the committee.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Speaker and gentlemen of the House, it is to be regretted that we do not have plenty of time within which to deal with a record of such magnitude and a case of such moment as the one before us. For fear I shall not be able to complete my argument within the time assigned me I now ask unanimous consent, in case necessity requires, to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. GOODYKOONTZ. Mr. Speaker, it has been charged that extraneous matters have crept into debate; that argument has been had on the constitutional phase of the resolution involving the gentleman from Minnesota [Mr. KELLER] for disobeying the summons. That Members have gone far afield in argument is admitted. But the truth is that the record discloses prima facie—beyond question, I should say—that the Attorney General has at all times been faithful in the fulfillment of his public duties. Therefore that is the reason why gentlemen in debate have dealt with collateral matters.

Mr. Speaker, during the time the Government has existed under the Constitution there have been but a few instances of impeachment, and these in a majority of the cases failed for lack of evidence to support them.

The reason for the comparatively few in number of such cases lies in the fact that officers, whether elected or appointed—in the greatly preponderating majority of cases—have been of unimpeachable character, and the further ground that a Member of Congress could seldom be found willing to assume responsibility for so grave an accusation without first having made careful investigation, in order to ascertain the facts, and mature consideration of such facts, as a justification for the action that he felt, under his oath of office, he was bound to take.

Each Member is the keeper of his own conscience, and the motive of a Member may not be indirectly impugned or questioned in this Chamber.

The charges preferred against Harry M. Daugherty, Attorney General, seem to have emanated from two principal sources. First, the Attorney General had incurred the displeasure of Mr. Samuel Gompers, president of the American Federation of Labor, in this, that he had appointed Mr. William J. Burns Director of the Bureau of Investigation. Mr. Gompers had opposed the appointment of Mr. Burns, claiming that the latter was an unfit person for the place by reason of the fact that a former President had pardoned one Jones, convicted of land frauds in Oregon, upon the ground of alleged illegal action of Burns in the selection of prospective jurors in the year 1905, now 18 years ago.

The evidence before us clearly exculpates Mr. Burns from blame in relation to the matter. The enmity between Mr. Burns and Mr. Gompers, it appears, grew out of the prosecution of the McNamaras for dynamiting the Times Building at Los Angeles, when many were killed. Burns swore that Gompers charged him "with railroading these men," and upon learning that they were going to confess their guilt, of sending a man to see them to keep them from so confessing. Gompers denied these charges, and swore that he believed the men innocent until they confessed to their crime.

My judgment is—and I am sustained by the testimony of men of the type of Senator HIRAM JOHNSON, of California—that Burns is a splendid organizer, a thorough investigator, possessed of a remarkably clear intellect, and of fine courage. The fact that for many years Burns had successfully figured in some of the most noted cases of the country, and for a long time had been retained by the American Bankers' Association, coupled with a lifelong personal acquaintance, evidently, in the mind of the Attorney General, outweighed the controvertible accusation made 18 years ago in an ex parte application for pardon by a man under conviction for crime.

The enemies of the Attorney General, therefore, insist that he should be impeached of a high crime and misdemeanor for the reason that he appointed William J. Burns to the office aforementioned. Because a majority of the committee have not been willing to be used as tools by personal enemies of the Attorney General or a member of his force, or by notoriety seekers, or by seekers of mere pelf, they have been characterized by certain blackguards as "whitewashers" and "partisans."

THE UNTERMYER CHARGES.

It appears from the record that there is in New York City a lawyer whose name is Samuel Untermyer. He seems to be a man of unusual type, a lawyer of ability greater than that of Uriah Heep, somewhat of the style of Oily Gammon. Gammon was a lawyer of profound ability and of the firm of Quirk, Gammon & Snap, a history of whose performances may be found in that entertaining novel for lawyers entitled "Ten Thousand a Year."

Mr. Untermyer is connected with, or at least "interested in," "Specification No. 1" of the bill of impeachment, which contains 23 counts, called "subdivisions." These counts have a legal ring and were evidently drawn by a special pleader of considerable experience. "Specification No. 1" is of much length and evidently required not a little labor in its preparation. It deals in threatening and high-sounding phrases. The ominous language there employed seems more directed toward terrorizing by its lurid terms the Southern Pine and 10 other lumber associations, the American Tobacco Co., the National Implement & Vehicle Association, and 9 other concerns, making 23 in all, aggregations of large capital, than as being designed as articles of impeachment against Mr. Daugherty. The pleader charges that these organizations are monopolies, operating in restraint of trade, criminal combinations that should be prosecuted and dissolved. It therefore became important for the committee to have all the witnesses whose testimony might shed light on these charges.

The sudden withdrawal of Mr. KELLER from the prosecution and his refusal to respond to the command of the subpœna served upon him by the Sergeant at Arms, his attempt to take refuge, or at least claiming immunity from arrest—he being a Member of the House—under the provisions of the Constitution, coupled with the peculiar actions of the mysterious Mr. Untermyer, left your committee without knowledge of names of witnesses or other sources of proof of the high crimes and misdemeanors previously alleged against the Attorney General by Mr. KELLER and his adviser, Untermyer.

I have now arrived at the point in my argument where I propose to undertake to show just what the relation of Mr. Untermyer was to this proceeding. There was subjoined to and printed as a part of the "minority views" two scurrilous letters written by Untermyer—one dated December 13, 1922, to Mr. KELLER, and the other dated January 4, 1923, to Chairman VOLSTEAD. In the letter to Mr. KELLER, Untermyer says that he must refuse to have anything to do "with this manifestly biased, prejudicial, white-washing performance, and do not understand what Mr. Ralston meant by connecting me with the inception of this proceeding"; and in the letter to Chairman

VOLSTEAD, Untermyer said, "I had not known Mr. KELLER until after your committee began the inquiry and had never heard of the resolution until a few days prior to the beginning of the hearings before you, and have never to this day read or seen the charges or specifications except as they have been reported in the newspapers," and so forth.

You will have noted the apparent "surprise" of Mr. Untermyer that Mr. Ralston, counsel of record for Mr. Gompers and the American Federation of Labor, should have coupled his name with the proceeding in its incipiency. It will be noted also that he denies any knowledge of the charges except as to what he had read in the newspapers. In his letter to Mr. VOLSTEAD he also specifically said, "I am entitled to have the fact recorded that I have at no time, directly or indirectly, had and do not intend to have any professional or other relation to any of the cases under investigation by this department (of Justice)," and so forth. Further, he declares that he "has not at any time sustained any professional relation to Mr. KELLER in this or any other proceeding," except that he had advised him not to waste his time or subject himself to "humiliation" by being "bullyragged" by the Judiciary Committee. Thus it will be seen that Mr. Untermyer disclaims all responsibility, denies all connection, and pretends no interest in the controversy.

If the statements of Mr. Ralston and Mr. KELLER are to be believed, then it follows that the assertions, above mentioned, of Samuel Untermyer are utterly false.

After the appearance of Mr. Jackson H. Ralston, of the Washington bar, attorney for Samuel Gompers and the American Federation of Labor, Mr. Ralston said (hearings, p. 112):

Yes; I was trying to think if I knew of any lawyer. It may be Mr. Untermyer prepared some of the charges; I do not know.

And again, on page 116, Mr. Ralston said:

I want to deal frankly with the committee. So far as those first charges are concerned, I do not expect to deal with them at all. I have not studied them; I did not prepare them—

And then follows the significant language—

and Mr. Untermyer is particularly interested in them, and I presume expects or hopes to appear before the committee.

So much for the statement of Mr. Ralston.

Let us now examine the statement of Mr. KELLER. On page 106 of the hearings he says that, in addition to Ralston—

there are several other attorneys who have offered to assist in this matter or in certain cases here, and who want to appear before the committee.

I read from page 117 the following:

Mr. HICKEY. I understand, but I thought likely you had some information from those who did prepare them.
Mr. RALSTON. No.
The CHAIRMAN. Let me ask Mr. KELLER.
Mr. KELLER. Mr. Chairman and gentlemen of the committee, at the time we had the first hearing, when I appeared before the committee, you set the following Tuesday for me to appear before this committee with the attorney. I saw Mr. Untermyer the following Sunday, and he is the man who is interested in those first charges.
The CHAIRMAN. What do you know about them yourself?
Mr. KELLER. I am not ready to state right now.
Mr. GRAHAM. You preferred these charges. Now, you can not produce the evidence that moved you to make these solemn and serious charges against a public official on the floor of Congress.
Mr. KELLER. I will be ready when I get ready.
Mr. GRAHAM. Oh, no you won't; do not get impudent with the committee.
Mr. KELLER. I say I am not prepared this morning to take them up. I am simply answering a question of Mr. FOSTER, and that is on the following Monday I said when I appeared before this committee, Mr. Untermyer would have been ready on Tuesday to come here and answer these charges. This committee adjourned until December 4. Now, Mr. Untermyer is in such shape that he can not appear at any particular time and take care of these particular charges.
Mr. GRAHAM. May I ask a question at this point? Mr. KELLER, you say you consulted Mr. Untermyer when?
Mr. KELLER. The first time was on a Sunday following the meeting on September 16.
Mr. GRAHAM. Who prepared these specifications?
Mr. KELLER. What specifications—these here?
Mr. GRAHAM. There are only one set of specifications here.
Mr. KELLER. Those specifications were prepared by myself and some assistants.
Mr. GRAHAM. By yourself?
Mr. KELLER. And some assistants.
Mr. GRAHAM. And some assistants. Who assisted you?
Mr. KELLER. I do not care to say this morning who all of those were.
Mr. GRAHAM. Why not?
Mr. KELLER. Why should I?
Mr. GRAHAM. Because you are asked, and the committee wants to know.
Mr. RALSTON. I must again object.

Further testimony to the same effect is to be found on page 119 of the hearings, reading as follows:

Mr. RALSTON. No; I think Mr. VOLSTEAD was perfectly informed as to that.
Mr. FOSTER. But could you or Mr. KELLER indicate at this time how soon Mr. Untermyer might be here to take care of specification No. 1? Is that not a fair and honest question?
Mr. RALSTON. It is absolutely fair, and if it is in my power and if I can——
Mr. FOSTER (interposing). I wonder if Mr. KELLER would care to indicate how soon we could proceed to No. 1, if it was necessary to have Mr. Untermyer here.
Mr. KELLER. I could not.
Mr. FOSTER. Does Mr. Untermyer represent you in this charge?
Mr. KELLER. I do not know whether he does or not; he does in certain ones, and he was willing to appear before this committee on a date set in last September.
Mr. FOSTER. I want to ask you another question: Six days ago the committee decided to start on No. 1 this morning; from that time to this have you advised with Mr. Untermyer to see whether he would be here this morning?
Mr. KELLER. Yes; he said he could not be here this morning.
Mr. GOODYKOONTZ. I suggest, Mr. Chairman, that you get the information from Mr. KELLER, because he is the man that has been in touch with Mr. Untermyer, whoever he may be; the man, as I infer, who wrote the specifications; and I suggest that you develop the facts from Mr. KELLER as to when he is going to present the evidence on those specifications and get the names of the witnesses; so that we will not have to sit here day after day, week after week, and perhaps month after month letting this thing run on, like Tennyson's "Brook," forever. Let us have the names of the witnesses as you pass over the specifications?

To this suggestion Mr. KELLER made no response, thereby acquiescing in the statement that Untermyer had prepared the specifications.

In the face of the testimony which I have read, could anyone entertain a reasonable doubt as to the fact that Untermyer, during this entire proceeding, has been lurking in the background, and that when it came time for the gentlemen to show their hands, that under the advice of Untermyer, the dramatic withdrawal of KELLER was staged under cover of the "smoke screen" of abuse of the committee by the two individuals concerned?

The testimony which I have read in your presence not only establishes the interest of Untermyer in the proceeding, but also serves to illustrate the conduct of Mr. KELLER before the committee and to indicate the impediments that retarded the committee in their effort to discover the truth of the charges.

Mr. Speaker, I now wish to take up another phase of Mr. Untermyer's letter to Chairman VOLSTEAD, which has a personal relation to myself, as is manifest from an excerpt from the Untermyer letter reading thus:

In so far as this record contains untruthful, slurring remarks interjected by your members referring to me, I herewith request to have made part of that record my protest against these remarks, for the reasons hereinafter stated, and demand that they be stricken from the record.

The following is a fair sample of the unpardonable performance against which my protest is directed:

"Mr. CHANDLER. Would you mind telling the committee whether Mr. Untermyer has any intention to appear here?

"Mr. HAYWARD. I have no idea and have not had from the beginning that Mr. Untermyer would appear.

"Mr. CHANDLER. It is your opinion that he will not?

"Mr. HAYWARD. It is my opinion that he will not unless he is subpœnaed and brought here.

"Mr. GOODYKOONTZ. Or retained. [Laughter.]"

I assume from the press reports of the answer of the Attorney General to the charges that in venturing this baseless insinuation Mr. GOODYKOONTZ took his cue from the "speech" interpolated by the Attorney General in that answer, in which he recklessly assailed the motive of everyone who had criticized his administration with being in the pay of war profiteers and other offenders whom he is pursuing with such "relentless zeal" that it is a safe prediction that he will go out of office without having punished one of them.

Untermyer saw fit to use my harmless expression as an excuse for writing the committee a letter of abuse and villification. Amid the dimning smoke of his verbosity may be found, inter alia, the following choice words and phrases, viz, "unpardonable performance," "baseless insinuation," "pretended motive," "brazen cupidity," "flagrant partisanship," "frantic efforts to whitewash," "cheap assaults," "carnival of abuse," "manifestations of its bias and animus," "scurrilous remarks," and so forth. These are some of the epithets employed by Untermyer.

It may be, after all is said and done, that the reason why Mr. Untermyer flew into such a rage over the suggestion of a retainer was that he felt that he had not been treated just right. Had he not been counsel for the Lockwood committee? Having a dislike for the Attorney General, would he not, in his own estimation, be the very man the committee should select, especially as KELLER was not authorized to pay out funds for such a purpose? The suspicion that Untermyer may have entertained the thought of being retained is somewhat confirmed by the suggestion contained in his letter to the chairman, "When Mr. KELLER retired why did your committee not report back the resolution with the charges unproven or ask authority to employ counsel to prepare and present the proofs?" Mr. Untermyer must have had some object or design, else he would not have worried so much about the case.

The abusive language of this monumental egotist is sufficient evidence of the fact that he is a common blackguard and an assassinator of character. But he is much more than that—far worse. When Captain Boy-Ed, the notorious naval attaché of the German Embassy, was captured, an official report was

found on his person explaining a statement he had issued abusing the American people which reads in part as follows:

Every statement was drawn up by Counsel Samuel Untermyer. He was, at the time of my stay in New York, the unpaid juridical and legal-political adviser of the imperial embassy.

This shows that Mr. Untermyer loved the enemies of our country so well that he was willing to serve them without pay.

Again, here is an excerpt from the diary of Chief Privy Counselor Albert, engaged here in German intrigue, reading thus:

In other respects this Easter festival passed off somewhat anxiously, since at noon I was summoned to Plainfield to Hagedorns and in the evening to Untermyer at his estate at Greystone. I drove there, and had no reason to repent this meeting brought about for business reasons. Untermyer is personally a by no means unpleasant individual, shrewd, very familiar with political affairs, and in a business sense extraordinarily well up to date. He has a wonderful estate in the neighborhood of Yonkers, on the heights of the Hudson. Opposite are the Palisades of the other bank, over which the sun went down in wonderful clearness. Conversation on the prevention of the export of ammunition and other political questions. Viereck was also present.

Albert, Viereck, and Untermyer conversing on the prevention of the export of ammunition—the great German triumvirate.

Here is what A. Mitchell Palmer had to say of the man Untermyer, who has sought to castigate with his sharp tongue the lawyers' committee of the House:

I have incurred the undying animosity of the enemies of our country and the violators of her laws, their friends, and counsel. I have been officially denounced in Germany in language very much like that which Mr. Untermyer now employs. The friends of Lenin and Trotski, Emma Goldman, and Alexander Berkman charge my department with violations of the Constitution, which they despise, and call me a "menace" to the institutions which they frankly seek to destroy. I am proud of these enemies. I point to them as conclusive evidence of the character of a work which merits and receives their disapproval.

It is a fact that during the most perilous period in the country's history German officers were "canoodeling" with Untermyer and clinking glasses at Greystone estate.

On the subject of the business morals and professional deportment of Samuel Untermyer I refer to the case of See *v.* Heppenheimer et al. in the Court of Chancery of New Jersey, decided April 3, 1905, reported in Sixty-first Atlantic Reporter, page 843. Vice Chancellor Pitney, writing the opinion of the court, said of Untermyer and his associates, Beard and Stein. [Reading from p. 854:]

The remaining five mills were optioned on a different basis and were finally purchased on special terms, and their purchase forms by itself the basis of a charge of actual fraud upon the corporation practiced by the three gentlemen whom I join with plaintiff's counsel in calling the promoters of this enterprise.

And further the court said:

Mr. Untermyer raised much more than his share. He took $500,000 of bonds with the accompanying stock bonus for his firm in payment of its fee, and besides that duly marketed by himself and his friends $467,000 of bonds. * * * This seems to have been accomplished by the aid of an ingenuous and elaborate prospectus, gotten up by Mr. Untermyer with the aid of one of his western associates.

Again, on page 858, it is said, by way of conclusion:

Now it seems to me impossible to avoid the conclusion from those facts that the contract procured to be adopted by this board of directors on the very day on which they were elected by the management of these three men whose names have just been mentioned and under the personal supervision of Messrs. Beard and Untermyer, and the formal contract entered into in pursuance of it, was a palpable fraud upon the act of the legislature, and was entirely unwarranted thereby and operated as a fraud not only on the stockholders of the company, as was distinctly held by the Supreme Court of the United States in the opinion so often referred to, but especially on the future creditors of the company.

The action of the authors of the minority report in making conspicuous the slanderous attack of the man on the integrity of the members of the committee whose opinion did not harmonize with theirs has made it my unpleasant duty to give so much time to the subject.

Mr. Speaker and gentlemen of the House, I shall not dwell further upon that phase. I only want to direct the attention of the House to the fact that the Attorney General's office gave every opportunity to the committee to examine or investigate every record which it had. During the first few days of the hearing counsel for Mr. KELLER called for particular documents, and all of such documents were produced. The gentleman from Michigan [Mr. WOODRUFF] desired access to some of the records. I want to say for Mr. WOODRUFF that he was very cautious in saying that in examining such records he proposed to keep inviolate the tenor and nature of them, that there would be no leakage. He was given that privilege and he went to the Department of Justice and examined such records as he wanted to see, and was permitted, I believe, to produce certain of them. The deportment of Mr. WOODRUFF before our committee was good. He acted as a representative of his people. I find no fault with him. Likewise was the conduct of the gentleman from South Dakota [Mr. JOHNSON]. The trouble we had was with Mr. KELLER. He exhausted our patience. We gave him great latitude. Our reward was his generous abuse. May I thank the gentlemen who have granted unto me the portion of time allotted to them for use in this debate.

The SPEAKER. The time of the gentleman from West Virginia has expired. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield now to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, the matter now under consideration is of vast importance to the Republic. The Member of this body who speaks lightly of his Government, who deprecates the motives of the officials whose duty it is to administer our laws, should at all times speak advisedly, and he who speaks otherwise is doing his country an irreparable injury. The limited time allowed for debate makes it impossible to discuss this resolution in detail; however, under the privilege granted, I shall in a general way discuss the entire proceedings.

On September 11, 1922, Mr. KELLER, a Representative from the city of St. Paul, in the State of Minnesota, arose in his seat in this body and said:

Mr. KELLER. Mr. Speaker, I impeach Harry M. Daugherty, Attorney General of the United States, for high crime and misdemeanors in office. Now, Mr. Speaker, I ask recognition on that high privilege.

* * * * * * *

The SPEAKER. When the gentleman arises to a question of this high privilege, he ought to present definite charges at the outset.

Mr. KELLER. Very well, Mr. Speaker, I will do so.

First. Harry M. Daugherty, Attorney General of the United States, has used his high office to violate the Constitution of the United States in the following particulars:

(1) By abridging freedom of speech.
(2) By abridging the freedom of the press.
(3) By abridging the right of people peaceably to assemble.

Second. That, unmindful of the duties of his office and his oath to defend the Constitution of the United States, and unmindful of his obligations to discharge those duties faithfully and impartially, the said Harry M. Daugherty has, in his capacity of Attorney General of the United States, conducted himself in a manner arbitrary, oppressive, unjust, and illegal.

Third. He has, without warrant, threatened with punishment citizens of the United States who have opposed his attempts to override the Constitution and the laws of this Nation.

Fourth. He has used the funds of his office illegally and without warrant in the prosecution of individuals and organizations for certain lawful acts which, under the law, he was specifically forbidden to prosecute.

Fifth. He has failed to prosecute individuals and organizations violating the law after those violations have become public scandal.

Sixth. He has defeated the ends of justice by recommending the release from prison of wealthy offenders against the Sherman Antitrust Act.

Seventh. He has failed to prosecute defendants legally indicted for crimes against the people.

I offer, therefore, the following resolution and am prepared to appear before a committee of the House, there to produce evidence and witnesses in proof of my charges.

The resolution offered was as follows:

Resolved, That the Committee on the Judiciary be, and they hereby are, authorized and directed to inquire into the official conduct of Harry M. Daugherty, Attorney General of the United States, and to report to the House whether, in their opinion, the said Harry M. Daugherty has been guilty of any acts which in contemplation of the Constitution are high crimes or misdemeanors requiring the interposition of the constitutional powers of this House; and that the said committee have power to send for persons and papers and to administer the customary oaths to witnesses.

By a vote of the House the resolution was referred to the Judiciary Committee. Mr. KELLER presumably prepared this resolution. He selected the Judiciary Committee of the House as the committee before which he wanted to present his evidence. His resolution was referred to the committee of his choice, as mentioned in his resolution. Mr. KELLER asked that the resolution be passed, instructing the Judiciary Committee to proceed with this investigation. The House, however, referred the resolution to the committee, which action was tantamont to demurring to the sufficiency of the resolution, and following some previous precedents established by the House in impeachment proceedings. It seemed to be the duty of the committee to determine in a general way whether or not the charges made by Mr. KELLER had any weight in fact.

The committee met on September 16, 1922, for the purpose of hearing Mr. KELLER on his charge. He appeared befor the committee with a written statement, which he proceeded to read, but insisted that he was not prepared on that day to introduce any proof or evidence to substantiate his charges, and refused to divulge any of the evidence or the names of his witnesses, and insisted further that the committee should have authority to subpœna witnesses before he would introduce any proof. Among other things, he said:

I fully appreciate the gravity of the charges which I have preferred against the Attorney General. It is because of their very gravity and seriousness that I demanded upon the floor of the House not an investigation but the formal procedure of impeachment. I am prepared at the appropriate time to present witnesses and documentary evidence to sustain every charge that I make, but I demand that when such evidence is presented it shall be in public hearings, so that the American people may know whether or not my charges were sustained,

Mr. KELLER insisted that there was but one point before the committee at that hearing, and that was that the committee should get full authority from the House to subpœna witnesses before he proceeded, and said:

I am ready whenever you say to present evidence, when you are prepared to hear such evidence and when I can present such witnesses, and when I can subpœna them.

Referring to the charges made he said:

I assume the responsibility of whether they are true or not. I am ready to present evidence that they are true at the proper time.

At this hearing Mr. KELLER insisted that—

My charges are very specific before the House. * * * I am not prepared to-day to bring such proceedings, because I did not know what the committee really wanted; but I still claim that I made those charges and am ready to prove them before the proper committee. * * * I made those charges, and I say they are true; and, as a Member of Congress, I say to you, gentlemen, that they are true, and all I ask of you men is that you get the proper committee so that I can present the evidence to prove that the charges are true. * * * What are you going to do with that resolution? That resolution, when I introduced it in the House, provided the machinery for the committee that I intended to appear before to present my case and my evidence to prove that my charges are true.

Mr. DYER. Have you anything at all in your possession now to substantiate the charges which you made against the Attorney General of the United States?

Mr. KELLER. Oh, yes; I have it.

Mr. DYER. Well, present it.

Mr. KELLER. I do not want to present it until I consult counsel again.

In short, Mr. KELLER insisted throughout this hearing that he was not prepared to introduce any proof, and asked for time.

Give me a reasonable time and I will present proof. * * * I have made charges; they are true; I can prove them. * * * I am willing, if given reasonable time to prepare and get counsel, to appear before the committee and bring whatever evidence you want.

It was insisted that he could not be ready before the following Thursday, when it was known that the Congress had determined to adjourn not later than the following Saturday, and, therefore, that it would be impossible to go into this hearing. The committee did not grant an adjournment until Thursday, but set the hearing for the following Tuesday, and at the Tuesday meeting continued the hearing until December 4, in order that Mr. KELLER might be given sufficient time during the recess of Congress to get together his proof and be fully prepared to substantiate his charges before the committee, and, as he suggested, before the country. His last words to the committee on that date were:

You set the day, and I will produce all the evidence you wish.

On November 23 Mr. KELLER was called upon for a more specific statement in writing of the general charges which he had made and designated as constituting high crimes and misdemeanors. On December 1 he furnished the committee with an amplified statement of his general charges. This statement consisted of 14 specifications, and the several specifications embraced numerous subdivisions.

On December 4, the date set for the hearing, Mr. KELLER appeared before the committee and said, in part—

Well, Mr. Chairman, I have complied with the wishes of the committee in filing the bill of particulars as you requested. Those were prepared by men who are interested in this impeachment proceeding with me and certain lawyers and attorneys in briefing it. * * * My resolution is before you. I feel I will not do anything more than what I have filed now until you pass that resolution, which will give you authority to subpœna witnesses and such papers as you need.

Here Mr. KELLER took his stand and refused to proceed further with the hearings until the committee had secured authority from the House to subpœna witnesses. The committee complied with this request, returned to the House, and got the authority desired by Mr. KELLER. When questioned as to when he would be ready to proceed with the hearing he replied:

Within a reasonable time—next week.

Again he was asking for delay and at the same time criticizing the committee through the newspapers for the delay. At this same hearing Mr. KELLER said:

If the committee had not called upon me a few days ago by resolution to file a bill of particulars, I would have filed them to-day in the same manner as I have filed them upon the call of the committee; therefore, that would not change the situation at all.

One day he is insisting that his first charges are sufficient and is complaining because he is called upon to file more specific charges, and the next day, guided by the exigencies of the occasion, he is insisting that he intended all along to file a specific bill of particulars.

At this hearing Mr. KELLER was accompanied by his attorney, Mr. Jackson H. Ralston, who also appeared for Samuel Gompers and the American Federation of Labor, as shown by Mr. Gompers in his testimony. When it was found that Mr. KELLER was not prepared to introduce any evidence and asked for more time, the committee adjourned the hearing until December 12, at which time Mr. KELLER again appeared, accompanied by his attorney, Mr. Ralston. On this occasion it was suggested that the proof be heard in an orderly way, commencing with specification No. 1. To this Mr. KELLER and his attorney objected and insisted upon introducing proof in such a manner and in such order as they thought advisable. The committee acceded to this desire and it was arranged that proof was to be heard first on specifications Nos. 13, 4, and 7.

No. 13, in short, charges the Attorney General with knowingly appointing William J. Burns at the head of the Bureau of Investigation of the Department of Justice, alleging that Mr. Burns was an unfit man for the position. The only evidence introduced to substantiate this charge was evidence calculated to show that in 1907 Mr. Burns had committed fraud in assisting in the selection of a jury in the prosecution of one Jones charged with a violation of the laws of the United States and tried in the State of Oregon. Jones was convicted but never went to prison, his case being continually before the courts until 1912, when his attorneys made application for a pardon. The matter was investigated by Mr. Lynch, the United States pardon attorney, who prepared a detailed statement showing that in his opinion Jones had not had a fair trial. This statement, together with all the papers in the case, was placed by Lynch before Mr. Wickersham, the Attorney General, who, after investigating all the papers presented to him by Lynch, signed the statement recommending the pardon of Jones. This statement was in turn presented to President Taft, who, relying upon the statement, pardoned Jones. Before Burns's appointment Samuel Gompers and Mr. Wickersham protested to Mr. Daugherty against the appointment, and Senator HIRAM JOHNSON recommended and insisted upon the appointment. One McCauley, from Toronto, Canada, wrote the Attorney General, after the appointment, protesting the fitness of Burns. One Joyce, a private detective in the city of Washington, and formerly connected with the Department of Justice as a subordinate under Burns, testified to one incident wherein he thought that Burns had acted wrongly. This constituted the evidence introduced by Mr. KELLER to substantiate this charge.

Mr. Burns took the stand himself, testified fully in reference to the charge, and said, among other things:

"I want to say for myself personally that I will be glad on the witness stand here to lay myself open for any examination they may see, or anybody else may see, fit to ask me, and I am perfectly willing that they should go into every day of my life and my record." It is noteworthy that Mr. Ralston, the attorney for Mr. KELLER, did not see fit to ask Mr. Burns a single question on cross-examination.

Conceding for the purpose of this case that Mr. Burns did do all the things charged against him in the Jones case in 1907, and going further and admitting that he was guilty of an offense at that time—however, it is significant that no criminal charge was ever made against Mr. Burns—in my judgment, the Attorney General would not be impeachable because 15 years later he appointed Mr. Burns to a position of responsibility. In my own State, in my home city, we had a mayor who defrauded the city out of a number of thousands of dollars, and then absconded. He was later apprehended, convicted, served 10 years in the penitentiary, returned to civil life, became one of the leading citizens in the State, and in less than 10 years after leaving the prison was appointed by the governor as president of the board of control of the prison in which he had served. There was never a better man served on that board, and it would be preposterous to even suggest that the Governor of Michigan was impeachable because he appointed that man to high office.

Mr. KELLER next introduced evidence to substantiate specification No. 4 of his charges, which in substance charged the Attorney General with misconduct in that he failed to enforce the boiler-inspection law. It was made clear by witnesses called by Mr. Ralston that there had been a laxity in fulfillment of strict requirements of certain safety appliance statutes after the inception of the strike of the railroad shopmen on July 1, 1922; that conditions were better after September 1, 1922. It was made clear that under the law about 50 Government inspectors are charged with the duty of inspecting locomotives and that there are about 70,000 railroad locomotives in use; that in addition to the inspection made by Government inspectors, a duty is imposed upon the railroads to inspect their own engines; that some of these roads, at a time when they were having much difficulty in keeping their trains moving owing to the strike, had failed to make proper inspection.

It was also made clear that in the enforcement of the penal sections of the law, where a violation has occurred, that it is the duty of the chief of the Inspection Bureau, operating under the Interstate Commerce Commission, to enforce the statute; that is, that this inspector reports the matter to the United States district attorney in the locality where the violation occurs, and it is the duty of that district attorney to prosecute,

and is not the duty of the Attorney General of the United States to prosecute in these cases, therefore the Attorney General was in no way derelict of duty in not enforcing the statutes in reference to boiler inspections. I think a careful reading of the testimony of Commissioner McChord and Mr. Ralston's observations will establish this contention beyond peradventure.

It was next contended that it was the duty of the Attorney General to bring proceedings in equity and by means of an injunction to compel the railroads which were not complying with the law to comply with the law and make proper inspection. In this connection Mr. Thomas Stevenson, of Cleveland, Ohio, attorney for the Brotherhood of Locomotive Firemen, was sworn as a witness. Mr. Stevenson is undoubtedly a clean-cut, capable lawyer, and impressed the committee with his apparent desire to be frank and at the same time never for an instant neglecting to take advantage of anything that might be favorable to his client. Mr. Stevenson's testimony thoroughly convinces one that there is a close legal question as to whether or not an injunction, as contended for by Mr. KELLER's attorney, would lie. At the time of the hearing the Attorney General's office was in communication with Attorney Stevenson and Mr. Horn, attorney for the Brotherhood of Locomotive Engineers, and an effort was being made to arrive at a conclusion as to whether or not an injunction could be upheld.

After Mr. Stevenson had testified at length and presented his viewpoint from all angles he was asked these questions:

Mr. HOWLAND. And do you not believe—I am going to ask you this question, because you have expressed opinions here—that the Attorney General is ready, willing, and anxious to assist you in every way within his power to get the relief that you ask for?

Mr. STEVENSON. I have no reason to think otherwise.

Mr. FOSTER. In your judgment, knowing the attitude of the Attorney General, do you think his conduct in this matter has been such that, in your judgment, as the Attorney General he should be impeached? Give the committee the benefit of your judgment. You have been in touch with the situation.

Mr. STEVENSON. That is a difficult question to answer.

Mr. FOSTER. Yes; but the committee just wants your judgment.

Mr. STEVENSON. No; I do not think so.

I feel safe in saying there was not a member on the committee or a spectator who heard Mr. Stevenson testify but who was impressed with his candor, sincerity, and intelligence, and when Mr. Stevenson, the chosen representative of the firemen who were operating the engines the inspection of which was the question involved, and a man who had given the subject as much study as any other man in the country, was of the opinion that the conduct of the Attorney General in this particular was not such as to warrant impeachment, it little lies in the mouth of the uninformed to make such charges.

The next witness was Mr. Arthur J. Lovell, vice president of the Brotherhood of Locomotive Firemen and Enginemen, who testified as to the accidents happening on various railroads during the last few months; and at the conclusion of his testimony Mr. Ralston said:

I have just received a request from Mr. KELLER, asking me for a suspension of about 15 minutes for the purpose of consultation as to the next step, if the committee will take a recess for that time.

The committee took a recess, and in about 30 minutes Mr. KELLER and Mr. Ralston returned to the room. Mr. KELLER insisted upon reading a statement which he had prepared. The committee did not see fit to hear the statement at that time unless Mr. KELLER desired to be sworn as a witness. He insisted on reading his statement, refused to be sworn, condemned the committee, threw his statement on the desk in front of the chairman, and stalked from the room, and from that time has refused to have anything further to do with the proceedings. The statement which he desired to read and which was left with the committee was simply a tirade against the committee, formally announcing his withdrawal from the proceedings, and repeating his statements, which he had previously given out to the newspapers, that the committee was "packed" and that it was evident that Mr. Daugherty was to be "whitewashed."

Mr. Donald R. Richberg, attorney for the defendants in the Chicago injunction suit, was subpœnaed as a witness by Mr. KELLER. Mr. Richberg said:

I would like to state my position briefly, so there might be no misunderstanding of it. I am here in response to a subpœna issued, I understand, by the committee. I have had nothing to do with the investigation or institution of these charges. I am not here in any way as an attorney representing any prosecutor. I am in the position of an attorney in a pending case brought by the Attorney General, which is made the subject of one of the charges here. Under those circumstances, I doubt the propriety of my taking any part in any way in prosecuting charges against the Attorney General. * * * I have no desire voluntarily to submit any testimony.

Mr. Richberg further stated that he had no evidence or information bearing upon the charge other than that which he had filed in the defense in the injunction suit in the Chicago court, and the committee agreed with Mr. Richberg that he should not be compelled to try before the committee his case which was pending before the court, and Mr. Richberg was therefore excused.

I have discussed only testimony presented by Mr. KELLER, and time forbids reference to further testimony introduced on the remaining specifications. Suffice it to say, however, that the remainder of the testimony was introduced by the attorney for the Attorney General explaining in detail each and every one of the charges made, and from that testimony but one conclusion can be drawn.

Some months ago Mr. JOHNSON of South Dakota and Mr. WOODRUFF, of Michigan, had made charges on the floor of the House in reference to the prosecution of certain war-fraud cases, and Mr. WOODRUFF, of Michigan, had requested the committee that he might be permitted to present evidence when the Keller charges were heard. In consideration of these facts these gentlemen were requested to present to the committee any evidence in their possession tending to substantiate any of the charges made by Mr. KELLER against the Attorney General. Both gentlemen appeared. Mr. WOODRUFF said in part:

Now, Mr. Chairman and gentlemen of the committee, I want to state now that I had nothing whatever to do with the preferment of these charges of impeachment. I knew nothing about it until after it had been done; I had nothing whatever to do with the preparation of the bill of particulars; I did not see that bill of particulars until after it had been submitted to the public; I assume no responsibility whatever for anything that may appear in that bill of particulars. As regards the specifications 1 to 13, I know practically nothing and can give very little, if any, assistance on those specifications. I do have some information about one of the subdivisions of specification 14, and I am prepared to assist the committee in determining the merits of that particular subdivision.

Mr. WOODRUFF requested permission to see certain files and documents in the Attorney General's office bearing upon certain matters which he had referred to in his charges on the floor of the House. At his request, together with his attorney, Captain Schafe, a former employee of the Department of Justice, he was permitted to go to the department and inspect such files and documents as he desired, and after such inspection returned to the committee and stated the results of his inquiry, from which it was apparent to all that Mr. WOODRUFF had no information which would aid the committee in determining whether or not the Attorney General was guilty of the charges made against him by Mr. KELLER.

Mr. JOHNSON of South Dakota said in part:

It should be said in the beginning that at no time have I ever had any connection with these impeachment charges; I did not know that they were to be filed; I never saw them before they were filed; no one ever consulted me concerning them; I knew nothing about them until they were presented to the House.

It should be said that, in my opinion, these charges are not based either on law or facts. * * *

I would say that I not only have no proof on those charges but there are many of them with which I have absolutely no sympathy.

In determining whether or not any proof has been introduced establishing Mr. KELLER's contention that the Attorney General has been guilty of "high crimes and misdemeanors," it becomes important to know just what this phrase contemplates. Article II of section 4 of the Constitution defines impeachable offenses as "treason, bribery, or other high crimes and misdemeanors." A judicial construction of the term "high crimes and misdemeanors" as a definition of an impeachable offense is, from the nature of impeachment trials, impossible; and we must therefore have recourse to textbook authority for this definition.

Black, in his work on constitutional law, says:

Treason and bribery are well-defined crimes. But the phrase "other high crimes and misdemeanors" is so very indefinite that practically it is not susceptible of exact definition or limitation, but the power of impeachment may be brought to bear on any offense against the Constitution or laws which, in the judgment of the House, is deserving of punishment by this means, or is of such a character as to render the party accused unfit to hold and exercise his office.

I have no hesitancy in saying that, in my judgment, absolutely no evidence has been introduced which would tend in the remotest degree to prove that the Attorney General had been guilty of "high crimes and misdemeanors." I hold no brief for Mr. Daugherty. Whether or not he is a highly competent Attorney General, or whether or not his selection to that high office was a wise selection, are matters beside the question, and were not before the committee, and are not before the House at this time. We have but one question to decide. We are not passing upon the conduct of Mr. KELLER, and that conduct should have no bearing upon our verdict, and I feel sure has not entered into the conclusion of the committee.

Personally, I have no knowledge as to whether or not Mr. KELLER was the tool of others in the institution of these proceedings, and make no such charges. I do say, however, that Mr. KELLER displayed a woeful lack of information about the specific charges which he made, and his conduct from the beginning up to the time he dramatically bolted from the com-

mittee room bears every indication of the fact that his hope at every stage of the proceeding was that the committee would refuse to tolerate his conduct so that he might withdraw and charge "whitewash." If this was his thought he was disappointed, because all rules of evidence were waived aside, he was permitted to proceed in his own manner, and he had his own way, and no one familiar with the record will contend that any evidence had been introduced up to the time of his exit. From the beginning he sought publicity and was quoted often in the press, but he failed utterly to prove any of the things he charged. I do not want to condemn him. My information is that shortly after he withdrew from these proceedings he suffered a nervous breakdown, and is now in the South recuperating, and it is my hope that he speedily recovers.

The Judiciary Committee of the House is a bipartisan committee made up of Republicans and Democrats. The personnel of the committee was determined at the beginning of the Sixty-seventh Congress, but many members of the committee have served for years, and the personnel has not changed, with the exception of the addition of one member who filled a vacancy on the committee, since this impeachment resolution was presented to the House. A "packed committee" is, therefore, out of the question. These charges are not sustained.

Mr. VOLSTEAD. Mr. Speaker, I now yield to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Speaker on the first day of July, 1922, while the great railroads of this Nation were transporting coal and food to the industries and homes of our people, 260,000 members of the railway shop crafts went out on a strike.

It was the work and duty of these striking shopmen to inspect and repair the locomotives and rolling stock of the railroads. The law imposed severe penalties upon railroads using defective locomotives that had not been properly inspected. The railroads immediately sought to obtain new shopmen by calling to the service blacksmiths and mechanics who were out of employment and eager to obtain these desirable positions. If the railroads were successful in their efforts the result would be to make the strike ineffective. The strikers were desperate and thereupon by intimidation, force, and violence sought to prevent these strike breakers, so-called, from making the necessary inspection and repairs to the locomotives and rolling stock of the great transportation lines. In this they were partially successful in tying up almost completely the great railroad lines of the country and under the law effectually prevented the use of 70,000 locomotives, as the railroads must violate the law if they did not have the usual inspection of their rolling stock. To make this strike effective in every way and to prevent the transportation of mails, coal, or food the striking shopmen with the aid of their sympathizers sought every opportunity to injure the rolling stock and locomotives of the roads and to willfully and deliberately bring about defective safety appliances and to completely paralyze railroad traffic until the wages demanded by them had been granted by the managers of the railroads.

So critical and serious a condition developed from these unlawful acts of the strikers that President Harding on the 18th day of August went before Congress with a special message in which he called the attention of both Houses to this national crisis that threatened the life of the Nation in the following words:

> Sympathetic strikes have developed here and there, seriously impairing interstate commerce. Deserted transcontinental trains in the desert regions of the Southwest have revealed the cruelty and contempt for law on the part of some railway employees, who have conspired to paralyze transportation, and lawlessness and violence in a hundred places have revealed the failure of the striking unions to hold their forces to law observance. Men who refused to strike and who have braved insult and assault and risked their lives to serve a public need have been cruelly attacked and wounded or killed. Men seeking work and guards attempting to protect lives and property, even officers of the Federal Government, have been assaulted, humiliated, and hindered in their duties. Strikers have armed themselves and gathered in mobs about railroad shops to offer armed violence to any man attempting to go to work. There is a state of lawlessness shocking to every conception of American law and order and violating the cherished guaranties of American freedom. At no time has the Federal Government been unready or unwilling to give its support to maintain law and order and restrain violence, but in no case has State authority confessed its inability to cope with the situation and asked for Federal assistance.
>
> Under these conditions of hindrance and intimidation there has been such a lack of care of motive power that the deterioration of locomotives and the noncompliance with the safety requirements of the law are threatening the breakdown of transportation. This very serious menace is magnified by the millions of losses to fruit growers and other producers of perishable foodstuffs, and comparable losses to farmers who depend on transportation to market their grains at harvest time. Even worse, it is hindering the transport of available coal when industry is on the verge of paralysis because of coal shortage, and life and health are menaced by coal famine in the great centers of population. Surely the threatening conditions must impress the Congress and the country that no body of men, whether limited in numbers and responsible for railway management or powerful in numbers and the necessary forces in railroad operation, shall be permitted to choose a course which so imperils public welfare. Neither organizations of employers nor workingmen's unions may escape responsibility. When related to a public service the mere fact of organization magnifies that responsibility, and public interest transcends that of either grouped capital or organized labor.
>
> Another development is so significant that the hardships of the moment may well be endured to rivet popular attention to necessary settlement. It is fundamental to all freedom that all men have unquestioned rights to lawful pursuits, to work and to live and choose their own lawful ways to happiness. In these strikes these rights have been denied by assault and violence, by armed lawlessness. In many communities the municipal authorities have winked at these violations, until liberty is a mockery and the law a matter of community contempt. It is fair to say that the great mass of organized workmen do not approve, but they seem helpless to hinder. These conditions can not remain in free America. If free men can not toil according to their own lawful choosing, all our constitutional guaranties born of democracy are surrendered to mobocracy and the freedom of a hundred millions is surrendered to the small minority which would have no law.
>
> It is not my thought to ask Congress to deal with these fundamental problems at this time. No hasty action would contribute to the solution of the present critical situation. There is existing law by which to settle the prevailing disputes. There are statutes forbidding conspiracy to hinder interstate commerce. There are laws to assure the highest possible safety in railway service. It is my purpose to invoke these laws, civil and criminal, against all offenders alike.

In this great crisis the settlement of which meant so much to the life of the Nation, the President and Congress turned instinctively to that great lawyer, Attorney General Harry M. Daugherty, who, when he assumed the duties of his great office, said:

> My duty is clear. As long as I am the responsible head of the Department of Justice the law will be enforced with all the power possessed by the Government which I am at liberty to call to my command.
>
> The Government will endure on the rock of law enforcement or it will perish in the quicksands of lawlessness.

The Attorney General at once sent his agents and assistants over the Nation to investigate and obtain evidence of the unlawful acts of the striking shopmen and their sympathizers, that he might go before the courts with that evidence and obtain the necessary relief. It was a tremendous undertaking, but so successfully did he accomplish his great task that on the 1st day of September he appeared before the Federal court at Chicago with evidence of 17,000 unlawful acts committed by these striking shopmen against the transportation lines of the country and in violation of interstate commerce, committed for the purpose of destroying the railroads. Upon this great mass of evidence he requested of the court an injunction against these striking shopmen and their sympathizers, enjoining them from further interference with the railroads and thus effectively preventing them from committing further acts of violence upon men who had taken the places in the railroad shops of the strikers. In his argument before the court to obtain that injunction, he used these memorable words:

> I will use the power of the Government of the United States within my power to prevent the labor unions of the country from destroying the open shop. * * *
>
> When the unions claim the right to dictate to the Government and dominate the American people and to deprive the American people of the necessities, then the Government will destroy the unions, for the Government of the United States is supreme and must endure.

A preliminary restraining order was granted by the court, and for the time being the nation-wide plot on the part of radical labor to force the railroads into Government ownership failed. Efficient men under the protection of this injunction took the places of the striking shopmen, and the roads resumed their customary traffic. The Government at Washington still lived, and the Attorney General received the commendation of all law-abiding people.

Radical labor leaders, however, were not to be easily defeated. Through their attorneys and official heads they immediately applied to the Attorney General to bring injunction proceedings against the railroads to prevent them from using any locomotives or rolling stock that had not been inspected according to law and demanded of him that under like injunction proceedings he restrain and enjoin the railroads in such a manner that would again completely paralyze the traffic.

They said to him, in substance, you have obtained an injunction against the shopmen. Now get one against the railroads. The Attorney General, after consulting with his assistants, reported, that in his view of the law he could not legally obtain such an injunction, but that he would do all in his power to see that any willful violations of the law on the part of the railroads should be at once punished and that all safety appliances should be inspected and made safe in accordance with the Federal statutes, and he at once instructed his assistant attorneys general throughout the United States to see that these laws were complied with.

Leaders in this great railroad strike were now desperate. Something must be done to obtain Government ownership of railroads. The Attorney General had refused to aid them in overturning and destroying the Government. The court had fixed September 11 for a final hearing to make the injunction

permanent. The Attorney General must be destroyed. He must be humiliated and ridiculed in the eyes of the people. Congress must impeach him. Such proceedings must start in the House of Representatives. Some one must be found in that body that would commence the proceedings—some one that President Gompers, of the American Federation of Labor, could command and control. The only Member of the House available to do this bidding of the strikers was the gentleman from Minnesota [Mr. KELLER].

This was Mr. KELLER's second term. In his official biography, based on information furnished by himself, in the Congressional Directory, he states that he—

lost the Republican nomination in the convention, but was persuaded by his friends to run as an independent, and *with the support of labor was elected.*

He claims that he is neither a Democrat nor a Republican but an independent.

During his service in the House Mr. KELLER had often shown his readiness to serve the radical labor leaders that had elected him. At all times he had stood against the administration—for socialism, for Government ownership of railroads, Government price fixing, and Government ownership of public utilities, and many other socialistic ideas.

On November 13, 1919, in a speech in the House of Representatives, he said:

It will be our bounden duty, as representatives of the people, to purchase the railroads and operate them in the public interest. I am ready and willing to assume my share of the responsibility in this matter.

On the 29th day of August, 1919, in the House of Representatives, he further said:

The only remedy for this dangerous condition confronting us is an embargo on exports of all foodstuffs except our surplus and the fixing of prices thereon, as proposed in House Joint Resolution 180, which I introduced a few days ago.

By fixing the prices on the necessities of life the producer will be given his fair return as well as insuring the consumer against excessive prices. It will eventually drive the profiteer out of business. Wages will immediately be stabilized, and the manufacturer will be placed in a position to know where he is at. The result will be a return to normal and a renewal of the confidence of the entire Nation.

The Washington Evening Star of August 8, 1921, quotes Mr. KELLER as follows:

CHARGES WALL STREET CONTROLS GOVERNMENT—REPRESENTATIVE KELLER ATTACKS ADMINISTRATION AND WAYS AND MEANS COMMITTEE.

Charging that the machinery of government has been commandeered by a little clique, ignorant of the A B C's of economics, whose blind obedience to Wall Street is responsible for the stupid, selfish, short-sighted policy that is retarding our prosperity and creating profound distrust and discontent among the people, Representative KELLER, of Minnesota, independent Republican, delivered an attack upon the administration generally and on the House Ways and Means Committee particularly for its handling of tax and tariff problems in a statement issued last night.

Declaring that most Members of the House want to carry out the people's wishes with regard to taxation and other economic questions, Mr. KELLER says a "little dominant minority has tied down the safety valve of free discussion until an explosion impends which will scatter the Republican Party from Maine to California."

"The President has assumed more power than any of his predecessors," Mr. KELLER continues, "and tells Congress what bills to pass and what not to pass. Bills concocted at secret conferences are introduced without being referred to responsible committees."

On the 11th day of September last, while the Attorney General was presenting to the court at Chicago evidence of 50,000 crimes committed by the striking shopmen and their sympathizers for the purpose of obstructing transportation, injuring locomotives and rolling stock, and criminal assaults upon nonunion workers who had taken the place of the strikers, Mr. KELLER startled the Nation by rising in the House of Representatives and saying:

Mr. Speaker, I impeach Harry M. Daugherty, Attorney General of the United States, for high crimes and misdemeanors in office.

The SPEAKER. When the gentleman rises to a question of this high privilege he ought to present definite charges at the outset.

Mr. KELLER. The Chair means such charges as acts of the Attorney General?

The SPEAKER. Yes; definite charges.

Mr. KELLER. Very well, Mr. Speaker, I will do so.

First. Harry M. Daugherty, Attorney General of the United States, has used his high office to violate the Constitution of the United States in the following particulars:

(1) By abridging freedom of speech.
(2) By abridging the freedom of the press.
(3) By abridging the right of people peaceably to assemble.

Second. That, unmindful of the duties of his office and his oath to defend the Constitution of the United States, and unmindful of his obligations to discharge those duties faithfully and impartially, the said Harry M. Daugherty has, in his capacity of Attorney General of the United States, conducted himself in a manner arbitrary, oppressive, unjust, and illegal.

Third. He has, without warrant, threatened with punishment citizens of the United States who have opposed his attempts to override the Constitution and the laws of this Nation.

Fourth. He has used the funds of his office illegally and without warrant in the prosecution of individuals and organizations for certain lawful acts which, under the law, he was specifically forbidden to prosecute.

Fifth. He has failed to prosecute individuals and organizations violating the law after those violations have become public scandal.

Sixth. He has defeated the ends of justice by recommending the release from prison of wealthy offenders against the Sherman Anti-trust Act.

Seventh. He has failed to prosecute defendants legally indicted for crimes against the people.

* * * * * * *

I offer therefore the following resolution and am prepared to appear before a committee of the House, there to produce evidence and witnesses in proof of my charges.

Mr. Speaker, I offer this resolution and I would like to have the Clerk read it.

The SPEAKER. The gentleman from Minnesota offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 425.

Whereas impeachment of Harry M. Daugherty, Attorney General of the United States, has been made on the floor of the House by the Representative from the fourth district of Minnesota: Be it

Resolved, That the Committee on the Judiciary be, and they hereby are, authorized and directed to inquire into the official conduct of Harry M. Daugherty, Attorney General of the United States, and to report to the House whether, in their opinion, the said Harry M. Daugherty has been guilty of any acts which in contemplation of the Constitution are high crimes or misdemeanors requiring the interposition of the constitutional powers of this House; and that the said committee have power to send for persons and papers and to administer the customary oaths to witnesses.

The resolution went at once to the Judiciary Committee and the sensational newspapers of the country gave the charges and Mr. KELLER the necessary large headlines, and many of them accepted the charges as true.

On September 16, five days after these charges had been made, the Judiciary Committee of the House met to hear any evidence that Mr. KELLER might present in support of his charges. He appeared and at once offered the following gratuitous insult to one of the great committees of the House:

I desire at the outset to congratulate the Committee on the Judiciary for its prompt action upon my resolution impeaching Attorney General Daugherty. *The committee has thus proved the falsity of the inspired news dispatches which stated that it was the purpose to bury the resolution without action and without hearings.*

It was no doubt his intention to so abuse the court before whom he appeared that they would refuse to hear him and he might thereby say to the country that the committee were so prejudiced that they would not hear his evidence, and so forth, and were afraid to give him an opportunity for fear that he might prove the charges he had made against the Attorney General. The committee, however, knowing the prosecutor, refused to be used by Mr. KELLER to get him out of the dilemma into which he had found himself when he was called upon to produce his evidence.

When the committee passed over his insult and asked him to produce his evidence he answered:

The committee should take the charges that I make, and they are true until they are proven not true.

Mr. YATES. Is it your contention that this committee ought now to report this resolution favorably without any showing whatever by you?

Mr. KELLER. Mr. Chairman, I have made my charges, and they are true until they are proven not true.

It took some time for the committee to convince Mr. KELLER that the Attorney General was presumed to be innocent until proven to be guilty, and that the burden and duty of proving the charges against him was upon him who made the charges. It was finally agreed, however, that as Congress was about to adjourn to the regular session in December the committee would meet on the first day of that session, December 4, and hear the evidence to be presented by Mr. KELLER, and that December 1 Mr. KELLER should file with the committee specifications of his charges. Then the following proceedings occurred in the committee. I read from the record, on page 13:

Mr. DYER. Has the gentleman consulted an attorney in regard to this matter?

Mr. KELLER. I should want counsel.

Mr. DYER. Who was the gentleman who just spoke to you?

Mr. KELLER. I do not know.

Mr. MCGRADY. I am Mr. McGrady, representing the American Federation of Labor.

Mr. DYER. I wanted to know who you were.

Mr. MCGRADY. I would like to finish my statement. *The American Federation of Labor has asked to be heard on this case. President Gompers, with the executive council of the American Federation of Labor, is at Atlantic City to-day but will be here next week. We have already made a request to be heard.*

* * * * * * *

Mr. KELLER. Somebody asked me what would be a reasonable time, and I said Thursday would be a reasonable time for furnishing what the committee wants.

Mr. MICHENER. You have stated several times here to-day that you have proof, but that you do not want to divulge it to-day. It strikes me that in an important matter of this kind, in which the entire Nation is interested, and in which one of the chief executives of the Nation is interested, if you have this proof prepared and simply do not want to divulge it because it might prejudice your case you could possibly by working on Sunday come in here Monday and give this committee, not all of your proof, but enough to make a case on which we could conscientiously go to Congress one way or the other. It strikes me that that would be no more than fair.

After the adjournment of these proceedings to December 4, Mr. KELLER rushed at once into the columns of the sensational newspapers with the same and additional charges against the Attorney General and boasted of what he would do and prove if he only had the opportunity before the committee. He secured the consent of the House to extend his remarks in the RECORD, and on September 27, 1922, page 13153 of the CONGRESSIONAL RECORD, he again, at great length, went over the charges against Mr. Daugherty and added new ones and was very bitter in his denunciation of the Attorney General.

In the October issue of the Locomotive Engineers' Journal, an organ of the striking shopmen, he contributed an article signed by him and entitled, "Why Daugherty should be impeached," in which he still further added material for the sensational press and new charges against the Attorney General.

Not content with his proceedings before the Judiciary Committee, and not willing to wait a hearing on his charges, he sought every opportunity to make new and reckless charges against the Attorney General, with all disregard of the rights of a high Cabinet officer and a deliberate attempt to prejudice the Attorney General in the eyes of the American people. As a sample of his reckless and unfounded statements, in the article in the Locomotive Engineers' Journal, above mentioned, he said:

The Attorney General of the United States has been guilty both of the abuse of power and the usurpation of power. On the one hand, he has used his office to oppress citizens of one class, to deny them their constitutional rights, to threaten unlawfully to punish them for crimes they have not committed, and to enjoin them unlawfully from doing that which by the laws and Constitution of the United States they are entitled to do.

On the other hand, he has unlawfully granted to another class judicial privileges and favors, has neglected and failed to prosecute them for their criminality, and has released from prison wealthy malefactors convicted of crimes against the American people.

The Attorney General again has repeatedly violated his oath of office by refusing to prosecute malefactors of great wealth. And in certain cases where he was forced to act against wealthy criminals and indictments were found, he has halted their prosecution on false grounds, in an attempt to rescue them from the law.

Radical labor, that had elected Mr. KELLER, now appeared in the person of Samuel Gompers, president of the American Federation of Labor, and in the official organ of the federation for October, 1922, Gompers, under the heading "Attorney General impeached," said:

House Resolution 425, by Representative KELLER, of Minnesota, directed the Judiciary Committee to inquire into the official conduct of Attorney General Harry M. Daugherty and to report whether he has been guilty of any acts which the Constitution declares are high crimes or misdemeanors. The resolution was the result of the injunction applied for by the Attorney General and granted by Judge Wilkinson against the railroad shopmen. We have heard much from the Attorney General about workers interfering with the mails, but the fact is it is the railroads which have interfered by stopping mail trains altogether. Let the railroads first see what can be done about keeping workers on terms to which workers can agree.

It is the purpose of the American Federation of Labor to do everything possible to bring the impeachment proceedings to a successful conclusion. Labor will participate in the proceedings through its representatives, through its council, and through the presentation of testimony of witnesses.

On December 4 the committee met and called upon Mr. KELLER to proceed with his evidence. He claimed he was not ready and would not proceed until the committee obtained from the House power to subpœna such witnesses as he desired, and until that power was given the committee he would not name the witnesses nor would he proceed. The record of the hearings, page 107, shows the following proceedings when Mr. KELLER introduced his attorney:

Mr. MICHENER. Let us have your name.
Mr. RALSTON. Jackson H. Ralston.
Mr. MICHENER. You are a resident——
Mr. RALSTON (interposing). Of Washington.
Mr. MICHENER. What is your business?
Mr. RALSTON. I am supposed to be an attorney.
Mr. MICHENER. Whom do you represent?
Mr. RALSTON. In this particular I am appearing at the request of Mr. KELLER.
Mr. MICHENER. You are the attorney for the American Federation of Labor also?
Mr. RALSTON. I am.
Mr. MICHENER. And of Mr. Gompers, personally?
Mr. RALSTON. Yes, sir.

That Mr. KELLER might have no excuse for not producing his evidence the committee adjourned to December 12 and on the day of adjournment, December 4, they obtained from the House authority to send for persons and papers, to administer oaths to witnesses, and to sit during sessions of the House.

The committee again met on December 12 and again called upon Mr. KELLER to take up the charges in their order. This Mr. KELLER refused to do. All the witnesses called for by Mr. KELLER had been subpœnaed, but Mr. KELLER and his attorney refused to proceed in the order of the charges. He said he would be ready in the morning to proceed with No. 13, and as to the other charges he insultingly said:

I will be ready when I get ready.

The committee was determined that Mr. KELLER should not evade. They were further determined that he should have no excuse to go back to the House or to the country and say that he had no opportunity to present his evidence and the committee therefore agreed with Mr. KELLER and his attorney to hear evidence first on No. 13; this to be followed with No. 4 and then No. 7, and after this the balance of the charges should be taken up in their order.

The next day the committee proceeded to hear the evidence upon charges 13, 4, and 7, and the first trouble came on the part of Mr. KELLER and his attorney in an attempt to offer to the committee evidence that had nothing to do with the charges, but which was intended to prejudice Mr. Daugherty, evidence that could not be admissible in any court of law. On the objection of the committee to hear such improper evidence, Mr. KELLER and his attorney refused to proceed unless they could put in everything they desired. The committee thereupon opened the door and stated, with the consent of the Attorney General, that Mr. KELLER and his attorney should be given the privilege of putting in any kind of evidence that they desired, which was done. At the conclusion of the evidence upon these three specifications it was obvious to everyone that nothing had been proved, that the evidence offered by Mr. KELLER and his attorney was simply for the purpose of prejudice and not for the purpose of proof and that KELLER had no evidence whatever to sustain his charges and only sought to escape from his responsibility.

Mr. KELLER had frequently stated that one of his attorneys was Samuel Untermyer, of New York. This attorney wrote him about this time a letter, from which I will quote, it being an answer to one from KELLER that he (Untermyer) should attend the proceedings before the committee and assist him. Attorney Untermyer said, among other things:

I refused to do so and advised your friends who consulted me to urge your immediate withdrawal from the proceedings.

Thereupon Mr. KELLER arose and stated to the committee that he wanted to make a statement, which he had reduced to writing. It was handed up to the chairman, and on an inspection of the same it disclosed most abusive language directed against the committee that would be unfit for publication, and the committee thereupon ruled that such statements were not in order and asked him to proceed with his evidence in support of the other charges. This Mr. KELLER refused to do, and he and his attorney, Mr. Ralston, withdrew from the room.

The committee were still further determined that Mr. KELLER should not escape his responsibility; and, on his refusal to proceed or to testify as to what evidence he had in his possession, if any, to support his charges and why he had made them, the committee obtained from the Speaker of the House a subpœna which was served upon Mr. KELLER to appear the next morning as a witness. This was duly served; but Mr. KELLER appeared only by his attorney, who stated that he had advised Mr. KELLER not to appear, and took the ground that the committee itself could not arrest Mr. KELLER and force him to testify, as he, Mr. KELLER, was a Member of Congress and was protected under the Constitution.

The committee were satisfied that they had no power to arrest Mr. KELLER and force him to testify, but that their duty was to report the fact to the House under the resolution and the House could proceed to deal with Mr. KELLER as the rules provided. The committee also voted unanimously to proceed to hear anyone in support of the charges, but no one appeared.

Certain criticisms of the Attorney General's office had been made in the House of Representatives by the gentleman from Michigan [Mr. WOODRUFF] and also by the gentleman from South Dakota [Mr. JOHNSON]. The committee called these two Members before them, and they testified at some length in regard to any knowledge that they had in the matter, as to the truthfulness of these charges. Both Members were very frank to the committee, and concealed nothing, and claimed to know nothing in the way of evidence that would sustain any of these charges.

Mr. WOODRUFF said in part:

Now, Mr. Chairman and gentlemen of the committee, I want to state now that I had nothing whatever to do with the preferment of these charges of impeachment. I knew nothing about it until after it had been done; I had nothing whatever to do with the preparation of the bill of particulars; I did not see that bill of particulars until after it had been submitted to the public; I assume no responsibility whatever for anything that may appear in that bill of particulars. As regards the specifications 1 to 13 I know practically nothing and can give very little, if any, assistance on these specifications.

Mr. JOHNSON, in his testimony, said:

It should be said in the beginning that at no time have I ever had any connection with these impeachment charges; I did not know that they were to be filed; I never saw them before they were filed; no one ever consulted me concerning them; I knew nothing about them until they were presented to the House.

It should be said that in my opinion these charges are not based either on law or facts. * * *

I would say that I not only have no proof on those charges but there are many of them with which I have absolutely no sympathy.

The committee then gave an opportunity to the Attorney General to explain by witnesses, if he so desired, the several charges and specifications filed by Mr. KELLER. The Attorney General, by his assistants and witnesses, went minutely into the charges, covering them all with such convincing testimony as to leave no doubt in the minds of the committee that the charges were without any foundation whatever.

The testimony before the committee is found in the printed hearings, covering 573 pages. I have not time to review all the testimony. Mr. KELLER seemed to rely upon the testimony of two witnesses, to wit, Mr. Gompers, head of the American Federation of Labor, but who, when called, furnished no proof whatever in support of any of the charges.

The star witness for the prosecution, that had been paraded a great deal by Mr. KELLER and his counsel, Mr. Thomas O. Stevenson, attorney for the Brotherhood of Locomotive Firemen and Enginemen, testified at great length before the committee, principally in the matter of the Chicago injunction proceedings, but furnished no evidence at all to support the charges. In the course of his testimony I put to him the following questions and received the following answers in regard to the condition of the rolling stock and the want of inspection of locomotives during the strike:

Mr. HERSEY. And they had not been inspected because of the strike; is that it?

Mr. STEVENSON. I must say that we could not consider the reason why they were not inspected.

Mr. HERSEY. What was the reason that brought about the want of inspection or this use of defective locomotives? Was it not due to the strike?

Mr. STEVENSON. That is rather a large subject, sir; if you wish me to go into it and give some personal opinion, I can do so.

Mr. HERSEY. I am asking for your opinion. If the strike had not come on and there had been no strike, you would not have had any complaint, would you?

Mr. STEVENSON. From the viewpoint of a lot of people, not expressing myself; but the cause of it, the primary cause, was the direct intention of certain railroads to break up certain labor organizations.

Mr. HERSEY. Never mind about that. I am asking your opinion. If there had been no strike and the shopmen had continued at work and had not struck, you would have had no complaints to make to the Attorney General at present, would you?

Mr. STEVENSON. Probably not, sir.

Mr. FOSTER, of the committee, further questioned him, as follows:

Mr. FOSTER. In your judgment, knowing the attitude of the Attorney General, do you think his conduct in this matter has been such that in your judgment the Attorney General should be impeached? Give the committee the benefit of your judgment, as you have been in touch with the situation.

Mr. STEVENSON. That is a difficult question to answer.

Mr. FOSTER. Yes; but the committee want your judgment.

Mr. STEVENSON. No; I do not think so.

Mr. Stevenson, although prejudiced in favor of his organization and wishing to do all he could to assist the prosecution, was honest enough to admit that he knew nothing in the evidence that was cause for impeachment of the Attorney General.

After exhausting all information, rumors, or charges that came to the committee in any way the committee reported to the House that—

It does not appear that there is any ground to believe that Harry M. Daugherty, Attorney General of the United States, has been guilty of any high crime or misdemeanor requiring the interposition of the impeachment powers of the House.

In the debate in the House on the acceptance of this report of the committee the gentleman from Virginia [Mr. MONTAGUE], a member of the committee and a Democrat, said:

But, Mr. Speaker, I rose to express my own conviction as a member of the Judiciary Committee that upon the charges investigated there was not sufficient evidence to sustain the charges of impeachment contained in the resolution or as more particularly made in his supplementary resolution or bill of complaint wherein the charges were made in more concrete and precise form.

But I had no doubt, and no one else in the committee had, Mr. Speaker, that the evidence was insufficient to sustain the charges of impeachment formulated against the Attorney General, and I voted in the committee that there was no evidence to prove or support the offense charged in the proceedings, and I stand upon that now. [Applause.]

The gentleman from Tennessee [Mr. TAYLOR], not a member of the committee, but one who had carefully read the impeachment proceedings, addressed the House, and his remarks, while short, cover so completely the work of the committee that I quote them in full, as follows:

Mr. TAYLOR of Tennessee. Mr. Speaker and gentlemen of the House: I have absolutely no patience with the disposition and practice of certain alleged newspapers, certain interests, and certain Members in this and the other legislative Chamber, who make it a daily habit to impugn the motives and sincerity of the President of the United States and criticize and abuse certain branches of his administration. These alleged newspapers and gentlemen have been particularly assiduous and bitter in their attacks upon the Department of Justice, and it is while assaulting the head of this department that their spleen becomes abnormally inflamed and their invectives wax particularly vitriolic and acrimonious. To lambast the Attorney General seems to be their pet diversion, and it occurs to me that many of their attacks are without any foundation in fact whatsoever. I hold no special brief for General Daugherty, and have no commission to defend him. I think he has frequently demonstrated that he is amply able to take care of himself. But, gentlemen of the House, the thing that I deplore—the thing that I desire to condemn and the thing that I consider thoroughly disgusting and demoralizing—is this wholesale, reckless, rampant, and indiscriminate abuse of public officials generally by every Tom, Dick, and Harry in the country whose peculiar ideas are not reflected in the acts of such public official. An honest, just, and conscientious criticism of the acts of public officials is commendable and should be encouraged. But the type of criticism that is usually indulged in encourages lack of confidence in the integrity of government itself and breeds Bolshevism and anarchy. The impeachment proceedings now pending against the present incumbent of the Attorney General's office has afforded these aforesaid newspapers and gentlemen an opportunity to produce anything detrimental to the character, conduct, and integrity of the administration of the Attorney General's office; and the hearings on this resolution disclose that their efforts to discredit Harry M. Daugherty and his official conduct have been a signal, melancholy, and monumental failure.

His accusers now stand discredited in the estimation of the whole country, "and none are so poor as will do them reverence." It does not matter what we may think of Harry M. Daugherty as an individual. I do contend, however, that we ought to have too much respect for the office of Attorney General than to drag it into ridicule and disrepute, or to attempt to poison public opinion against it by willful and malicious misrepresentation.

In conclusion, I desire to repeat that whenever we destroy the confidence of the people in the integrity of government, there is nothing left but Bolshevism and anarchy.

The House accepted the report of the committee and fully exonerated the Attorney General of any and all of the charges made by Mr. KELLER. The gentleman from Minnesota [Mr. KELLER], who had made these charges and had withdrawn from the committee, is now in the South for his health. A weekly newspaper published in Washington called Labor, the journal of the original labor organizations, denounced the proceedings as a "whitewash" and in attempting to speak for Mr. KELLER, on December 30, 10 days before the report of the committee had been made, said:

Congressman KELLER has already served notice on the Attorney General that unless the latter gets out of public life the impeachment fight will be renewed as soon as the new Congress convenes, and Daugherty has had enough experience with KELLER to know that the fighting Congressman from Minnesota will make good.

Outside of labor journals the reliable newspapers of the country generally commended the report of the committee and the decision of the House that the charges were wholly unsupported.

The Manufacturer, a leading journal in industry, in its issue of December 26, 1922, said:

INQUISITION, NOT IMPEACHMENT.

Fortunately for the public, the collapse of the impeachment proceedings against the Attorney General has been accompanied by an inside view of the animus behind the charges.

In this respect the whole matter takes on a significance extremely important to good government in the United States. If any pronounced radical in Congress can be permitted, without challenge, to abuse the high privilege of his office and demand impeachment of a Cabinet officer for no other reason than to project himself into the limelight, no Cabinet officer is safe and, broadly speaking, the executive departments at Washington can not function.

The breaking down of these impeachment proceedings should be a salutary lesson for the future. There should be no minimizing the gravity of the issue involved. There was never any real chance, of course, that the charges could be substantiated. But if any Member of Congress has the privilege of attacking a Cabinet officer with charges of such a character, no future Attorney General could administer properly the affairs of this great office. Misconduct in executive office should of course be checked and punished, no matter who is the offender nor what his standing; but to make such officer a target for unfounded attack and vicious propaganda is something totally unfair and absolutely contrary to the spirit of American institutions.

I am pleased to note also that a leading newspaper of my State, the Portland Press Herald, in its issue of January 22, 1923, said editorially:

THE PLOT THAT FAILED.

Attorney General Daugherty has been exonerated by an overwhelming vote of the House Judiciary Committee, a vote in which the Democratic members joined. The attempt to have impeachment proceedings brought against him failed. He is now at liberty to get after the grafters who grew fat while the Nation was struggling to win the war. The proceedings brought against him were inspired by these very interests who are threatened with prosecution by the Government and who will be compelled to disgorge some of the money they secured through rich contracts, if the Attorney General has his way. They brought all manner of charges against Attorney General Daugherty in the hope of embarrassing him and preventing him from going ahead with the suits he has already instituted. The plot failed, and now, let us hope, the grafters will be compelled to face the music.

I might quote other expressions of the public throughout the United States in praise of the Attorney General and his work, but have not the time to do so.

I wish to say in closing that the work of the present Attorney General's office in 1922 is now before us. It is a splendid record of achievement. A few brief facts show something of what he has done. I mention a few:

1. Instituted civil suits against builders of Army camps, and so forth, during the war to recover more than $50,000,000.

2. Secured indictments against those who have conspired against the Government in the purchase and handling of war material to the number of hundreds.

3. Prosecution of violators of the food and drug act and the prohibitory laws. Over $50,000,000 have been imposed in fines during the past year.

4. Instituted over 60,000 new criminal cases during the past year.

5. Vigorous prosecution of antitrust laws and frauds against the Government.

6. Successful prosecution in injunction proceedings against those who would destroy the transportation system of the country and deprive the people of coal and food in their hour of need.

The Attorney General has shown great ability, honesty of purpose, fearlessness of action, and sublime devotion to duty in his great office. The attempts of certain radical organizations and sinister foes of law and order to prejudice and impeach him have given the people a new insight into the fine character and courage of the man who has placed himself high among the great and fearless leaders of law and order, and these proceedings in Congress to impeach him and the hearings thereon have been of great benefit to the people of this Nation, as they have satisfied this country that the law-abiding people have in him a most trustful and efficient public servant who will protect the best interests of the law-abiding people of this country against the radical attempts of revolution, and future history will place Harry M. Daugherty high among the great and notable men of the present age.

Mr. VOLSTEAD. Mr. Speaker, I now yield to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I rise to state that I will vote to sustain the adverse report filed by the Judiciary Committee and will vote to pass the resolution recommended by the committee. Unfortunately, I have not been granted sufficient time. The time usually reserved for members of the committee has been partly given to others, and the result is that I have just been advised by the chairman of the committee that I may have two or three minutes. Manifestly no comprehensive or exhaustive statement can be made within that time. I had hoped to be granted 15 minutes at least. I will simply do the best I can under the circumstances.

The charges in this case were substantially as follows:

First, that the Attorney General of the United States had taken more time than was necessary to institute and prosecute certain prosecutions;

Second, that he had been too lenient in recommending certain pardons;

Third, that he had done wrong in discharging certain employees;

Fourth, that he had done wrong in retaining one employee, namely, William J. Burns, Chief of the Bureau of Investigation of the Department of Justice;

Fifth, that he had erred in not bringing injunctions to enforce the duties incumbent upon railroads in the matter of inspection of locomotives;

Lastly, that he had appeared in the United States District Court for the Northern District of Illinois and caused to be issued an injunction restraining certain railroad employees from certain acts.

Before the Committee on the Judiciary, of which I am a member, it was insisted by the Hon. OSCAR E. KELLER, Member of this House, who filed the charges, that these different acts upon the part of the Attorney General constituted high crimes and misdemeanors, for which he should be impeached.

I do not think that the question of the conduct of Mr. KELLER or his misconduct before the committee have anything to do with this question. I do not agree with that portion of the report which at great length goes into the question of whether Mr. KELLER can be punished because of his actions before that committee culminating in his walking out of the committee room after handing to the chairman an abusive letter. It seems to me that any action by the House in regard to that matter should be a separate and distinct thing. I do not believe in making Mr. KELLER a martyr. He did a most serious, and grave, and solemn thing when he charged the chief law officer of the American Government with being guilty of high crimes and misdemeanors—in other words of being guilty of being a criminal. His conduct is to be strongly disapproved, in my opinion, but it has nothing to do with this case, except as it shows that his action in filing the charges was ill-advised and ill-considered, and without due appreciation of the gravity of the matter.

I heard every word of the testimony in this case. I have known Harry M. Daugherty longer probably than any man in this House. We were students together in the same law school in 1882—40 years ago. Since then I have been near him and with him in several campaigns—1896 and 1900, 1908 and 1912, and 1920, if I remember correctly. In other words, I have knowledge of him. Growing out of that knowledge I have confidence in him. In former years I believed him to be honest and fearless. My confidence is justified.

I did not in those days believe him to be a criminal. Accordingly, I watched every line of the testimony in the present case with more care and anxiety than would ordinarily be the case. I am glad to conclude that the evidence does not show that he has become a criminal or is guilty of high crimes and misdemeanors.

There is no time to go into a discussion of the different charges. Some of them seem to me to be exceedingly foolish. For example, it was sought to be shown that Mr. Samuel Gompers, president of the American Federation of Labor, who in answer to questions by me admitted that he had suggested and partly prepared this particular charge, had learned something from President Taft, which President Taft had learned from Attorney General Wickersham, which Attorney General Wickersham had learned from Pardon Attorney Finch, which Pardon Attorney Finch had learned from a man whose name I do not now recall, which this latter man had learned from Mr. Burns. In other words, Burns had told something to a man who had told it to Finch who had told it in an opinion to Wickersham who had told it in an opinion to Taft who had expressed it in a pardon, a copy of which he gave to Mr. Gompers—all about a thing that occured in 1905 in connection with a prosecution in the West 17 years ago.

William J. Burns was accused of certain misconduct in 1905. Burns denied it all, and his honesty and efficiency were testified to by United States Senator HIRAM JOHNSON, of California.

I believe that the most serious charge brought against Mr. Daugherty was the one which charged him with being guilty of malfeasance in office because he appeared in the United States court in Chicago and obtained a certain writ of injunction. There had been a great strike, and there had been some rioting. Three courses were open to the Government:

First, it could allow murder and train wrecking and other violence to continue;

Second, it could call out the armed forces of the Nation and with rifle fire mow down everybody, including bystanders; or

Third, it could resort to the orderly processes of the law, namely, the writ of injunction.

The highest and finest and kindest thing the Attorney General could have done was to resort to this writ. He did so, and the murder and train wrecking ceased.

I believe it was because the Attorney General did this thing that this prosecution was brought. If he had allowed the murder and train wrecking to continue, he would not be here threatened with impeachment. If the Government had mowed down everybody, this impeachment prosecution would not have been suggested. It was because he dared to do his duty that this thing is here to-day. I am absolutely satisfied that behind this procedure—although it may be to-day directly or indirectly conscientiously approved by Members of this House—I am absolutely satisfied that the purpose of this proceeding was to defy and intimidate the Attorney General of the United States and all future Attorneys General and all future officers of the law; the purpose was to serve notice upon this Attorney General and all coming officers that they must not resort to the orderly processes of the law. On the very day that the Attorney General was standing in his place in court in Illinois, on the 11th day of September, 1922, begging and appealing to the court to issue the writ which would restore law and order this proceeding was instituted before this House. I believe that the time has not yet come in America when an honest and fearless official will be impeached on such a record as has been made in this case, and therefore I vote to acquit him and not impeach him.

Mr. VOLSTEAD. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. TAYLOR].

Mr. TAYLOR of Tennessee. Mr. Speaker and gentleman of the House: I have absolutely no patience with the disposition and practice of certain alleged newspapers, certain interests, and certain Members in this and the other legislative Chamber, who make it a daily habit to impugn the motives and sincerity of the President of the United States and criticize and abuse certain branches of his administration. These alleged newspapers and gentlemen have been particularly assiduous and bitter in their attacks upon the Department of Justice, and it

is while assaulting the head of this department that their spleen becomes abnormally inflamed and their invectives wax particularly vitriolic and acrimonious. To lambast the Attorney General seems to be their pet diversion, and it occurs to me that many of their attacks are without any foundation in fact whatsoever. I hold no special brief for General Daugherty, and have no commission to defend him. I think he has frequently demonstrated that he is amply able to take care of himself. But, gentlemen of the House, the thing that I deplore—the thing that I desire to condemn and the thing that I consider thoroughly disgusting and demoralizing—is this wholesale, reckless, rampant, and indiscriminate abuse of public officials generally by every Tom, Dick, and Harry in the country whose peculiar ideas are not reflected in the acts of such public official. An honest, just, and conscientious criticism of the acts of public officials is commendable and should be encouraged. But the type of criticism that is usually indulged in encourages lack of confidence in the integrity of government itself and breeds Bolshevism and anarchy. The impeachment proceedings now pending against the present incumbent of the Attorney General's office has afforded these aforesaid newspapers and gentlemen an opportunity to produce anything detrimental to the character, conduct, and integrity of the administration of the Attorney General's office; and the hearings on this resolution disclose that their efforts to discredit Harry M. Daugherty and his official conduct have been a signal, melancholy, and monumental failure.

His accusers now stand discredited in the estimation of the whole country, "and none are so poor as will do them reverence." It does not matter what we may think of Harry M. Daugherty as an individual. I do contend, however, that we ought to have too much respect for the office of Attorney General than to drag it into ridicule and disrepute, or to attempt to poison public opinion against it by willful and malicious misrepresentation.

In conclusion, I desire to repeat that whenever we destroy the confidence of the people in the integrity of government, there is nothing left but Bolshevism and anarchy.

Mr. VOLSTEAD. Mr. Speaker, I want to make only one or two observations. The gentleman from Kentucky [Mr. THOMAS] made the statement that we had refused to send for documents and witnesses where there was opportunity to get them. If the gentleman had been more attentive on the meetings of the committee, he might have discovered that a good many of the things he complains of appear in the RECORD or are on file in the committee. Take, for instance, the Hayden letter. I asked the War Department to furnish it, and it is in the committee. The investigation had in the Department of Justice in regard to the United Gas Improvement Co. is likewise available. The complaint that the gentleman from Kentucky [Mr. THOMAS] makes because we did not investigate Mr. Johnson's charges is far-fetched, as that related to the War Department. We had no authority to investigate that matter. The Omand letter and telegram came in after the hearings were completed. Mr. Graham has dealt with that. The Greenburg matter was brought to our attention and investigated. A very thorough investigation of that particular matter was had.

This discussion has not brought to light any fact that would justify impeachment. I am not aware that anyone has made the claim that the record shows any such evidence. No one has pointed to a single charge and said to the House that this charge has been established or that he knows or has reason to believe that there are any witnesses that can sustain such charge. Without something of that kind there is no reason for further investigation. It is not just to keep a man under a criminal charge without cause. The gentleman from Kentucky [Mr. THOMAS], who asks for further investigation, made no such demand when the committee unanimously voted to close the hearings. He ought to have spoken then. It was not fair to remain silent when it was his duty to speak.

I yield to the gentleman from Tennessee [Mr. CLOUSE].

Mr. CLOUSE. Mr. Speaker, some months ago a resolution was introduced by a Member of this House in which he deliberately charged a prominent official of this Government with malfeasance and misconduct in office, and thereupon asked that this official be removed by the solemn judgment of a court of impeachment. Let it be understood that I am not here as the spokesman of the Attorney General, nor am I here to interpose a defense for the distinguished members of the Committee on the Judiciary before whom the hearings upon this matter have been conducted. They need no defense at my hands. I am here in my own right as a Member of the House of Representatives, unabashed and unafraid to proclaim to the world that this the greatest deliberative legislative body on earth has not degenerated to the point of impotency. I would like to believe that that flag as she unfurls herself to the placid breezes of the newborn day carries not only inspiration and hope but liberty and life, freedom and justice to every citizen beneath its folds, and that in return it exacts, demands, yea, commands, undying loyalty to the Constitution and to the laws enacted pursuant thereto. I believe in liberty under the law. I believe in law. I believe in giving to every man justice and a "square deal," but I do not believe that I or any other Member of this House has the unqualified right to assassinate the character of any citizen upon the flimsiest pretext and then shield ourselves behind the oftimes dirty cloak of "privileged communication."

Do not understand me, sirs, to say that I criticize a man for bringing to the attention of this body matters concerning the conduct of a public official, but upon the contrary, let it be understood that I believe when facts are brought to the attention of a Member of this body from which it is evident, or from which it may be reasonably and honestly inferred that some public official has been or is guilty of corrupt practices, that it is not only the privilege, but the imperative duty of him to take appropriate action. If he does so in good faith he deserves the commendation of every patriotic American, but, if after the step has been taken that besmirches the character, he then seals his lips and defies the authority to question his motive, his actions are indefensible and deserve the condemnation of every citizen of this Republic. I can not believe that it was ever intended that a man, no matter what his station in life may be, no matter whether he be great or small, rich or poor, black or white, in office or out of office, should have the right to besmirch character for self-aggrandizement, or out of a spirit of pure malevolence. This body, in my judgment, has plenary power to go to the root of this matter, and I, for one, shall demand a full investigation into the sources of information upon which the charges were based.

To do this is but to do simple justice toward a faithful public official; to do less is to acknowledge our helplessness and invite a condition the ultimate ends of which may be fraught with the gravest eventualities.

Propaganda has and is now being circulated to the effect that the Judiciary Committee, its chairman, and its several members were prejudiced in favor of the Attorney General and had sought to prevent a full and fair investigation. I am not a member of that committee, but I was present and heard all the testimony offered. I do not believe there is a lawyer in Christendom who has heard, or who will read, the hearings in this case but that will say that the committee at all times admitted testimony against General Daugherty which had no relevancy to the case, and in many instances admitted testimony which was clearly inadmissible because mere hearsay. I attended these hearings because I was anxious to observe the manner and demeanor of the witnesses who testified. I went there with a mind free from bias or prejudice. I had formed no opinion the one way or the other, but when I observed the demeanor and conduct of those in charge of the prosecution I was at once convinced that they were but looking for an opportune time to abandon the hearings under some flimsical pretext. I so expressed my views to a number of my colleagues, and now I am convinced beyond the peradventure of a doubt that the purported prosecution was but a persecution, and this body and this people has the right and should know the whole truth concerning the reasons prompting such action.

There is a tiger in the den and the future peace of this Republic demands firm and courageous action now.

Listen to this editorial from the Washington Times. Clear, concise, and logical. Let us follow the suggestion here made and demonstrate to the world that the integrity of this body or an official of this Government can not be assailed with absolute impunity.

It reads:

What is all this attack on Attorney General Daugherty about?

Anybody who has had experience with persecutions of this kind knows they are not due to failure to be aggressive in performance of duty, but are always due to powerful enemies that have been offended by a just and impartial performance of duty.

The plain question in Attorney General Daugherty's case is, therefore, not what has Attorney General Daugherty failed to do, but in what vigorous way has he enforced the law, which has caused some big interest to hate him and to go out to "get him," and to stir up its big hired lawyers and its little owned politicians to attack the man who has offended this interest and to say things that will be printed in newspapers even though they are never proved nor even attempted to be proved.

The investigation of Attorney General Daugherty has fallen utterly flat.

No proof of any allegation has been presented. The chief accuser, and on the flimsiest of pretexts, has even refused to testify; and the evidence which has been heard from the most honorable and independent men like Senator HIRAM JOHNSON, has all been in defense of Attorney General Daugherty, and in support of Attorney General Daugherty and in commendation of his acts and his activities.

What is needed now is another investigation, to find out who the big interests are who are attacking the Attorney General of the United States, and who are trying to discredit him and weaken him and weaken the force of his official procedure.

Is it the whisky ring, against which the Attorney General's office has been especially active?

Is it the war profiteers, who were so powerful with the late Democratic administration?

Is it the Palmer-Garvan outfit, who fraudulently confiscated alien property and delivered it to their friends and whom the Attorney General has exposed?

Most surely there is some big interest and some corrupt interest responsible for the attacks upon the Attorney General of the United States, which attacks up to this time have been so utterly baseless and futile as to make them an insult to the American people whom the Attorney General represents.

Let us make an investigation and make it so thorough that no official of this Government in the years to come shall fear to do his whole duty as God has given him the power to discern the right.

Mr. VOLSTEAD. Mr. Speaker, I now offer the resolution which I send to the Speaker's desk to have read, and on that resolution I move the previous question.

Mr. GARRETT of Tennessee. Mr. Speaker, let us have the resolution reported first.

Mr. THOMAS. Mr. Speaker, I have an amendment which I desire to offer.

The SPEAKER. The Chair will recognize all gentlemen in due time. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 495.

That whereas the Committee on the Judiciary has made an examination touching the charges sought to be investigated under H. Res. 425 to ascertain if there is any probable ground to believe that any of the charges are true; and on consideration of the charges and the evidence obtained it does not appear that there is any ground to believe that Harry M. Daugherty, Attorney General of the United States, has been guilty of any high crime or misdemeanor requiring the interposition of the impeachment powers of the House:

Resolved, That the Committee on the Judiciary be discharged from further consideration of the charges and proposed impeachment of Harry M. Daugherty, Attorney General, and that H. Res. 425 be laid upon the table.

Mr. VOLSTEAD. Mr. Speaker——

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. I should like to inquire if the resolution just reported is the resolution on the calendar?

The SPEAKER. The Chair understands that this Resolution No. 425, which the gentleman from Minnesota moves to lay on the table, is the one that is on the calendar.

Mr. GARRETT of Tennessee. May I inquire how it happens to be on the calendar?

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] was acting as Speaker pro tempore at that time. The rule, of course, is that an adverse report will lie on the table unless within three days, I believe, some Member asks that it be put upon the calendar. The Chair understands that when it was reported the chairman of the committee asked that it should go upon the calendar and thereupon the Speaker pro tempore placed it on the calendar.

Mr. GARRETT of Tennessee. Did the chairman of the committee make that request in the House or privately?

Mr. VOLSTEAD. In the House.

Mr. GARRETT of Tennessee. Mr. Speaker, if the resolution offered by the gentleman now be laid upon the table, then that will be the end of the entire matter, would it not, unless a de novo proceeding is instituted?

The SPEAKER. The Chair thinks so.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to lay the resolution upon the table. That is a privileged motion, Mr. Speaker.

Mr. MONDELL. The previous question has been ordered.

Mr. GARRETT of Tennessee. It has not been ordered.

Mr. MONDELL. It has been demanded.

The SPEAKER. The Chair would like to qualify his statement that it would dispose of the whole matter. It would be a question in the Chair's mind whether the charges of impeachment, which the gentleman from Minnesota made, would follow the resolution to the table.

Mr. GARRETT of Tennessee. Mr. Speaker, the Committee on the Judiciary has killed that, and frankly I want to say I am taking the simplest way out of this proposition. There is no way to impeach the Attorney General unless the Committee on the Judiciary brings a resolution of impeachment before us. To lay this matter upon the table, and it is a privileged motion, there is only one higher motion, and that is to adjourn, ends this whole controversy. I move to lay the resolution on the table.

Mr. MONDELL. That motion is not in order.

The SPEAKER. The gentleman means Resolution 425?

Mr. GARRETT of Tennessee. The resolution which the gentleman has offered and that carries everything else with it.

The SPEAKER. The Chair did not understand the gentleman to mean this resolution which the Clerk has just reported.

Mr. GARRETT of Tennessee. That will carry all the rest with it——

The SPEAKER. The Chair misunderstood the gentleman.

Mr. GARRETT of Tennessee. Including Resolution 425.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. The question of recognition for a motion to lay on the table rests with the Speaker?

The SPEAKER. Yes.

Mr. STAFFORD. The gentleman from Tennessee addressed the Chair on a parliamentary inquiry immediately following the demand of the gentleman from Minnesota to move the previous question. Is it not within the province of the Speaker to recognize the gentleman from Minnesota to move the previous question on the resolution just submitted to the desk?

The SPEAKER. The Chair thinks not. Anybody who wishes to move to lay upon the table has always the prior right of recognition over a person moving the previous question. But the Chair misunderstood the gentleman from Tennessee, and possibly in answering the parliamentary inquiry has misled him. The Chair supposed the gentleman from Tennessee, in asking whether a motion to lay on the table would not end the whole matter, referred to Resolution 425. The Chair now understands the gentleman to refer to this last resolution, and that he moves to lay that resolution on the table.

Mr. GARRETT of Tennessee. Then I move to lay Resolution 425 on the table.

Mr. MONDELL. That will leave the matter where it is.

Mr. BEGG. That does not end it. If the House decided to lay it on the table, can not it be taken from the table within any reasonable time? In other words, is the gentleman correct when he says that it ends this whole thing? It does not do anything of the kind.

Mr. GARRETT of Tennessee. If it is laid on the table, will the gentleman from Ohio move to take it from the table within a reasonable time?

Mr. BEGG. There might be somebody similar to the man who made the original charges who would make such a motion.

Mr. GARRETT of Tennessee. Does the gentleman think that the House would sustain it? If the gentleman wants to end it let him——

Mr. MONDELL. The motion would undoubtedly dispose of the resolution now offered by the gentleman from Minnesota, but it would leave the resolution of impeachment and the report made upon it exactly where it was when we began the discussion this afternoon.

Mr. GARRETT of Tennessee. And end it.

Mr. LONGWORTH. On the contrary.

Mr. GARRETT of Tennessee. I should think, Mr. Speaker, if the Committee on the Judiciary made an adverse report except by a blunder it would never have been put on the Calendar and ought not to be.

The SPEAKER. The Chair will say to the gentleman from Tennessee that the Chair, when he answered the parliamentary inquiry of the gentleman from Tennessee, asking whether laying the resolution upon the table would end the matter, supposed the gentleman was referring to House Resolution 425, the resolution which originally referred this matter to the Committee on the Judiciary, and not the resolution of the gentleman from Minnesota [Mr. VOLSTEAD], which is now pending. Is that what the gentleman intended? The Chair now understands the gentleman meant to move that this resolution which the gentleman from Minnesota [Mr. VOLSTEAD] offered, and which lays the whole subject on the table, to lay this on the table. Which does the gentleman mean?

Mr. GARRETT of Tennessee. Mr. Speaker, I think that either would carry this whole proposition and end this matter. I move to lay upon the table the resolution which the Speaker holds in his hand and the report of the Committee on the Judiciary.

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. The gentleman from Tennessee offers that on the theory that if his motion carried, the resolution providing for an impeachment inquiry and the report of the committee made thereon would lie on the table. That is not correct. As a matter of fact they would remain as they are. The only effect his motion would have would be to end the resolution now offered by the gentleman from Minnesota——

Mr. LONGWORTH. And leave alive House Resolution 425.

Mr. MONDELL. Yes; and leave the question we have been debating as it now is.

The SPEAKER. Let the Chair call the attention of the House to just what it is that the gentleman from Tennessee [Mr. GARRETT] now moves to lay on the table. The resolution is—

Resolved, That the Committee on the Judiciary be discharged from further consideration of the charges of impeachment against Henry M. Daugherty, the Attorney General, and that the House resolution be laid on the table.

Now a motion to lay that on the table, in the opinion of the Chair, if carried leaves the matter just exactly where it is now. At first blush it refuses——

Mr. CRISP. Mr. Speaker, can I cite a case in point?

The SPEAKER. Yes; the Chair will be glad to hear the gentleman.

Mr. CRISP. If the Chair will look at section 768 of the rules he will find this citation, and I know from past experience that these citations are accurate. I read:

When a bill is laid on the table, pending motions connected therewith go to the table also (V. 5426, 5427); and when a proposed amendment is laid on the table the pending bill goes there also (V. 5423).

Now, it seems to me, Mr. Speaker, that under those rulings, if this resolution is laid on the table—and the Speaker knows the table in this connection is the final sepulcher in the House; that is the place where you refer a resolution or bill to kill it finally—it seems to me that under these precedents cited if this resolution is laid on the table, all resolutions and all matters in any way connected with the resolution would also go to the table and the whole matter be ended.

The SPEAKER. The Chair's first-blush opinion is this, that this is not a resolution such as is referred to in the citation quoted by the gentleman from Georgia [Mr. CRISP], nor is it an amendment. This is a resolution disposing of the whole matter. This is a resolution laying the whole subject on the table. It seems to the Chair at first blush that a motion to lay that on the table, if it carried, would be equivalent to rejecting it. It would be rejecting a motion to lay the impeachment proceedings on the table, and it seems to the Chair that it would still leave the impeachment matter pending.

Mr. SANDERS of Indiana. The gentleman's motion is a motion to lay on the table a motion to lay a resolution on the table, and that being so, could not some one move to lay his motion on the table, and go on in that way ad infinitum? I submit that that would be the situation.

Mr. MONDELL. Mr. Speaker, the point of order has already been made that this motion is not in order.

Mr. FESS. Mr. Speaker, will the Chair hear me?

The SPEAKER. Yes; the Chair will be glad to.

Mr. FESS. Mr. Speaker, there are two ways to reach an adverse vote on a resolution. One is to vote it down; the other is to table it. This resolution is to discharge the committee. One way to do it would be to vote it down. The other way would be to table it. If you table it, you have not discharged the committee.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. It is in the line suggested by my colleague. Would not the effect of tabling this resolution be exactly the same as voting it down, which would leave House Resolution 425 in precisely the same position as it is in now?

The SPEAKER. The Chair so stated.

Mr. GARRETT of Tennessee. If it is voted down, there will be made a motion to table House Resolution 425. If we can get rid of this thing, let us do it.

Mr. MONDELL. Mr. Speaker, my contention is that the motion of the gentleman from Tennessee is not in order. You can not move that a motion to table be tabled.

Mr. CAMPBELL of Kansas. Mr. Speaker, if I may be permitted——

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. CAMPBELL of Kansas. The motion of the gentleman from Minnesota [Mr. VOLSTEAD] is really a motion to lay House Resolution 425 on the table. The gentleman from Tennessee [Mr. GARRETT] moves to lay the motion of the gentleman from Minnesota on the table, which is clearly not in order. The motion of the gentleman from Minnesota, embodied in the motion he sent to the Clerk's desk and had read, disposes of the resolution placed upon the calendar at the suggestion of the chairman of the Committee on the Judiciary a few days ago.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT of Tennessee. Would the gentleman from Minnesota be willing to strike out the first part of his resolution and let us come directly to a vote on the last part of his resolution? If so, the matter can be settled in a minute.

Mr. VOLSTEAD. I think not.

Mr. TILSON. Mr. Speaker, will the Chair hear me?

The SPEAKER. Certainly.

Mr. TILSON. Mr. Speaker, there is a resolution on the calendar awaiting action. We have attempted to dispose of it in a certain way and have here a resolution to accomplish the purpose. Among other things, this resolution contains a motion to lay on the table the other resolution now on the calendar. The gentleman from Tennessee [Mr. GARRETT] moves to lay this resolution on the table.

It is clear that such a motion is in order; but if the motion of the gentleman from Tennessee should prevail it would defeat the method that has been chosen of disposing of the resolution which is on the calendar and would leave the resolution on the calendar just where it is now. If we do this we shall have marched up the hill and then marched down again without accomplishing anything. [Applause.]

The SPEAKER. The Chair agrees with the statement just made by the gentleman from Connecticut, which is substantially what the Chair said a few moments ago. If the motion of the gentleman from Minnesota [Mr. VOLSTEAD] were simply a motion to lay upon the table, then the Chair thinks it would not be in order for the gentleman from Tennessee [Mr. GARRETT] to move to lay it on the table; but the Chair thinks that the resolution offered by the gentleman from Minnesota is much more than that, that it is an independent resolution which disposes of the whole subject and which couples with the motion to lay on the table other factors. Therefore the Chair believes the motion of the gentleman from Tennessee is in order, although to adopt it would be simply to refuse to dispose of the subject and would leave it exactly where it is now.

Mr. GARRETT of Tennessee. It will be followed by another motion, if the Chair please.

The SPEAKER. The Chair will recognize the gentleman if he wishes to make the motion, for it is a preferential motion on which the leader of the minority is entitled to recognition.

Mr. GARRETT of Tennessee. I desire to get at it in a parliamentary way.

Mr. VOLSTEAD. I move the previous question on the adoption of the resolution.

Mr. GARRETT of Tennessee. Did the Chair overrule my motion?

The SPEAKER. No. Does the gentleman wish to make a motion?

Mr. GARRETT of Tennessee. I move to lay on the table the motion of the gentleman from Minnesota [Mr. VOLSTEAD].

The SPEAKER. The gentleman from Tennessee moves to lay the motion on the table.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 88, nays 204, answered "present" 2, not voting 134, as follows:

YEAS—88.

Abernethy	Dowell	Lankford	Sanders, Tex.
Almon	Driver	Larsen, Ga.	Sandlin
Aswell	Fields	Lazaro	Sinclair
Beck	Fisher	Lea, Calif.	Sisson
Bell	Fulmer	Lee, Ga.	Steagall
Black	Garner	Linthicum	Stedman
Blanton	Garrett, Tenn.	Logan	Stevenson
Bowling	Garrett, Tex.	McDuffie	Sumners, Tex.
Box	Gilbert	McSwain	Swank
Brennan	Hammer	Mansfield	Sweet
Briggs	Hardy, Tex.	Nelson, J. M.	Tillman
Browne, Wis.	Herrick	O'Connor	Turner
Buchanan	Huddleston	Oldfield	Tyson
Bulwinkle	Hudspeth	Oliver	Upshaw
Byrns, Tenn.	Humphreys, Miss.	Parks, Ark.	Vinson
Clague	James	Pou	Voigt
Collier	Jeffers, Ala.	Quin	Ward, N. C.
Connally, Tex.	Jones, Tex.	Raker	Weaver
Cooper, Wis.	Kincheloe	Rankin	Wilson
Crisp	Kopp	Rayburn	Wingo
Davis, Tenn.	Lampert	Riordan	Woodruff
Doughton	Lanham	Rouse	Woods, Va.

NAYS—204.

Anderson	Begg	Brown, Tenn.	Chalmers
Andrew, Mass.	Benham	Burdick	Chindblom
Andrews, Nebr.	Bird	Burtness	Christopherson
Anthony	Bland, Ind.	Burton	Clarke, N. Y.
Appleby	Bland, Va.	Butler	Clouse
Arentz	Boies	Byrnes, S. C.	Cole, Iowa
Bacharach	Britten	Campbell, Kans.	Cole, Ohio
Barbour	Brooks, Ill.	Campbell, Pa.	Connolly, Pa.
Beedy	Brooks, Pa.	Cannon	Cooper, Ohio

Coughlin	Hawley	MacLafferty	Rogers
Crago	Hays	Madden	Rose
Crowther	Henry	Magee	Sanders, Ind.
Curry	Hersey	Mapes	Scott, Tenn.
Dale	Hicks	Martin	Shelton
Dallinger	Hoch	Michener	Shreve
Darrow	Hogan	Miller	Smith, Idaho
Deal	Hooker	Mondell	Snell
Dickinson	Hukriede	Montague	Snyder
Dominick	Hull	Moore, Ill.	Speaks
Dunn	Humphrey, Nebr.	Moore, Ohio	Stafford
Dupré	Husted	Moores, Ind.	Steenerson
Echols	Jefferis, Nebr.	Mott	Stephens
Edmonds	Johnson, S. Dak.	Mudd	Strong, Kans.
Elliott	Johnson, Wash.	Murphy	Swing
Ellis	Kearns	Nelson, Me.	Taylor, Tenn.
Evans	Kelley, Mich.	Nelson, A. P.	Temple
Fairfield	Ketcham	Newton, Minn.	Tilson
Faust	Kiess	Newton, Mo.	Timberlake
Fenn	Kirkpatrick	Norton	Tincher
Fess	Kissel	Ogden	Tinkham
Fish	Kleczka	Paige	Towner
Focht	Kline, Pa.	Parker, N. J.	Treadway
Fordney	Knutson	Parker, N. Y.	Tucker
Foster	Kraus	Patterson, Mo.	Vaile
Freeman	Larson, Minn.	Patterson, N. J.	Volstead
French	Lawrence	Paul	Walters
Frothingham	Leatherwood	Perkins	Ward, N. Y.
Fuller	Lineberger	Porter	Wason
Gensman	Little	Pringey	Watson
Gernerd	Longworth	Purnell	Webster
Gifford	Lowrey	Radcliffe	White, Kans.
Goodykoontz	Luce	Ramseyer	White, Me.
Graham, Ill.	Luhring	Ransley	Williams, Ill.
Graham, Pa.	McArthur	Reece	Williamson
Green, Iowa.	McCormick	Reed, N. Y.	Winslow
Greene, Mass.	McFadden	Rhodes	Wood, Ind.
Greene, Vt.	McKenzie	Ricketts	Woodyard
Griest	McLaughlin, Mich.	Riddick	Wurzbach
Hadley	McLaughlin, Nebr.	Roach	Wyant
Hardy, Colo.	McLaughlin, Pa.	Robertson	Yates
Haugen	MacGregor	Rodenberg	Young

ANSWERED "PRESENT"—2.

Cockran	Langley

NOT VOTING—134.

Ackerman	Favrot	Kreider	Sanders, N. Y.
Ansorge	Fitzgerald	Kunz	Schall
Atkeson	Frear	Layton	Scott, Mich.
Bankhead	Free	Lee, N. Y.	Sears
Barkley	Funk	Lehlbach	Shaw
Bixler	Gahn	London	Siegel
Blakeney	Gallivan	Lyon	Sinnott
Bond	Glynn	McClintic	Slemp
Bowers	Goldsborough	McPherson	Smith, Mich.
Brand	Gorman	Maloney	Smithwick
Burke	Gould	Mead	Sproul
Burroughs	Griffin	Merritt	Stiness
Cable	Hawes	Michaelson	Stoll
Cantrill	Hayden	Mills	Strong, Pa.
Carew	Hickey	Moore, Va.	Sullivan
Carter	Hill	Morgan	Summers, Wash.
Chandler, N. Y.	Himes	Morin	Tague
Chandler, Okla.	Huck	O'Brien	Taylor, Ark.
Clark, Fla.	Hutchinson	Olpp	Taylor, Colo.
Classon	Ireland	Osborne	Taylor, N. J.
Codd	Jacoway	Overstreet	Ten Eyck
Collins	Johnson, Ky.	Park, Ga.	Thomas
Colton	Johnson, Miss.	Perlman	Thompson
Copley	Jones, Pa.	Petersen	Thorpe
Cramton	Kahn	Rainey, Ala.	Underhill
Cullen	Keller	Rainey, Ill.	Vestal
Davis, Minn.	Kelly, Pa.	Reber	Volk
Dempsey	Kendall	Reed, W. Va.	Wheeler
Denison	Kennedy	Robsion	Williams, Tex.
Drane	Kindred	Rosenbloom	Wise
Drewry	King	Rossdale	Wright
Dunbar	Kitchin	Rucker	Zihlman
Dyer	Kline, N. Y.	Ryan	
Fairchild	Knight	Sabath	

So the motion was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Underhill with Mr. Mead.

Mr. Thompson with Mr. O'Brien.

Mr. Hickey with Mr. Wise.

Mr. Langley with Mr. Clark of Florida.

Mr. Bixler with Mr. Carew.

Mr. Cramton with Mr. Hawes.

Mr. Frear with Mr. Collins.

Mr. Gorman with Mr. Hayden.

Mr. Hill with Mr. Jacoway.

Mr. Ireland with Mr. Johnson of Kentucky.

Mr. Kendall with Mr. Johnson of Mississippi.

Mr. Morin with Mr. Overstreet.

Mr. Olpp with Mr. Park of Georgia.

Mr. Sanders of New York with Mr. Sabath.

Mr. Vestal with Mr. Sears.

Mr. Scott of Michigan with Mr. Stoll.

Mr. Zihlman with Mr. Thomas.

Mr. Reed of West Virginia with Mr. Wright.

Mr. LANGLEY. Mr. Speaker, I have a general pair with the gentleman from Florida [Mr. CLARK]. I do not happen to know how he would vote on this particular question, but in order to protect him I desire to change my vote from "no" to "present."

The result of the vote was announced as above recorded.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the resolution.

Mr. THOMAS. Mr. Speaker, I offer an amendment.

The SPEAKER. But the gentleman from Minnesota has moved the previous question. The gentleman can offer his amendment if the previous question is not adopted.

Mr. THOMAS. But I notified the Chair that I was going to offer the amendment.

The SPEAKER. The gentleman well knows that as a matter of duty and precedents the Chair recognizes the gentleman in charge of the bill. It is in the hands of the House as to whether they wish to consider the amendment or not. If the House votes down the previous question, it shows that it desires to consider the amendment. If it votes for the previous question, it shows that it does not wish to consider the amendment. The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is now on agreeing to the resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

The SPEAKER. Will the gentleman state what division he asks for?

Mr. GARRETT of Tennessee. The first paragraph.

The SPEAKER. The Chair thinks the gentleman is entitled to a division, and the Clerk will read the first paragraph.

The Clerk read as follows:

That whereas the Committee on the Judiciary has made an examination touching the charges sought to be investigated under House Resolution 425 to ascertain if there is any probable ground to believe that any of the charges are true; and on consideration of the charges and the evidence obtained it does not appear that there is any ground to believe that Harry M. Daugherty, Attorney General of the United States, has been guilty of any high crime or misdemeanor requiring the interposition of the impeachment powers of the House.

Mr. MONDELL. Mr. Speaker, I make the point of order that that is not a proper division. The Clerk has not reached the resolution. He is attempting to divide the whereases from the resolution.

The SPEAKER. The Chair thinks the gentleman is entitled to that division.

Mr. MONDELL. But he is not dividing the resolution; he is dividing the preamble from the resolution.

The SPEAKER. The first question is on agreeing to the resolution.

Mr. GARRETT of Tennessee. May we have the resolution read?

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be discharged from further consideration of the charges and proposed impeachment of Harry M. Daugherty, Attorney General, and that House Resolution 425 be laid upon the table.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask for the yeas and nays on the resolution.

The SPEAKER. The resolution has been agreed to.

Mr. SANDERS of Indiana. I make the point of order that that comes too late.

The SPEAKER. The resolution has been agreed to and the Clerk will read the preamble. The question is on agreeing to the preamble.

Mr. GARRETT of Tennessee. And on that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 206, nays 78, answered "present" 3, not voting 141, as follows:

YEAS—206.

Anderson	Boies	Clarke, N. Y.	Dickinson
Andrew, Mass.	Brennan	Clouse	Dominick
Andrews, Nebr.	Britten	Cole, Iowa	Dunn
Anthony	Brooks, Ill.	Cole, Ohio	Dupré
Appleby	Brooks, Pa.	Connolly, Pa.	Echols
Arentz	Burdick	Cooper, Ohio	Edmonds
Bacharach	Burtness	Coughlin	Elliott
Barbour	Burton	Crago	Ellis
Beedy	Butler	Cramton	Evans
Begg	Byrnes, S. C.	Crowther	Fairchild
Benham	Campbell, Kans.	Curry	Fairfield
Bird	Chalmers	Dale	Faust
Bland, Ind.	Chindblom	Dallinger	Fenn
Bland, Va.	Christopherson	Darrow	Fess
Blanton	Clague	Deal	Fish

Fisher	Kelley, Mich.	Murphy	Snyder
Fitzgerald	Ketcham	Nelson, Me.	Speaks
Focht	Kiess	Nelson, A. P.	Stafford
Fordney	Kirkpatrick	Newton, Minn.	Steagall
Foster	Kissel	Newton, Mo.	Steenerson
Freeman	Kleczka	Norton	Stephens
French	Kline, Pa.	Ogden	Strong, Kans.
Frothingham	Knutson	Paige	Swing
Fuller	Kraus	Parker, N. J.	Taylor, Tenn.
Gensman	Larson, Minn.	Parker, N. Y.	Temple
Gernerd	Lawrence	Patterson, Mo.	Tilson
Gifford	Lea, Calif.	Patterson, N. J.	Timberlake
Goodykoontz	Leatherwood	Paul	Tincher
Graham, Ill.	Lineberger	Perkins	Tinkham
Graham, Pa.	Little	Porter	Towner
Green, Iowa	Luce	Pringey	Treadway
Greene, Mass.	Luhring	Purnell	Vaile
Greene, Vt.	McArthur	Radcliffe	Volstead
Griest	McCormick	Ramseyer	Walters
Hadley	McKenzie	Ransley	Ward, N. Y.
Hardy, Colo.	McLaughlin, Mich.	Reece	Wason
Haugen	McLaughlin, Nebr.	Reed, N. Y.	Watson
Hawley	McLaughlin, Pa.	Rhodes	Webster
Hays	MacGregor	Ricketts	White, Kans.
Henry	MacLafferty	Riddick	White, Me.
Hersey	Madden	Roach	Williams, Ill.
Hicks	Magee	Robertson	Williamson
Hoch	Mapes	Rodenberg	Winslow
Hooker	Michener	Rogers	Wood, Ind.
Hukriede	Miller	Rose	Woods, Va.
Hull	Mondell	Sanders, Ind.	Woodyard
Humphrey, Nebr.	Montague	Scott, Tenn.	Wurzbach
Husted	Moore, Ill.	Shelton	Wyant
Jefferis, Nebr.	Moore, Ohio	Shreve	Yates
Johnson, S. Dak.	Moores, Ind.	Sinnott	Young
Johnson, Wash.	Mott	Smith, Idaho	
Kearns	Mudd	Snell	

NAYS—78.

Abernethy	Driver	Lazaro	Sinclair
Almon	Fields	Linthicum	Stedman
Aswell	Fulmer	Logan	Stevenson
Beck	Garner	Lowrey	Sumners, Tex.
Bell	Garrett, Tenn.	McDuffie	Swank
Black	Garrett, Tex.	McSwain	Sweet
Bowling	Gilbert	Mansfield	Thomas
Box	Hammer	Nelson, J. M.	Tillman
Briggs	Huddleston	O'Connor	Tucker
Browne, Wis.	Hudspeth	Oldfield	Turner
Buchanan	Humphreys, Miss.	Oliver	Upshaw
Bulwinkle	Jacoway	Parks, Ark.	Voigt
Byrns, Tenn.	James	Pou	Ward, N. C.
Cockran	Jeffers, Ala.	Quin	Weaver
Collier	Jones, Tex.	Raker	Wilson
Connally, Tex.	Kincheloe	Rankin	Wingo
Cooper, Wis.	Kopp	Rayburn	Woodruff
Crisp	Lampert	Riordan	Wright
Davis, Tenn.	Lanham	Sanders, Tex.	
Dowell	Lankford	Sandlin	

ANSWERED "PRESENT"—3.

Herrick	Langley	Rouse

NOT VOTING—141.

Ackerman	Favrot	Larsen, Ga.	Sabath
Ansorge	Frear	Layton	Sanders, N. Y.
Atkeson	Free	Lee, Ga.	Schall
Bankhead	Funk	Lee, N. Y.	Scott, Mich.
Barkley	Gahn	Lehlbach	Sears
Bixler	Gallivan	London	Shaw
Blakeney	Glynn	Longworth	Siegel
Bond	Goldsborough	Lyon	Sisson
Bowers	Gorman	McClintic	Slemp
Brand	Gould	McFadden	Smith, Mich.
Brown, Tenn.	Griffin	McPherson	Smithwick
Burke	Hardy, Tex.	Maloney	Sproul
Burroughs	Hawes	Martin	Stiness
Cable	Hayden	Mead	Stoll
Campbell, Pa.	Hickey	Merritt	Strong, Pa.
Cannon	Hill	Michaelson	Sullivan
Cantrill	Himes	Mills	Summers, Wash.
Carew	Hogan	Moore, Va.	Tague
Carter	Huch	Morgan	Taylor, Ark.
Chandler, N. Y.	Hutchinson	Morin	Taylor, Colo.
Chandler, Okla.	Ireland	O'Brien	Taylor, N. J.
Clark, Fla.	Johnson, Ky.	Olpp	Ten Eyck
Classon	Johnson, Miss.	Osborne	Thompson
Codd	Jones, Pa.	Overstreet	Thorpe
Collins	Kahn	Park, Ga.	Tyson
Colton	Keller	Perlman	Underhill
Copley	Kelly, Pa.	Petersen	Vestal
Cullen	Kendall	Rainey, Ala.	Vinson
Davis, Minn.	Kennedy	Rainey, Ill.	Volk
Dempsey	Kindred	Reber	Wheeler
Denison	King	Reed, W. Va.	Williams, Tex.
Doughton	Kitchin	Robsion	Wise
Drane	Kline, N. Y.	Rosenbloom	Zihlman
Drewry	Knight	Rossdale	
Dunbar	Kreider	Rucker	
Dyer	Kunz	Ryan	

So the preamble was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. Cannon (for) with Mr. Sisson (against).

Mr. Longworth (for) with Mr. Rouse (against).

Until further notice:

Mr. Blakeney with Mr. Vinson.

Mr. Porter with Mr. Larsen of Georgia.

Mr. Gould with Mr. Steagall.

Mr. Summers of Washington with Mr. Martin.

Mr. Cable with Mr. Doughton.

Mr. Rosenbloom with Mr. Lee of Georgia.

Mr. Perlman with Mr. Tyson.

Mr. Bond with Mr. Hardy of Texas.

Mr. ROUSE. Mr. Speaker, I have a pair with the gentleman from Ohio [Mr. LONGWORTH]. I desire to withdraw my vote of "no" and answer present.

The name of Mr. ROUSE was called, and he answered present.

Mr. LANGLEY. Mr. Speaker, did the gentleman from Florida [Mr. CLARK] vote?

The SPEAKER. He did not.

Mr. LANGLEY. Mr. Speaker, I have a general pair with him. I do not know how he would vote on this question, but I prefer to protect him, and therefore I withdraw my vote of yea and answer present.

The name of Mr. LANGLEY was called, and he answered present.

The result of the vote was announced as above recorded.

On motion of Mr. VOLSTEAD, a motion to reconsider the votes by which the preamble and the resolution were agreed to was laid on the table.

ENROLLED BILLS 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 bills:

H. R. 13474. An act granting the consent of Congress to the county of Winnebago, the town of Rockford, and the city of Rockford, in said county, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Rock River;

H. R. 12777. An act granting the consent of Congress to the cities of Grand Forks, N. Dak., and East Grand Forks, Minn., or either of them, to construct, maintain, and operate a dam across the Red River of the North;

H. R. 13139. An act granting the consent of Congress to the Great Southern Lumber Co., a corporation of the State of Pennsylvania, doing business in the State of Mississippi, to construct a railroad bridge across Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi;

H. R. 13195. An act granting the consent of Congress to the State Highway Commission of Missouri, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the St. Francis River, in the State of Missouri;

H. R. 13493. An act to authorize the State road department of the State of Florida to construct, maintain, and operate a bridge across the Escambia River, near Ferry Pass, Fla.;

H. R. 13511. An act granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River; and

H. J. Res. 16. Joint resolution providing for pay to clerks to Members of Congress and Delegates.

TEXAS & PACIFIC RAILWAY CO.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to file minority views to-day on the bill S. 4029, reported by the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from Alabama asks unanimous consent to file minority views on the bill referred to. Is there objection?

There was no objection.

LEAVES OF ABSENCE.

Leave of absence was granted to—

Mr. FREE, indefinitely, on account of illness.

Mr. ROBSION, on account of illness.

Mr. DENISON, on account of illness.

Mr. IRELAND, for two days, on account of illness.

Mr. RUCKER, on account of illness.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Friday, January 26, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

921. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting a draft of a proposed bill "Extending the provisions of the Federal highway act, approved November 9, 1921, to the Territory of Hawaii," was taken from the Speaker's table and referred to the Committee on Roads.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Miss ROBERTSON: Committee on Indian Affairs. S. 514. An act conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes; with amendments (Rept. No. 1452). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER: Committee on Naval Affairs. H. R. 13935. A bill to increase the authorized costs of certain vessels now building for the Navy; without amendment (Rept. No. 1453). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREW of Massachusetts: Committee on Naval Affairs. S. 4137. An act to authorize the transfer of certain vessels from the Navy to the Coast Guard; with an amendment (Rept. No. 1454). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEBSTER: Committee on Interstate and Foreign Commerce. S. 4260. An act to extend the time for the construction of a bridge over the Columbia River, between the States of Oregon and Washington, at a point approximately 5 miles upstream from Dalles City, Wasco County, in the State of Oregon; without amendment (Rept. No. 1455). Referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XIII, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill (S. 851) authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes, and said bill, together with the report thereon, was referred to the Committee of the Whole House and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 14014) authorizing the President to transfer unused real property of the United States from one department or bureau to another; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: A bill (H. R. 14015) to provide for the extension of Bancroft Place, between Phelps Place and Twenty-third Street NW., and for other purposes; to the Committee on the District of Columbia.

By Mr. FOCHT: A bill (H. R. 14016) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes; to the Committee on the District of Columbia.

By Mr. STRONG of Kansas: A bill (H. R. 14017) to amend sections 3, 4, 9, 12, 15, 21, 22, and 25 of the act of Congress approved July 17, 1916, known as the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. DRANE: A bill (H. R. 14018) to provide for a site and public building at Leesburg, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. RIORDAN: A bill (H. R. 14019) to place on the retired list of the Navy certain officers; to the Committee on Naval Affairs.

By Mr. IRELAND: A resolution (H. Res. 493) for the employment of a substitute telephone operator; 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. ANDREWS of Nebraska: A bill (H. R. 14020) granting a pension to Elizabeth Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14021) granting a pension to Matilda Gordon; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 14022) granting an increase of pension to Mary M. Singer; to the Committee on Invalid Pensions.

By Mr. BENHAM: A bill (H. R. 14023) granting an increase of pension to Lucy Jane McGrayel; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 14024) granting an increase of pension to Sallie Hager; to the Committee on Pensions.

By Mr. CHALMERS: A bill (H. R. 14025) granting a pension to Catherine Fuller; to the Committee on Invalid Pensions.

By Mr. LEE of New York: A bill (H. R. 14026) for the relief of the owner of the schooner *Malcom R. Baxter, jr.;* to the Committee on Claims.

By Mr. MOORE of Ohio: A bill (H. R. 14027) granting a pension to Leroy S. Brown; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 14028) for the relief of Joseph H. Lokken; to the Committee on the Public Lands.

By Mr. TAYLOR of Tennessee: A bill (H. R. 14029) granting a pension to Susan Laugherty; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 14030) granting a pension to Agatha M. Miller; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 14031) granting a pension to Bert E. Corbett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14032) granting an increase of pension to Martin Guthrie; to the Committee on Invalid Pensions.

By Mr. IRELAND: A resolution (H. Res. 494) authorizing payment of one month's salary to the clerks to the late Hon. Nestor Montoya; to the Committee on Accounts.

PETITIONS, ETC.

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

7027. By the SPEAKER (by request): Petition of Phil Sheridan Post, No. 4, Grand Army of the Republic, Boise, Idaho, thanking the House of Representatives for their action in concurring with the Senate in adopting the Bursum pension bill; to the Committee on Invalid Pensions.

7028. Also, petition of the Progressive Civic League, of Detroit, Mich., indorsing a movement for a conference of nations to be called by the President of the United States to seek restrictions of production of raw materials from which narcotic drugs are made so that only enough is produced annually for legitimate use; to the Committee on Ways and Means.

7029. Also, petition of the Washington Central Labor Union, demanding that Congress pass a law suspending immigration for a period of five years; to the Committee on Immigration and Naturalization.

7030. Also, petition of Washington Central Labor Union, recommending that the President set aside a week to be known as "National antinarcotic week"; to the Committee on Ways and Means.

7031. By Mr. ANDREW of Massachusetts: Petition of Massachusetts Convention of Reserve Officers, favoring adequate provision for the Regular Army, the Officers' Reserve Corps, citizens' military training camps, etc.; to the Committee on Military Affairs.

7032. Also, communication of the Massachusetts Public Interests League, of Boston, Mass., protesting against the recognition of the present so-called government of Russia by the United States Government; to the Committee on Foreign Affairs.

7033. Also, communication of the Massachusetts Farm Bureau Federation, of Boston, Mass., protesting against all proposals which would bring about a general influx of aliens of traditions and race radically differing from American standards; to the Committee on Immigration and Naturalization.

7034. By Mr. CRAGO: Petition of Retail Grocers' Protective Union, of Pittsburgh, Pa., urging the retention of the zone advance on second-class mail and their material increase by further enactments and that the increased receipts already effective on second-class mail be at once applied to giving the business men of the country the reduced rate of 1 cent on drop letters, and that each class of mail should pay cost of service in order that no class pay over cost; to the Committee on the Post Office and Post Roads.

7035. By Mr. KAHN: Petition to cut in estimates of the Director of the Budget by subcommittee of the House of Representatives in reporting the Army appropriation bill; to the Committee on Appropriations.

7036. By Mr. KISSEL: Petition of John F. Hylan, mayor, chairman Board of Estimate and Apportionment of the City of New York, favoring a bill amending the national bank act and

providing for validation of prior taxes as passed by the United States Senate; to the Committee on Banking and Currency.

7037. Also, petition of Port of New York Authority, New York City, N. Y., urging that Congress appropriate money for rivers and harbors improvement as recommended by the Chief of Engineers for the port of New York; to the Committee on Appropriations.

7038. By Mr. LAMPERT: Petition signed by citizens of Manitowoc County, Wis., requesting legislation covering immediate aid to the people of German and Austrian Republics, now famine stricken; to the Committee on Foreign Affairs.

7039. Also, petition signed by citizens of Oshkosh, Wis., requesting immediate legislation extending aid to the people of the German and Austrian Republics, now famine stricken; to the Committee on Foreign Affairs.

7040. By Mr. MACGREGOR: Petition of Ed Frommel and 61 other citizens of New York, urging Congress to extend aid to the people of Germany and Austria; to the Committee on Foreign Affairs.

7041. Also, petition of members of Wurttemberger Schwaken Unterstutzungs Verein, Buffalo, N. Y., indorsing a joint resolution providing for the extension of aid to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7042. Also, petition of members of Young Siegfried Lodge, No. 598, German Order of Harugari's, urging that aid be extended to the indigent people of Germany and Austria; to the Committee on Foreign Affairs.

7043. By Mr. PATTERSON of New Jersey: Petition of 162 residents of New Jersey, favoring the abolition of discriminatory tax on small arms, ammunition, and firearms; to the Committee on Ways and Means.

7044. By Mr. RAKER: Petition of California Farm Bureau Federation, Berkeley, Calif., urging an appropriation of $168,000 for soil-survey work in the United States; also, Tulare County Pomona Grange, of Visalia, Calif., urging appropriation for the improvement of the General Grant National Park; to the Committee on Appropriations.

7045. Also, petition of Michael Carroll, secretary American Association for the Recognition of the Irish Republic, of San Francisco, Calif., relative to foreign propaganda in the United States; to the Committee on Foreign Affairs.

7046. Also, petition of Immigration Restriction League (Inc.), by A. R. Webster, secretary, of New York City, opposing the legislation admitting Armenians into the United States; to the Committee on Immigration and Naturalization.

7047. Also, petition of J. B. Levison, president Insurance Federation of California, protesting against the monopolistic feature of the Fitzgerald bill; to the Committee on the District of Columbia.

7048. Also, petition of the Pennsylvania State Grange, Williamsport, Pa., relative to the development of the Muscle Shoals project; to the Committee on Military Affairs.

7049. By Mr. WYANT: Petition of the German Beneficial Union of the A. V. District 24, New Kensington, Pa., favoring a joint resolution purporting to extend immediate aid to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, *January 26, 1923.*

(Legislative day of Tuesday, January 23, 1923.)

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

NAMING A PRESIDING OFFICER.

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., January 26, 1923.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WESLEY L. JONES, a Senator from the State of Washington, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. JONES of Washington thereupon took the chair as Presiding Officer.

TREASURY DEPARTMENT DOCUMENTS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report showing the number of documents received and distributed by the Treasury Department during the year ended December 31, 1922, together with the number remaining on hand January 1, 1923, which was referred to the Committee on Printing.

DEPARTMENTAL USE OF AUTOMOBILES.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Interior, in partial response to Senate Resolution 399, agreed to January 6, 1923, relative to the ownership and upkeep of passenger automobiles in the office of the Secretary of the Interior, Bureau of Mines, St. Elizabeths Hospital, and Freedmen's Hospital, which was ordered to lie on the table.

REPORT OF THE AMERICAN ACADEMY OF ARTS AND LETTERS.

The PRESIDING OFFICER laid before the Senate a communication from the secretary of the American Academy of Arts and Letters, transmitting, pursuant to law, the annual report of the academy for the year 1922, which was referred to the Committee on Printing.

USE OF AUTOMOBILES BY DISTRICT GOVERNMENT.

Mr. MCKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD, in 8-point type, the report which came in to-day from the District Commissioners relative to automobiles. I desire to note in the RECORD the fact that the report was sent to the Senate after the District appropriation bill was passed, just as I predicted yesterday and the day before would be done.

I want to add that the total annual cost of upkeep and maintenance for automobiles in the city, according to a hasty calculation I have made from the figures, is the enormous sum of $216,879.50. I also find that there are 17 private policemen listed, each drawing a stipend of $40 a month additional for upkeep of private automobiles in which to ride. I want to suggest that perhaps that is the reason we have so many accidents.

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

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, January 24, 1923.

Hon. CALVIN COOLIDGE,
President of the Senate, Washington, D. C.

SIR: The Commissioners of the District of Columbia have received copy of Senate Resolution 399, Sixty-seventh Congress, fourth session, calling upon them to furnish to the Senate certain data regarding automobiles in use in the government of the District of Columbia, and in response thereto inclose herewith the following:

1. Statement showing allowances made from appropriations to officers and employees of the District of Columbia furnishing their own automobiles for use for official business.
2. Statement showing the number, location, and cost of garages, etc., and the number of passenger automobiles kept in said garages.
3. Statement of passenger automobiles the property of the District of Columbia.
4. Statement with reference to automobiles in use outside of the city of Washington.

Very respectfully,

THE BOARD OF COMMISSIONERS
OF THE DISTRICT OF COLUMBIA,
By CUNO H. RUDOLPH, *President.*

1.—*Statement showing allowances for privately owned automobiles made to officers and employees of the District government, together with the amount of such allowances, the names, and the positions of those to whom allowances are made.*

Amount of allowance per month.	Name.	Position.
$26	J. W. Ireland	Electrical inspector.
26	F. D. Wallace	Do.
26	J. J. Murray	Do.
26	W. M. Barton	Inspector, surface division.
26	G. B. M. Ricker	Bridge overseer.
26	W. J. Downing	Assistant inspector, building inspection division.
26	S. G. Huntt	Do.
26	H. Van Den Boogert	Do.
26	Ralph Gedney	Do.
25	M. C. Hargrove	Purchasing officer.
26	W. E. G. Penny	Inspector, city refuse division.
26	W. J. Clements	Do.
26	W. C. Smith	Do.
26	E. H. Colvin	Foreman, city refuse division.
26	W. S. Wilson	Do.
26	W. R. Wood	Superintendent, city refuse division.
26	D. E. Davis	Foreman, city refuse division.
26	Charles Johnson	Do.
26	Wm. C. Fowler	Health officer.
26	Geo. M. Boteler	Assistant health officer.
26	J. T. Sprague	Chief, bureau preventable disease and director of bacteriological laboratory.
26	R. R. Ashworth	Chief food inspector.
26	R. L. Martin	Food inspector, dairy farms.
26	H. V. Neale	Do.
26	J. G. Conroy	Do.
26	T. W. Sproesser	Do.
26	J. B. McClellan	Do.
40	W. H. Harrison	Inspector, police department.