HOUSE OF REPRESENTATIVES.

SATURDAY, *February 24, 1923.*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. CAMPBELL of Kansas.

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

Almighty God, we thank Thee that Thou art a heavenly Father who abides with us to bring comfort out of discomfort and peace out of disquiet; to put the gleam in the shadow and to make us feel that it is worth while to live. We bless Thee for the calm, the rest, and the soul of the soul. Continue to fill us with encouragement and kindly cheer and make us a blessing to others. The Lord send His blessing upon this whole company like an impartial sunlight. Do Thou be the guide to every pathway, the visitor of every fireside, the physician of every family, and the divine comforter of all. Amen.

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

CORRECTION OF THE RECORD.

Mr. BLANTON. Mr. Speaker, I desire to correct the RECORD. On page 4409 is the following:

The CHAIRMAN. The question now is on the motion of the gentleman from Minnesota that debate close in 20 minutes.
The motion was agreed to.

On the next page is the following:

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the amendment offered by the gentleman from Kansas.
Mr. RAYBURN. I ask that the amendment be again reported.
The CHAIRMAN. The gentleman from Texas asks that the amendment be again reported. Without objection, the Clerk will again report the amendment.
Mr. BLANTON. Mr. Chairman, I make the point of order that the motion of the gentleman from Minnesota was that debate should close in 20 minutes; 10 minutes to a side.
The CHAIRMAN. The gentleman from Texas is in error. The gentleman from Minnesota moved that all debate on this amendment and all amendments thereto close in 10 minutes. There was an effort made to arrive at 20 minutes, offered by the gentleman from Texas.
Mr. BLANTON. I understood it was 20 minutes, and therefore I moved to make it 30 minutes.

I offer this to show that it was the Chairman and not the gentleman from Texas who was in error.

The SPEAKER pro tempore. That is not a correction of the RECORD.

Mr. MONDELL. Mr. Speaker, I do not think the Chair was in error.

The SPEAKER. The question raised by the gentleman from Texas is not a correction of the RECORD.

Mr. BLANTON. There was an error, then, in the RECORD.

Mr. MONDELL. The RECORD has not been changed.

EXTENSION OF REMARKS.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in 8-point type by publishing two letters, one from the Secretary of Agriculture and the other from myself, on the subject of agricultural extension.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The letters referred to are as follows:

THE SECRETARY OF AGRICULTURE,
Washington, D. C., January 29, 1923.

DEAR MR. ASWELL: I have been deeply sensible and greatly appreciative of your very sympathetic attitude toward the work of this department since I have been here, and I am quite sure that you would not knowingly say anything concerning our work here which you do not believe to be fully justified by the facts. In your speech which I find in the CONGRESSIONAL RECORD of January 20 you make a number of statements concerning the reorganization of our extension work, and of Mr. Pugsley, the Assistant Secretary, which are very wide of the mark. Apparently you have been greatly misled by some one who did not take the trouble to assure himself of the correctness of the information he was passing on. Being unwilling that you should rest under a mistaken notion of what we are doing in this reorganization and feeling sure that you will thank me for setting you straight, I am inclosing herewith a statement based upon various remarks made in the course of your speech.

Let me add a word concerning Assistant Secretary Pugsley. I was not here very long until I became convinced that our publication work needed a thorough overhauling and that our extension work could be very greatly strengthened by reorganizing. It was quite apparent that I could not myself give the time necessary to do justice to these two pieces of work. Consequently I looked about for some one who had had the sort of training needed to take over this responsibility, and on my own initiative selected Mr. Pugsley and asked the President to make him Assistant Secretary, which he very promptly did. I chose him because he had had several years practical experience in extension in connection with the Nebraska Agricultural College, and because he had had several years experience as an agricultural editor. In both of these capacities he had become quite familiar with the extension and publication work of the department. Also I knew him to be a man of common sense and level-headed judgment, to whom I could safely intrust any responsibilities which it might be necessary to pass on. His principal work since becoming Assistant Secretary has been in connection with publications and extension. I think he has rendered conspicuously valuable service in both fields. The suggestion that in either he has been influenced by political motives is entirely unwarranted, and this statement applied to myself as well. I do not think I could tell you the politics of as many as 15 employees in our entire staff of more than 19,000 people. May I say in this connection that my observation is that the Department of Agriculture, whether under a Republican or a Democratic Administration, has been singularly free from partisan politics. People are selected here with a view to their training for the particular task to which they are to be assigned. Even on my own personal staff there is not a single person who has been chosen from either a political or personal standpoint. I did not bring even a personal private secretary with me.

With high personal regards and with the hope that you will take time to read carefully the statement herewith inclosed, I am,

Sincerely yours,

(Signed) HENRY C. WALLACE.

Hon. JAMES B. ASWELL,
House of Representatives.

STATEMENT COVERING SPEECH OF REPRESENTATIVE ASWELL, OF LOUISIANA, CONCERNING EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS AS REPORTED IN THE CONGRESSIONAL RECORD OF JANUARY 20, 1923.

You say that Congress and the country is entitled to a frank statement of facts regarding the reorganization of extension work in the Department of Agriculture. Such statements have been made in detail before the Agricultural Appropriations Committee and published in the hearings of that committee. The plans have also been freely discussed in speeches and in the press. There is not a single move in the reorganization that has not been made public, and every important part of the plans has been discussed with and approved by the Association of Land Grant Colleges. These colleges are charged by law with the State administration of cooperative extension funds.

Under the Federal Government's agreement with the States they have complete charge of the organizations and plans of work within the States. The department scrutinizes those plans to see that they conform to law, and to see that they will accomplish the purposes intended by the law. Your statement in the CONGRESSIONAL RECORD of January 20 regarding the cooperative agricultural extension work proceeds on the assumption that the plans of work and the expenditures for different purposes are primarily determined by the Department of Agriculture. The fact is that the plans and expenditures are initiated by the State agricultural colleges and are approved by the department without change in the majority of cases if they conform with the law. Such changes as are made in them at the suggestion of the department do not affect the general policy of the use of the funds which the States have themselves determined, and are not incorporated unless the States agree.

When I became Secretary of Agriculture there were two extension divisions in the department administering Smith-Lever and other Federal extension money. One of these was known as the Office of Extension Work, North and West, and the other as the Office of Extension Work, South. The Office of Extension Work, North and West, administered the work in 37 States and the Office of Extension Work, South, administered the work in 15 States.

This duplicate administration of the funds appropriated for the same purpose made effective Federal administration practically impossible and added greatly to the cost of administration. It also made the consideration of a national agricultural extension program very difficult. The State agencies, extension directors, from both North and South, requested that the two Federal offices be combined. This suggestion met with my ap-

proval and plans were started to put the suggestion into operation.

Any change which calls for the combination of separate administrative offices naturally calls for a readjustment of personnel. It is also certain that people in both offices will not regard the change in all of its details in a friendly way. This was particularly true in the contemplated change, because there was a total of 13 heads of separate divisions administering the work under the two offices. Consolidation would mean fewer administrators. As a matter of fact, the consolidation which was finally put into effect called for one head of an extension office and a head of two divisions—3 heads instead of 13. All of the work formerly administered in 11 separate divisions was assigned to 2 divisions. The resulting change saved $28,000 in overhead expense in administering extension work during the past year.

In making the change no person employed in the Federal Government was left without important work to do, or given work to do for which he was not eminently qualified. No salaries were reduced. There is, as you know, a tremendous turnover in the personnel of the department. Many of our people leave every year to accept higher salaried positions in other institutions. Heretofore it has been necessary to replace these people with others. During the past year, however, because of the new plan of administration, it has been possible to perform all the work by reassignment without replacing those who have voluntarily left.

Apparently you are under the impression that the change in the Washington office contemplated forcing our cooperators, the States, to change their plan of administration, or to handle their work in a different way than that in which they have been handling it in the past.

You are entirely wrong in this assumption, as is clearly evidenced by many statements of Assistant Secretary Pugsley, who has been directly charged by me to bring about the reorganization in the Washington office. May I call your attention to some of the statements which he has made in connection with the reorganization?

In his address before the General Session of the Land Grant Colleges at New Orleans, November 9, 1921, Mr. Pugsley presented the plan which has been agreed to by their joint committees and closed his address with the following statement:

"You are interested in knowing what the plan will demand in the way of changes in your organization. It demands no changes. You may continue just as you are now if you like. If you are convinced that you can better accomplish your extension work by changing your State organization, we will welcome new organization projects. * * * The plan which we have outlined will gear into any sort of State organization plan so long as that plan is doing good work. * * * We are very anxious that no Federal extension work shall be undertaken in the States except under our cooperative agreement. If you know of any such you will do us a favor by calling it to our attention. * * * In closing let me repeat that the department recognizes only the extension director or other authorized agent of the Land Grant College in carrying out its extension work. * * * No specialist in either subject matter or extension methods is to come to your State except upon request of or agreement with the extension director. Upon his arrival in the State, he is to report first to the extension director, and only to do work agreed to by the extension director and to do it under his direction and in cooperation with his forces. No reports will be demanded by us except those which come through the extension director. We will impose no uniform plan of organization upon any State, for we recognize fully that conditions vary and that a plan is only a means to an end. * * * In short, we consider it our responsibility to see that the funds for the use of which we must render an account are lawfully spent and are accomplishing the purposes for which they were intended, rather than that we should dictate the details of the manner of their expenditure."

You are also apparently under the impression that we are trying to do away with home demonstration work and women's work.

The outline of our policy as indicated above should answer this query, but allow me to say emphatically that no such effort has been made and furthermore we are not in sympathy with any such plan. Both Mr. Pugsley and I are very keenly interested in the women's and girls' work. As a matter of fact, the reorganization has given that work more prominence. It has placed women in each of the administrative divisions, so that no administration of Federal cooperative extension funds will be carried on in the Department of Agriculture without having been considered from the standpoint of the needs of the rural woman. Furthermore, you will note that I have asked for the establishment of a Bureau of Home Economics in the department, and I have announced my intention of placing a well-trained and well-qualified woman at the head of that bureau. At the present time the home economics work is carried on in the office of Home Economics headed by a man. I think it is safe to say that never before in the history of the department has the home economics work had the consideration it now has.

A third point upon which you are apparently misinformed is that concerning the revision of the reports we are asking from the States. Congress has charged the Department of Agriculture with the administration of several million dollars of extension funds and expects the department to report on how these funds are expended, as well as to see to it that they are expended for the purposes prescribed in the law. That calls for either detailed reports or detailed inspection. We, of course, make some inspections in the field, but no system of inspection will furnish as much information as comprehensive reports signed by the county extension agents and the Directors of Extension. Assistant Secretary Pugsley, therefore, instructed the Extension Office within the department to go over the many forms and reports heretofore demanded by the department and to prepare from them a suggested form of report to be submitted to the various States for their suggestions and comments. The only form sent out to the States was a tentative one, and since that time we have been working on its revision in order that we may incorporate the desires of the extension directors as they come in from various States. The matter is being taken up with the Extension Committee of the Land Grant Colleges, as well as with a special committee appointed by them at their last meeting. When the report is finally approved for the following year it will have the approval of that committee, as well as the approval of the States.

In this connection it should be remembered that a report in no way requires any form of organization or administration within a State. It is merely a list of questions which will give a comprehensive idea of what is being done with the money which Congress has appropriated. A uniform list of questions to be used by every extension agent, or boys' or girls' club agent, seems desirable. Such a report covers the entire extension field and permits the home demonstration agent to list all the work she is doing.

You charge that specialists are greatly increasing.

During the past year the number of county agricultural agents and the number of home demonstration agents have increased, while the number of specialists has remained about the same as last year. Relatively more specialists on food, nutrition, clothing and other home economics subjects have been employed to assist the home demonstration agents. All the specialists do a large part of their work in the counties and they reach many counties which do not as yet have county agricultural agents or home demonstration agents. Specialists are, in effect, agents who come in personal contact with farmers, and can not be regarded as administrators. This is also true of the State leaders and district leaders who are essentially field agents, supplementing the work of the county agents and assisting in the further development of the work among the farm men, women, and children.

The number of specialists and State and district leaders in the several States has been determined by the States, not by the Department of Agriculture. There has been no attempt by the department to limit the number of women leaders, specialists or agents, but on the contrary the States have been encouraged in their efforts to increase the number of women employees. Moreover there has been a distinct effort on the part of the department and the colleges to encourage the men agents to do more work for the benefit of the farm women and children in counties where there are no women agents, and undoubtedly there has been an increase in the amount of work in the interests of the farm home. This will result, we believe, in still more home demonstration agents.

When the Northern and Southern Offices were combined, C. B. Smith, the Chief of the Northern Office, was made chief of the combined office by virtue of his seniority. J. A. Evans, the Chief of the Southern Office, was given a very important position as consulting expert and adviser on southern agriculture, particularly cotton farming, and in this capacity is performing very valuable services in his relations with both the department bureaus and the State extension services, and his work is growing in importance and magnitude daily.

A number of the most experienced and successful workers in the old organization have been included in the Division of Programs in the new organization. These are Messrs. Mercier,

Savely and Schaub from the Southern Office, and Messrs. Lloyd, and Farrell and Miss Ward from the Northern Office. Mr. Miller, of the Southern Office, was for a time in this division, but chose to leave the department for a position at a higher salary and is now Director of Extension at the Oklahoma Agricultural College. The division as thus constituted contains persons who have had experience in the general administration of extension work and in the supervision of the work of the county agricultural agents, home demonstration agents, and boys' and girls' club agents. While the individual members of this division work, to a certain extent, in districts containing a number of States, they come together frequently to consider the general interests of the work.

The technical subject matter specialists of both former Extension Offices were put together in the Division of Methods, dealing with the methods of extension work in the different branches of agriculture and home economics much as they did before in the two offices. To a certain extent they have been assigned to large regional districts, but are not confined to these, going into the States, both North and South, on many special missions in response to the requests of the State Extension Directors.

Miss Wessling has left the department to accept a technical position with a commercial concern at a much higher salary; Miss Ola Powell has spent the last two seasons in France at the request of the American Committee for Devastated France and the French Minister of Agriculture, to aid in the establishment, among the French farm women, of home canning and other forms of home demonstration work according to American methods.

It should not be necessary to say that all civil service rules have been complied with, and that no consideration has been given to the politics of any person in completing the reorganization. Neither I nor Assistant Secretary Pugsley are acquainted with the party politics of any extension employee. In making assignments we considered the experience, ability and fitness of each and made an honest effort to assign each to that part of the organization where they, in their judgment and ours, could accomplish the best results.

Neither should it be necessary to say that your charge that extension employees do not have access to me is unfounded. Every employee has the freest access, and statements they make have my most careful and conscientious consideration.

Sincerely,

(Signed) HENRY C. WALLACE.

JANUARY 27, 1923.

HOUSE OF REPRESENTATIVES, U. S.,
February 24, 1923.

The Honorable HENRY C. WALLACE.
The Secretary of Agriculture, Washington, D. C.

DEAR MR. SECRETARY: I wish to express my appreciation of the courtesy of your letter of January 29 in regard to my speech of January 20. In order that you may understand my attitude and motive more fully, allow me to say that I have been a student of the demonstration work for 15 years or more, that I knew Dr. Seaman A. Knapp personally, and was familiar with the methods and principles which he used in establishing and developing this great system of education in this country. Furthermore, I have had information from various sources for the past year or more in regard to the reorganization in the department and the dissatisfaction in the field.

I acknowledge receipt also of the statement over your signature which professes to "cover" my address of January 20, 1923, copies of which I note you sent members of Congress, which causes me to print this correspondence in the CONGRESSIONAL RECORD. Your statement does not "cover" my address. It does not touch the main points. It sets up straw men, then knocks them down. The weakness of this moss-covered method of defense is apparent. My great respect for you personally and my high regard for your accomplishments in the accurate use of the English language cause me to wonder whether you read this "covering" statement before you signed it. The first sentence in the statement "covering" my speech raises the doubt. Read it. The doubt exists in my mind throughout the statement.

I am disappointed that you content yourself with making a general denial of the correctness of my statements instead of calling in the witnesses I named without their being accompanied to your office by either big or little chiefs, getting for yourself the facts, and saving the demonstration work in the counties. You evade by declaring that "frank statements" in detail have been made to the Appropriations Committee and to the public, but really, have you made a detailed "frank statement"?

I said that there are two schools of thought in the department. Dr. S. A. Knapp is the author of one and the other is traditional and outworn pedagogy applied to new and changing conditions. Wherever Dr. Knapp started his work and demonstrated his philosophy the people received it gladly. Money for the support of county agents, men and women, was appropriated by county authorities, by State legislatures, and by Congress as fast as he was willing for it to come. Likewise support came from farmers, from business men, and from thoughtful men and women generally. There was no question as to too many specialists and too much overhead as long as the proper principles were adhered to and the methods indorsed by Congress were followed.

Because of the fact that this great work developed in the South and because there were two offices of administration, the full force and power of the fundamental thinking of the founder have been largely kept out of the rest of the country.

I stated that in the reorganization not a single one of the men or women who were associated with Dr. Knapp was made the head of a division or even the chairman of a subcommittee, and that not one of them can write an important letter without having it viséd by a person who has different beliefs and methods. Why not cut out generalities, Mr. Secretary, and be frankly specific? Is this a correct statement? Are you willing for this injustice to continue? Kindly cite me the page and paragraph where "frank statement" and explanation of this point have been made to the Appropriations Committee and the country. This is one ground upon which I charged maladministration and predicted disaster to the work unless you see that this thing is readjusted and that right prevails. Surely you do not ask me to believe that it was incidental to either fairness or efficiency that every member of the Southern Office should be reduced to a subordinate position and their influence restricted by any such methods as are being practiced. I cannot understand this situation upon any other ground than that already stated in my speech, viz., that you do not know the qualifications, the spirit and the devotion of these people. You say that you and the Assistant Secretary do not know the politics of a single one of them. Was it accidental also that an Ohio Democrat was demoted in position and an Ohio Republican promoted? It is easy for your chiefs to manipulate appointments because of prejudice. I am fully convinced that great injustice has been done and is still being done in this matter. It is not simply an injustice to the few people I mentioned, but to a great cause which they happen to represent at this time. In the long run the whole country will suffer.

In the "Statement Covering the Speech of Representative ASWELL of Louisiana," you say that the facts of the reorganization and the plans of the department have been frankly presented to the Agricultural Appropriations Committee and to the public. But you should note that some earnest Republican Members of Congress are not satisfied with the conduct of the Extension Work, for Chairman ANDERSON, in reply to Assistant Secretary Pugsley, in the committee hearings for 1923, said "Besides that he (the specialist) wastes an enormous amount of time and money in traveling around the country making contacts that are necessary for him to do any good. I do not think it is simply a question of the Members of the House feeling that too much money is spent on administration. I think there is also a feeling that the thing is too much from the top down and too little from the ground up. You can not reach a whole lot of these people on the basis that you are talking to them from a university. You have got to get these problems on the ground, and from the standpoint of the farmer himself. I know that there are a great many farmers who feel that sort of uplift proposition, even though it may be educational in character, does not leave the influence that it would if it had closer contact with the farmer's problem from his point of view rather than from the scientist's point of view."

Mr. Anderson also said "The fact is, you have got about $7,000,000 worth of people telling $11,000,000 worth of people what to do." Chairman Haugen of the Agricultural Committee and numerous other gentlemen of both parties have repeatedly expressed similar opinions. Perhaps you will remember that Chairman ANDERSON told you in the committee that "there are a good many people up here on the hill who feel that the specialist end of this game is rather overemphasized." Congress expected at least three-fourths of all funds to go actually into the counties. If any State wants to have a large number of specialists there is nothing in the Federal law or policy which will prevent it from making special appropriations for that purpose, but it is not right to use Federal funds to multiply specialists at the expense of the counties. If Congress has to speak again on this subject there will likely be drastic restrictions imposed.

Your "covering statement" is shockingly contradictory. On page 7 you say "The number of specialists and State and district leaders in the several States has been determined by the States, not by the Department of Agriculture. There has been no attempt by the department to limit the number of women leaders, specialists, or agents" * * *. On page 5 you say "Congress has charged the Department of Agriculture with the administration of several million dollars of extension funds and expects the department to report on how these funds are expended, as well as to see to it that they are expended for the purposes prescribed by law." And yet you say there has been no attempt by your department to limit the number of specialists. That is exactly why I said the department is repealing acts of Congress and defying the intent of Members of Congress who enacted definite legislation for the national welfare.

Your statement ignores the vital points I made in regard to the Home Demonstration Work. I said that Congress made extension work in home economics coordinate with agriculture and that the reorganization made it subordinate. I said that in the "projects and programs" it is put on a parity with cattle, crops, hogs, and sheep, and that the highest positions given to women are five or six degrees removed from the Secretary. Furthermore, I asserted that the annual report form does not mention the word "woman" or provide properly for reporting many of her most valuable activities. I repeat that the women of this country are being shamefully ignored.

I called attention to the fact that three-fourths of all the women county agents are in the South and gave a table from the figures which you sent me. This table contrasted a number of different Northern and Southern States. I wish respectfully to invite your attention to another phase of this situation. When large sums of money are spent on salaries and traveling expenses of specialists it reduces the amount available for women county agents. You will notice that the Southern States have fewer specialists and more women agents.

This means that in many States the amount spent on overhead is far above 58½ per cent because some of the States pull down the average. I do not believe it is right to make the farm bureau and other farm organizations pay so much to get the county agents when Congress provided funds not so much for specialists but primarily and specifically for county agents. It does not relieve the situation when by top-heavy expenses you make it necessary for the county commissioners, the county courts, or other fiscal authorities to put up county tax money for such purposes.

You say that the number of specialists for this year is practically the same as last year. There was a net increase in the appropriation by Congress of $300,000. There are very few more county agents. The counties are putting up more money every year. The percentage spent on specialists and overhead is getting higher and higher. How much more money is being spent on specialists and overhead this year? Perhaps specialists are getting to be more of a luxury than a necessity. You ignore my statement that only 41½ per cent of all Federal and State appropriations go into the salaries of county workers, and yet you say that I am entirely wrong in the assumption that "the change in the Washington office contemplated forcing our cooperators, the States, to change their plan of administration, or to handle their work in a different way than that in which they have been handling it in the past." If I did assume that you contemplated bringing about changes which would give the people in the counties the benefit of this money and work, as Congress intended, I did so in a spirit of confidence and I shall be greatly disappointed if you adhere to your announced policy that no attempt has been made by the department to limit the number of specialists.

The statement "covering" my speech says that the change saved $28,000 during the past year. It also says "No salaries were reduced". I said that many salaries of chiefs and clerks were increased. The clerk who can figure saving so well might be promoted to the budget committee.

You say "When the Northern and Southern Offices were combined C. B. Smith, the Chief of the Northern Office was made chief of the combined office by virtue of his seniority." You further state that J. A. Evans, the Chief of the Southern Office, was given the high position of consulting expert and adviser. That statement is absurd. Did Evans advise that all the people in the Southern Office be demoted? I said that Mr. Evans was the first man appointed by Secretary Wilson after Dr. Knapp began the work in 1903. He had been in the service a long time before the work in the North began. Mr. Smith may have been in the department in Washington as a specialist long enough to give him seniority over Mr. Evans if you count from the time when Mr. Evans was brought into headquarters. But if seniority was the consideration, why was Mr. Goddard, an Ohio Republican, who was not in the work at all, made a chief of a division, while Mr. Evans was made an adviser with no administrative responsibilities? What about Mr. Graham, another Ohio Republican who is the chief of another grand division? Was seniority the ground of his selection? Please cite me the "frank statement" you have published on these points, for, in my opinion, here is where the trouble began.

You say "Neither I nor Assistant Secretary Pugsley are acquainted with the party politics of any extension employee." Don't you think it is possible that these chiefs have some scheme whereby they can guess the politics of a man from South Carolina, Mississippi, or even Louisiana? No such discriminations were ever made in the Department of Agriculture against these people before. Their abilities, their services, and their successful work, have heretofore been recognized. I stated in my speech that heretofore the Department of Agriculture has been remarkably free from partisan politics. This fact makes the present situation in Extension Work the more regrettable.

Without raising the question of the age of the women, may I ask why the southern women, who helped to develop all that fine work down there, should be relegated to inferior positions, while the woman who was promoted to the headship of the women's work for the whole country was a junior in the work who did not have as many agents in her whole district of a dozen or more States as they have in a single State in the South? That does not seem to be based upon seniority, achievement, or justice.

Let us get down to the facts, Mr. Secretary, be definite, and frankly explicit:

I stated that in the reorganization of the extension work, not a single man or woman associated with Dr. Knapp in establishing and building extension in the counties was properly recognized or placed in a responsible administrative position. Cite me the "frank statement" explaining why these people were thus ignored.

I stated in substance that O. B. Martin, I. W. Hill, and C. L. Chambers, distinguished educators and agriculturalists, but Democrats, formerly in charge of all the club work in the South, were displaced by a Mormon of less experience and less success in club work. Is this true or not? Where is that "frank statement" to the public on this point?

I stated that the women who had successfully established home economics in the counties had been superceded in authority by a junior woman of less experience. Is this true or not?

I stated that the overhead expenses of the extension work are increasing and that the money you spend in the counties is relatively decreasing, and I proved my statement by the figures you submitted to me over your signature of January 16, 1923, revealing clearly that only 41½ per cent of the money is expended in the counties while 58½ goes into overhead. Why not admit this fact, proven by your own statement, and proceed to correct it?

But, in the committee hearings two years ago, Mr. ANDERSON said, "No, I say it is top heavy on specialists and leaders and getting more so every year."

Mr. Pugsley replied, "I agree with you that overhead administration should be cut to the minimum, but I think that a weakness of the extension work is that we do not have enough specialists to assist the agents in the field."

The Congress and the country would like to know, Mr. Secretary, what your future policy is to be in this matter.

You defend the combining of the two extension divisions of the Department of Agriculture which formerly existed. In my speech I approved this union of forces, as these two divisions should never have been created, but where may I find a "frank statement" of explanation why you placed no one from the Southern Office in a responsible administrative position, and why only one or two field agents and clerks in the Southern Office have been promoted since the reorganization? It should be noted, Mr. Secretary, that many of these people are not natives of the South, nor was their great leader, Dr. S. A. Knapp, a native of the South.

You declare that you selected Mr. Pugsley partly because of his connection with extension work in Nebraska and that "Both Mr. Pugsley and I are very keenly interested in the women and girls' work." Will you cite me the "frank statement" made to the Appropriations Committee and the public explaining how it happens that in Mr. Pugsley's own State, Nebraska, (where he had the connection with extension work

that got him his present job) there are now 20 specialists and only 4 women agents; why in Wisconsin there are 33 specialists and only 1 woman agent; also why in Pennsylvania there are 37 specialists and not one woman agent?

In the consideration of this point it should be clearly noted that the more money you expend for specialists, the less you have to expend for women agents. The salary and traveling expenses of one specialist will put on at least four women county agents.

You seem to hide behind the States as to the number of specialists, but under Federal statute, Mr. Secretary, you have full authority to approve or disapprove the budgets and all plans of work before they are put into operation in the States. You are also charged with the grave responsibility, as Mr. Pugsley stated in his New Orleans speech, "to see that the funds for the use of which we must render an account are lawfully spent and are accomplishing the purpose for which they were intended," namely, to get down to earth in the counties where the people live.

My excuse, Mr. Secretary, for writing you thus frankly, is my keen interest in agriculture and especially in the extension work. The cause is bigger than the individual, but the cause can not grow and serve properly and effectively without recognizing certain fundamental educational principles and without dealing justly and rightly with the individuals who hold the cause dear to their hearts. I shall anxiously await your proper action in the matters presented above, to save and perpetuate the great work established in America by a big and brave soul, Dr. Seaman A. Knapp.

With assurances of my personal esteem and respect,

Sincerely yours,

(Signed) J. B. ASWELL.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the decisions of the Supreme Court.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD on the decisions of the Supreme Court.

Mr. McARTHUR. What decisions?

Mr. RAMSEYER. Decisions generally, and some remarks of my own. Last year, when the Supreme Court was under a storm of criticism, some papers seemed to indicate that the Supreme Court was engaged chiefly in holding acts of Congress unconstitutional. I have secured a list from the legislative bureau of the decisions that have held acts of Congress unconstitutional and there are only 48 in 133 years.

Mr. McARTHUR. I withdraw any objection.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, knowing the gentleman as I do, he certainly is not espousing the move on foot seeking to enlarge the required majority of the Supreme Court in holding an act unconstitutional?

Mr. RAMSEYER. I am not espousing anything special. The gentleman, I suppose, is familiar with the decision of Chief Justice Marshall in Marbury against Madison, which announced my views on the powers of the Supreme Court many years before I was born.

Mr. LONDON. Oh, no; he never heard of it. [Laughter.]

Mr. BLANTON. If the Socialist gentleman from New York is working in double harness with the gentleman from Iowa, I shall have to object.

[Cries for "the regular order."]

Mr. BLANTON. I object.

The SPEAKER pro tempore. The gentleman from Texas objects.

ILLUSTRATION OF FOREIGN POSTAGE STAMPS.

Mr. VOLSTEAD. Mr. Speaker, I present a conference report for printing under the rule on the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates.

MAE E. NOLAN—JOHN G. WOLFE.

Mr. IRELAND. Mr. Speaker, by direction of the Committee on Accounts, I submit a privileged resolution.

The Clerk read as follows:

House Resolution 539 (Rept. No. 1698).

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Mae E. Nolan, the sum of $186.66 and to John G. Wolfe $120, being the amount received by them per month as clerks to the late Hon. John I. Nolan at the time of his death, November 18, 1922.

Mr. IRELAND. This is the usual resolution for pay of the clerks of a deceased Member.

The resolution was agreed to.

CHLIDE NELMS—SHERRILL B. OSBORNE.

Mr. IRELAND. Mr. Speaker, I present another resolution.

The Clerk read the resolution, as follows:

House Resolution 520 (Rept. No. 1699).

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Chlide Nelms the sum of $186.66, and to Sherrill B. Osborne the sum of $120, being the amount received by them per month as clerks to the late Hon. Henry Z. Osborne.

Mr. IRELAND. That is a similar resolution to the other.

The resolution was agreed to.

HENRIETTA MUELLER.

Mr. IRELAND. Mr. Speaker, I present the following privileged report from the Committee on Accounts.

The Clerk read as follows:

House Resolution 543 (Rept. No. 1700).

Resolved, That there shall be paid out of the contingent fund of the House to Henrietta Mueller, mother of T. J. Mueller, late a clerk to the Hon. L. C. Dyer, a sum equal to six months of her compensation as such employee, and an additional amount, not exceeding $250, to defray the expenses of the funeral of said T. J. Mueller.

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

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. STAFFORD. I assume that since clerks to committees have been placed on the roll of the House they are considered House employees and entitled to the same beneficences that are granted to other employees.

Mr. IRELAND. We can not do otherwise. That is true not only of clerks to committees, but of clerks to Members as well. They are now employees of the House and come under the rule.

Mr. BLANTON. This clerk was still a clerk at the time of his death?

Mr. IRELAND. Of course.

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

The resolution was agreed to.

ADDITIONAL CLERICAL SERVICES—ENROLLING ROOM.

Mr. IRELAND. Also the following resolution, Mr. Speaker.

The Clerk read as follows:

House Resolution 531 (Rept. No. 1701).

Resolved, That there shall be paid out of the contingent fund of the House compensation, not exceeding $100, for additional clerical service in the enrolling room during the remainder of the present session.

Mr. IRELAND. Mr. Speaker, this is the usual resolution which is passed at the close of the Congress to enable the facilitation of this work.

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

The resolution was agreed to.

SALARY OF CHIEF JANITOR.

Mr. IRELAND. Also the following resolution.

The Clerk read as follows:

House Resolution 507 (Rept. No. 1706).

Resolved, That there has been paid out of the contingent fund of the House of Representatives to Charles A. Kaschub, chief janitor of the House of Representatives, additional compensation at the rate of $500 per annum until otherwise provided for by law.

With the following committee amendment:

Line 4, strike out the figures "$500" and insert in lieu thereof the figures "$300."

Mr. IRELAND. Mr. Speaker, this resolution is believed by the committee to be a meritorious one. The recipient of the additional salary occupies the position of chief janitor for the House. A similar position in the Senate pays $2,000 a year. The present incumbent of that office for the House is drawing $1,500, but his duties are quite a bit heavier than the corresponding duties in the other body.

Mr. STAFFORD. What is the total janitor force to take care of the House Chamber and the House wing of the Capitol?

Mr. IRELAND. I can not tell the gentleman from memory. I think that has no especial bearing upon this individual case.

Mr. STAFFORD. I notice every afternoon, and every evening when we have a night session, that shortly after adjournment the corridors are filled with smoke. I am told that the smoke is emitted by the burning of refuse paper in some of the fireplaces here. I do not think that is a very sanitary plan. I do not think the corridors of the House should be filled with smoke, because rarely is the air from outside allowed to come in here. I think that practice should be discontinued.

Mr. IRELAND. I think that situation has been cared for. I am so informed.

Mr. STAFFORD. Oh, no. Only the night before last, when we ran until 11 o'clock, when I came over here from the House Office Building at half past 11 there was smoke in the corridors.

Mr. IRELAND. I am sure the gentleman is mistaken about that. I think that must have been because of the Members smoking as they were going out.

Mr. STAFFORD. Oh, no; I know the difference between cigarette smoke and smoke from burning paper. It is an abuse that should be corrected.

Mr. IRELAND. The situation the gentleman mentions is an abuse and should be corrected, and I think it will be.

Mr. BLANTON. How many chief janitors have we?

Mr. IRELAND. Just one, as I understand it.

Mr. BLANTON. They have one in the Senate, drawing $2,000 a year; and we are to have one for the House, drawing $1,800 a year. Is there one for the Supreme Court?

Mr. IRELAND. I was referring only to the House organization.

Mr. BLANTON. This is just one Capitol Building. Is there one for the Supreme Court?

Mr. IRELAND. Not a chief janitor.

Mr. BLANTON. But there is a separate janitor for the Supreme Court.

Mr. IRELAND. There must be.

Mr. BLANTON. Then, in one building we have three separate janitor forces. Why could they not be all put under one head, so that we would have only one chief janitor?

Mr. IRELAND. I think the gentleman might make that recommendation.

Mr. BLANTON. It will cut out at least two positions as chief janitor.

Mr. TILSON. Does the gentleman think that the Senate would agree to do that? They want to control their own janitor force.

Mr. BLANTON. If we called attention to it, the people at home might persuade them to agree to it.

Mr. UNDERHILL. Mr. Speaker, I ask for recognition in opposition to the resolution.

The SPEAKER pro tempore. The gentleman from Massachusetts.

Mr. UNDERHILL. Mr. Speaker, this is one of the numerous requests which have come to the Committee of Accounts in the closing days of the session for increase of salary. This man is no more entitled to this increase than at least 20 others who have made similar requests. He is supposed to be the chief of the janitors. Like the chairman of the committee, I can not tell you how many subjanitors there are, but he is receiving twice as much salary as any of the subjanitors. There is no reason why he should receive twice the salary, except that he is vested with a little brief authority; he is held to be somewhat responsible for the manner in which the others perform their work. I do not know that I would take the floor in opposition were it presented in the early days of the session, but it is absolutely wrong for the employees of the House to come here at the beginning of a recess and ask for an increase in their salaries.

Mr. TILSON. Is it not a fact that while the rest of us have gone home, and the other subjanitors have gone home, this man has to stay in charge of the building?

Mr. UNDERHILL. He has a pretty soft place to loaf for the next nine months. I do not think he is entitled to any financial consideration because he happens to hold this job through the summer months.

Mr. McARTHUR. What is the salary of the chief janitor?

Mr. UNDERHILL. The salary of the chief janitor at the present time, I believe, is $1,500, and he gets a bonus, and that brings it up to $1,740.

So, if the motion is in order, Mr. Speaker, I move to strike out the resolving clause.

The SPEAKER pro tempore. The gentleman from Massachusetts moves to strike out the resolving clause.

Mr. IRELAND. Mr. Speaker, I move to lay that motion on the table.

The SPEAKER pro tempore. The gentleman from Illinois moves to lay the motion on the table.

Mr. SANDERS of Indiana. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SANDERS of Indiana. The question occurs to me whether, if the motion to lay on the table should carry, it would not take the whole resolution.

Mr. BLANTON. The gentleman from Massachusetts would not object.

Mr. IRELAND. Mr. Speaker, I withdraw my motion.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Massachusetts to strike out the resolving clause of the resolution.

The question was taken, and the Speaker announced the "noes" appeared to have it.

Mr. BLACK. Let us have a division.

The House divided; and there were—ayes 23, noes 69.

So the motion was rejected.

The SPEAKER pro tempore. The question is on the committee amendment.

Mr. BEGG. Can we have that amendment stated? A number of us do not know what it is.

The committee amendment was again reported.

Mr. BLANTON. Mr. Speaker, I offer a substitute for the committee amendment, to strike out the figures "$500" and insert the figures "$50," and I would like to have it reported by the Clerk so it will be in order.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Mr. BLANTON moves to amend the committee amendment by striking out the figures "$500" and inserting in lieu thereof "$50."

Mr. BLANTON. Mr. Speaker, I ask for recognition for a moment on my amendment. Mr. Speaker, this is almost too small a matter to take up the time of the House——

[Cries of "Vote!"]

Mr. BLANTON. But it is a bigger matter after all than you think it is. We have important employees of this House sitting at this desk and others who are here all the time and only receiving the pay of $1,800——

Mr. LONDON. Mr. Speaker, I raise the point of order that the gentleman from Texas asked that he might have a moment in which to discuss his amendment and that moment has expired. [Laughter.]

Mr. BLANTON. Well, I did not ask for any ordinary moment.

The SPEAKER pro tempore. The gentleman from Texas, as usual, is speaking in a Pickwickian sense.

Mr. BLANTON. And the Speaker pro tempore, as usual in the House, violates the rules and gets personal. Mr. Speaker, the question is whether you want by your vote to pay a janitor in the Capitol $2,040 a year. That is exactly what you are voting to do now. He already gets $1,500 a year. Your committee amendment pays him $300 more which makes $1,800 and the $240 bonus which he gets makes the chief janitor's salary $2,040 a year, he being one of three chief janitor's in this building, and you have important employees in this House who have been here for 15 and 20 years who are not getting that much, sitting at your desks here in the House. It is a question whether you want to do it. I do not believe you do, I do not believe you are going to stand for it. I believe your Committee on Accounts ought to give more consideration to these matters that come in the closing hours of the Congress. We are fixing to adjourn. This House is presumed to be closed from adjournment for the next nine months, and now you are raising the chief janitor's salary to $2,040. You will have to answer to the people of the United States for such little votes as this, and I hope you will not do it.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas.

The question was taken, and the Speaker pro tempore announced the noes appeared to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 23, noes 85.

So the motion was rejected.

The SPEAKER pro tempore. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the resolution as amended.

The question was taken, and the Speaker pro tempore announced that ayes appeared to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 88, noes 25.

Mr. BLANTON. Mr. Speaker, I think we ought to have a record vote and I make the point of order that there is no quorum present, and I object to the vote on that account.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order there is no quorum present. Evidently, there is none. 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 205, nays 70, not voting 152, as follows:

YEAS—205.

Abernethy	Anthony	Begg	Burdick
Ackerman	Appleby	Benham	Burton
Almon	Arentz	Bixler	Butler
Anderson	Barbour	Blakeney	Byrns, Tenn.
Andrew, Mass.	Beck	Boies	Cable
Andrews, Nebr.	Beedy	Buchanan	Campbell, Kans.

Campbell, Pa.	Griffin	Madden	Sinclair
Cannon	Hadley	Magee	Sinnott
Carter	Hardy, Colo.	Maloney	Smithwick
Chalmers	Hardy, Tex.	Mansfield	Snyder
Chindblom	Haugen	Mead	Speaks
Clarke, N. Y.	Hawley	Merritt	Stedman
Clouse	Hayden	Michener	Steenerson
Cole, Iowa	Hays	Mondell	Stephens
Cole, Ohio	Hersey	Moore, Ohio	Strong, Kans.
Collins	Hickey	Moores, Ind.	Strong, Pa.
Colton	Hill	Morgan	Summers, Wash.
Cooper, Wis.	Hoch	Murphy	Swank
Copley	Hogan	Nelson, Me.	Sweet
Coughlin	Huddleston	Nelson, A. P.	Swing
Cramton	Hukriede	Nelson, J. M.	Tague
Cullen	Hull	Newton, Minn.	Taylor, N. J.
Curry	Humphrey, Nebr.	Newton, Mo.	Taylor, Tenn.
Dallinger	Husted	Norton	Temple
Darrow	Ireland	O'Connor	Ten Eyck
Dempsey	Jeffers, Ala.	Ogden	Thompson
Dickinson	Johnson, Wash.	Oldfield	Thorpe
Dowell	Kearns	Paige	Tilson
Dupré	Kelley, Mich.	Parker, N. J.	Timberlake
Elliott	Kelly, Pa.	Parker, N. Y.	Tincher
Evans	Kirkpatrick	Patterson, Mo.	Tinkham
Fairchild	Kissel	Perkins	Towner
Faust	Kline, N. Y.	Porter	Vaile
Favrot	Knutson	Pou	Vestal
Fenn	Kopp	Purnell	Voigt
Fess	Lankford	Rainey, Ala.	Volstead
Fields	Larson, Minn.	Ramseyer	Walters
Fish	Lawrence	Ransley	Wason
Fitzgerald	Lea, Calif.	Reed, N. Y.	Watson
Fordney	Leatherwood	Reed, W. Va.	Weaver
Foster	Lee, N. Y.	Rhodes	Webster
Free	Lineberger	Ricketts	White, Kans.
Fuller	Little	Roach	Williams, Ill.
Funk	London	Robertson	Wood, Ind.
Gallivan	Longworth	Robsion	Woodruff
Gernerd	Luce	Rodenberg	Woods, Va.
Gorman	Lyon	Sabath	Wurzbach
Graham, Ill.	McArthur	Sanders, Ind.	Wyant
Green, Iowa	McCormick	Scott, Tenn.	Young
Greene, Mass.	McFadden	Sears	
Greene, Vt.	MacGregor	Shelton	
Griest	MacLafferty	Shreve	

NAYS—70.

Aswell	Deal	Kline, Pa.	Sisson
Bankhead	Doughton	Langley	Stafford
Barkley	Drewry	Lanham	Steagall
Bell	Driver	Larsen, Ga.	Stevenson
Black	Fisher	Lazaro	Sumners, Tex.
Bland, Va.	Frothingham	Lee, Ga.	Tillman
Blanton	Fulmer	Lowrey	Tucker
Bowling	Gahn	McDuffie	Turner
Box	Garrett, Tenn.	McSwain	Tyson
Braud	Garrett, Tex.	Miller	Underhill
Briggs	Gensman	Moore, Va.	Upshaw
Burtness	Gilbert	Parks, Ark.	Vinson
Byrnes, S. C.	Hammer	Quin	Williamson
Christopherson	Herrick	Raker	Wilson
Clark, Fla.	Hudspeth	Rankin	Wingo
Collier	Jacoway	Rouse	Wise
Connally, Tex.	Johnson, Ky.	Sanders, Tex.	
Davis, Tenn.	Kincheloe	Sandlin	

NOT VOTING—152.

Ansorge	Ellis	Kraus	Reber
Atkeson	Fairfield	Krelder	Reece
Bacharach	Focht	Kunz	Riddick
Bird	Frear	Lampert	Riordan
Bland, Ind.	Freeman	Layton	Rogers
Bond	French	Lehlbach	Rose
Bowers	Garner	Linthicum	Rosenbloom
Brennan	Gifford	Logan	Rossdale
Britten	Glynn	Luhring	Rucker
Brooks, Ill.	Goldsborough	McClintic	Ryan
Brooks, Pa.	Goodykoontz	McKenzie	Sanders, N. Y.
Brown, Tenn.	Gould	McLaughlin, Mich.	Schall
Browne, Wis.	Graham, Pa.	McLaughlin, Nebr.	Scott, Mich.
Bulwinkle	Hawes	McLaughlin, Pa.	Shaw
Burke	Henry	McPherson	Siegel
Cantrill	Hicks	Mapes	Slemp
Carew	Himes	Martin	Smith, Idaho
Chandler, N. Y.	Hooker	Michaelson	Smith, Mich.
Chandler, Okla.	Huck	Mills	Snell
Clague	Humphreys, Miss.	Montague	Sproul
Classon	Hutchinson	Moore, Ill.	Stiness
Cockran	James	Morin	Stoll
Codd	Jefferis, Nebr.	Mott	Sullivan
Connolly, Pa.	Johnson, Miss.	Mudd	Taylor, Ark.
Cooper, Ohio	Johnson, S. Dak.	Nolan	Taylor, Colo.
Crago	Jones, Pa.	O'Brien	Thomas
Crisp	Jones, Tex.	Oliver	Treadway
Crowther	Kahn	Olpp	Volk
Dale	Keller	Overstreet	Ward, N. Y.
Davis, Minn.	Kendall	Park, Ga.	Ward, N. C.
Denison	Kennedy	Patterson,	Wheeler
Dominick	Ketcham	Paul	White, Me.
Drane	Kiess	Perlman	Williams, Tex.
Dunbar	Kindred	Petersen	Winslow
Dunn	King	Pringey	Woodyard
Dyer	Kitchin	Radcliffe	Wright
Echols	Kleczka	Rainey, Ill.	Yates
Edmonds	Knight,	Rayburn	Zihlman

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Kendall with Mr. Williams of Texas.

Mr. Davis of Minnesota with Mr. Crisp.

Mr. Connolly of Pennsylvania with Mr. Hawes.

Mr. Frear with Mr. Garner.

Mr. French with Mr. Drane.

Mr. McLaughlin of Michigan with Mr. McClintic.

Mr. Freeman with Mr. Oliver.

Mr. Morin with Mr. Riordan.

Mr. Crowther with Mr. Thomas.

Mr. Kahn with Mr. Ward of North Carolina.

Mr. Denison with Mr. Bulwinkle.

Mr. Kiess with Mr. Logan.

Mr. Johnson of South Dakota with Mr. Rainey of Illinois.

Mr. Snell with Mr. Hooker.

Mr. Lampert with Mr. Wright.

Mr. Stephens with Mr. Cantrill.

Mr. Winslow with Mr. Jones of Texas.

Mr. Michaelson with Mr. Park of Georgia.

Mr. Treadway with Mr. Sullivan.

Mr. Olpp with Mr. Rayburn.

Mr. Stiness with Mr. Dominick.

Mr. Patterson of New Jersey with Mr. Carew.

Mr. Graham of Pennsylvania with Mr. Humphreys of Mississippi.

Mr. Bacharach with Linthicum.

Mr. Edmonds with Mr. Goldsborough.

Mr. King with Mr. Martin.

Mr. Moore of Illinois with Mr. Cockran.

Mr. Keller with Mr. Kindred.

Mr. Rogers with Mr. Montague.

Mr. Lehlbach with Mr. Rucker.

Mr. Brooks of Illinois with Mr. O'Brien.

Mr. McPherson with Mr. Kitchin.

Mr. Fairfield with Mr. Johnson of Mississippi.

Mr. Dunn with Mr. Kunz.

Mr. Mapes with Mr. Stoll.

Mr. Browne of Wisconsin with Mr. Taylor of Colorado.

Mr. Crago with Mr. Taylor of Arkansas.

Mrs. Nolan with Mr. Overstreet.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will open the doors.

The doors were opened.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MADDEN] is recognized.

THIRD DEFICIENCY APPROPRIATION BILL, 1923.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14408) making appropriations to supply deficiencies.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14408.

Mr. MADDEN. And, pending that, I would like to ask the gentleman from Tennessee [Mr. BYRNS] if we can agree upon time for general debate

Mr. BYRNS of Tennessee. I will say to the gentleman that I have a number of requests on this side. We would like to have something like two hours.

Mr. MADDEN. Can you not get along with less than two hours?

Mr. BYRNS of Tennessee. We might get along with a little less.

Mr. MADDEN. Say, two hours altogether.

Mr. BYRNS of Tennessee. I hope the gentleman will not insist upon that. I would like to have two hours on this side. I might split the difference with the gentleman if he is willing.

Mr. MADDEN. Then I ask unanimous consent that the general debate be limited to three hours, to be equally divided between the gentleman from Tennessee and myself.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the general debate on the bill be limited to three hours, to be divided equally between himself and the gentleman from Tennessee [Mr. BYRNS]. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Illinois that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14408.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Oregon [Mr. MCARTHUR] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending

June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, with Mr. MCARTHUR in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14408, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] has one hour and a half and the gentleman from Tennessee [Mr. BYRNS] has one hour and a half.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. MADDEN. I would like to ask the gentleman from Tennessee with reference to the yielding of time.

Mr. BYRNS of Tennessee. I would be glad to yield to the gentleman from Massachusetts [Mr. GALLIVAN], if the gentleman from Illinois is willing, at this time.

Mr. MADDEN. Very well. I will refrain from opening with the explanation of the bill in view of the fact that the gentleman from Tennessee wants to yield to one of his colleagues. I will wait until he closes. Then I will explain the bill.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 30 minutes.

Mr. GALLIVAN. Mr. Chairman, this is practically the last great appropriation bill which will come from a very busy committee. We have but one bill left. That is the so-called bonus bill.

I want to take this opportunity to say to my colleagues that in my eight years of service on the Appropriations Committee, having served under some of the ablest men in this country as chairman of that committee, I have yet to meet the equal of the present chairman. [Applause.] And it is with pride and satisfaction that I am permitted to stand here on the floor and in his presence say that, in my judgment MARTIN B. MADDEN, of Illinois, as chairman of the Committee on Appropriations, has been a nonpareil. [Applause.]

The increased cost of the Department of Justice and the increase of crime in this country are strikingly illustrated in the hearings on this bill. In 1916 the appropriations for the Department of Justice, including the Federal courts, amounted to something a little over $10,000,000; in this year of our Lord we have appropriated more than $18,000,000 for the same function of government, or an increase of 80 per cent, and yet the department is continually asking for appropriations to meet deficiencies.

We have been getting back toward normalcy in every other department of the Government, but in the particular one where justice is to be administered we have been continually on the increase since the close of the war, and from every indication demands will continue for more and more money for this department, and yet we see no diminution of crime throughout the country. It will appear to any man who interests himself that the more machinery we create to suppress crime the greater the increase of crime or what in recent years we have been taught to call crime. You all know that under some of our laws to-day the American citizen, honored, respected, industrious, and patriotic, is called a criminal at home, yet that same man may cross our international border or sail across the seas in any direction, where he will be greeted and welcomed as a most desirable citizen or visitor.

We were told that prohibition, for instance, would reduce crime to a minimum in this country; that the law would enforce itself and pay its way. Aye, we were told in this Chamber that it would put millions into the Treasury of the United States. And yet we have had to appropriate in the last few years more than $9,000,000 annually to support the prohibition enforcement unit. You know it, but I want you to know something else, and that is that our committee has learned in the hearings on this bill that one-third of all the money that you appropriate for the Department of Justice, which for the next fiscal year is approximately $18,500,000, must be spent by that department in the prosecution of offenders against the alleged wholesome (?) Volstead Act.

You know that the Department of Justice has its hands full every day in every week, in every month, in every year; and yet our committee was advised that, taking the country as a whole, 44 per cent of the time of the United States district attorneys is devoted to prohibition cases. This is not a mere estimate. It is the analysis of replies to a questionnaire addressed by the department to all district attorneys throughout the country.

One of the singular and worth while mentioning coincidences of this condition is that the district attorneys in prohibition States—you know I mean States where prohibition was in effect before the adoption of the eighteenth amendment—are required to devote a great deal more of their time and energy to enforce the Volstead law than is expected of them in the States that did not adopt prohibition voluntarily but had it forced upon them.

Take my own State of Massachusetts, for instance, which now and then the prohibitionists refer to as being composed of stubborn and lawless people. In the old Bay State only 30 per cent of the time of the United States district attorney was devoted to prohibition matters last year, while in the southern district of prohibition Alabama 90 per cent of the district attorney's time was used up in the same cause. North Carolina is one of the old prohibition States and it stood for the dry law long before the adoption of the eighteenth amendment, and yet last year 70 per cent of the time of Uncle Sam's attorneys in that State had to be given to cases brought under the Volstead Act. In prohibition West Virginia it was 70 per cent in the southern district and 60 per cent in the northern district. In Arizona, 60 per cent; in Arkansas, 50 per cent; in southern Florida, 60 per cent; yes, and in Kentucky, the home State of my friend Mr. BARKLEY, one of the most eminent "drys" in this House, it averages 75 per cent. In northern Mississippi it runs to 55 per cent, and in the southern part of that beautifully dry State it is over 50 per cent. Wyoming, which has always been a garden spot of the drys, requires their United States attorneys to spend 45 per cent of their time prosecuting violators of the sacrosanct Volstead law. And Georgia, the driest State in this whole House [laughter], needs them 60 per cent of the time.

And lo and behold even the State of our brother VOLSTEAD demanded 60 per cent of the time of the United States attorney to prosecute the bootleggers and the moonshiners and the experts who have developed the "white mule" industry. [Laughter.]

Now, you will agree with me that this great increase in the work of the Federal officers in these old prohibition States is due to one of two things, either a decided increase in the violation of prohibition laws, or else—and I am willing to be charitable for the moment—those States are transferring a great percentage of their criminal prosecutions to the Federal authorities. In either case it is a serious development in the administration of justice in this country and, in my judgment, a decided tendency to bureaucratic government. Before the World War we Americans ridiculed the verbotens of Germany, and we used to like to attribute the war to the imperialistic and bureaucratic rule of the kaiser. It is now asserted by high authority here in America that the developments of bureaucracy in this country have established more foolish verbotens than the German people ever tolerated.

You know we have an army of prohibition directors, and agents, and inspectors, and sleuths traveling about the country, some of them in disguise, nosing into every other man's business and every other woman's kitchen, laying traps to involve innocent people in the meshes of the Volstead law, and no law ever passed by Congress contains more meshes; and the Federal courts and the law officers of our Government have been compelled to devote their time and attention to this sort of business to the embarrassment of all other business before these courts. If this tendency continues, the Department of Justice will become the Pooh-Bah of America. To administer the law, sometimes without trial by either juries or courts, the nearly $20,000,000 that we are forced now to appropriate, either to this department or that department for the enforcement of the Volstead Act, will swell to $40,000,000 a year.

Mark my words, we will be compelled to increase the burden of taxation now on the shoulders of our people or else we must practice greater economy in other departments of the Government to enable this one abnormal law to function; and, as I have said more than once in this Chamber, I can not be persuaded that it will ever function while the American people hold to their old principles which they learned from the fathers of this Republic and to which they have held for a century and a half.

I have not called attention to this development to oppose this appropriation. I shall vote for this bill because I realize that the Federal courts and the Department of Justice are not responsible for the conditions they face, and they must have the money to enable them to function and to carry out their duties under the law. I have called attention to these figures so that you men might know and the country might learn that the appropriations we make for the Prohibition Bureau are not the only moneys spent by Uncle Sam to try to achieve prohibition enforcement. I repeat that the $9,000,000 we appropriated for Mr. Commissioner Haynes is barely one-half the cost of the Volstead legislation to the taxpayers, and all indications point to an increase rather than to any decrease.

How long, oh, how long are we to be called upon for increased appropriations to enforce this act? I read an article the other night in a Washington newspaper by David Lawrence wherein he said he had asked the President of the United States how long it would be, in his opinion, before that law would be fully enforced, and he quoted President Harding as saying that, in his judgment, it would be a matter of 25 years. If this is a good guess and the demands for more money for enforcement increase at the rate that they have increased since the enactment of that law, the cost in 10 years would amount to $18,944,000,000; and if we continued it for 25 years—which is the period our own President has picked—we would be asked to appropriate $620,756,996,000,000—more money than the world has ever known—and then I do not believe you would enforce prohibition. Think it over! [Laughter.]

By the way, here is the unanimous report of a grand jury in Kings County, N. Y.—the city of Brooklyn, long known as the City of Churches:

"Whatever may be our individual ideas on the subject of temperance and prohibition, we believe that there can be no doubt that this law tends to debauch and corrupt the police force. It interferes with the liberty and private life of moral, law-abiding citizens. It even goes so far as to brand good men as felons because, in their own conscience, they desire to indulge in personal habits in which they find no harm. It has not checked the misuse of intoxicating liquors, but it has seriously hampered their proper use. We feel that it can never be enforced, because it lays down rules of private conduct which are contrary to the intelligence and general morality of the community. It is an attempt by a body of our citizenship thinking one way to interfere with the private conduct of another body thinking another way."

That report of a Brooklyn grand jury was printed in the New York Globe December 22, 1922. It is not the expression of lawless men, but of men called upon to do certain duties of a public character and who were confronted with an impossible situation and so expressed their convictions unanimously.

And yet our prohibition friends refuse to see any failure in their enactment work and they continue to cry for more and more money to be spent in a vain effort to keep our people "sober," they say, by statute, and just as long as Congress stands for it they will continue until they have drained the Treasury and have brought about an uprising on the part of the people, who will demand that the wastage stop and that the Congress become normal on this question, as well as on all other questions where huge appropriations are demanded.

I noticed recently that the efforts of the Anti-Saloon League have not yet ended. According to the Washington Times of Monday, they are now being turned on the "dry" Members in this House. The league's officials announced that the prohibition officers propose to round up the "dry" Members of Congress who do not drink as they vote.

Mr. CRAMTON. Will the gentleman yield?

Mr. GALLIVAN. No.

Mr. CRAMTON. Will the gentleman yield for a correction?

Mr. GALLIVAN. No. The gentleman is violating the rules of the House, and he knows it.

The CHAIRMAN. The gentleman from Massachusetts declines to yield.

Mr. GALLIVAN. The league gladly accepted your votes to put across the Volstead Act and it permitted our "dry" legislators to drink as they pleased. But now it appears that program is to be changed. The Anti-Saloon League proposes to trail the "dry" Congressmen, and it is going to make you drink as you voted, and if you do not do as they tell you now they propose to inform your constituents of your treachery to the law you helped to enact. For one, I am of the opinion that it is only fair to investigate "dry" Congressmen who last week passed a resolution to search, practically, the foreign embassies and legations in order that the country might know how much liquor these ambassadors and ministers drink. Why is it not the proper thing to do when "dry" Congressmen insist on looking into the cellars of the foreign ambassadors to have Mr. Haynes's army look into the cellars and the closets of the "dry" Congressman? If I here and now ask the "drys" in this House who religiously vote as the Anti-Saloon League tells them how to vote how many of them take a drink and like a drink, I wonder how many here would raise up their right hands in answer to my appeal. I pause for the moment and I await the raising of a single right arm.

Mr. CRAMTON. Does the gentleman desire to yield now? The gentleman asked some one to raise his hand and I am prepared to do it.

Mr. GALLIVAN. Then the gentleman admits that he likes a drink and takes a drink?

Mr. CRAMTON. I do not admit anything of the kind. I did not understand the gentleman's statement.

Mr. GALLIVAN. I asked every dry Congressman who voted dry and who takes a drink and likes a drink to raise his right hand. [Laughter.] Why, Mr. Chairman, all I can see around this Chamber at this moment is halos. [Laughter.]

I listened the other day to the patriotic and pathetic appeal of the distinguished floor leader [Mr. MONDELL] against the bill to create public shooting grounds, and I sympathized with him. In that appeal the gentleman from Wyoming said:

"We have, thank God, up to this good hour in the main escaped the tyranny of petty officials of a centralized government interfering with the rights, the liberties, and the everyday life of the people locally—an interference which by its very character can not well avoid being tyrannical, a control whose source of authority is so far removed from the people locally that against it they feel hopeless, helpless, resentful."

The gentleman from Wyoming then pictured the barefoot boy with the old shotgun potting peewees and being haled before a Federal court a hundred miles away from his home to answer for his ignorance of the term "migratory birds" in the law enacted by Congress. As I listened to the impassioned appeal of the gentleman who is the leader of the majority I could not help thinking of some of the same hardships, hopelessness, helplessness, and resentfulness of the people under the administration of the Volstead law. Here may be a homesteader in the State of Wyoming who has settled on one of the reclaimed farms of that State and, with water from the mountains and sunshine from the good God himself, has grown an orchard, harvested a few bushels of apples, which could not be sent to Boston for sale because of the high freight rates, borrowed an old hand press, and turned those apples into cider, which was stored in the cellar with the bung carelessly left out, admitting the air to inspire the apple juice with a spirit of industry and give it a tang most agreeable as a nightcap. [Laughter.] There was peace and happiness in that frontier home, if not prosperity, until one day the latest tin-horn prohibition officer, Mr. Asher, dropped in complaining of cramps and begged for something to warm his stomach. The housewife bustled about to make him some boneset tea, but he scorned that brew and appealed for whisky, something never known in the great prohibition State of Wyoming. The frontiersman is reminded of the warming influence of that cider in the cellar, and he draws off a quart as an offering to suffering humanity. Mr. Asher gulps down a part of it, feels better, and pulls out his hydrometer, drops it into the cup, looks at its register, and immediately becomes an official, with the stern assertion: "Ten per cent; and you are a felon, under the Volstead Act. You are under arrest, and will accompany me to Cheyenne, where the nearest Federal court sits. You had better take all the money you have with you, for you will pay your own fare and expenses, as well as a heavy fine for your violation of the most sacred law ever enacted by Congress."

No wonder it takes more than half the time of the United States district attorney of Wyoming to handle prohibition cases, and I suspect that there is as much resentment against the tyranny of petty officials of a centralized government in Wyoming as there is in New York or Massachusetts, and as much resentment against the petty tyranny in the enforcement of the Volstead law as there will be against that of arresting barefoot boys with shotguns popping peewees in the garden to be haled to a Federal court 50 miles away.

Men of America, do not be fooled. The agitation for the repeal or modification of the Volstead law is not going to stop, but it is going to expand until it makes Congress realize that while honest men and honorable men will make sacrifices to give the law a fair trial and will obey such a law, they will follow the example of Abraham Lincoln in connection with the Dred Scott decision of the Supreme Court. You remember that Lincoln said he did not propose to set Dred Scott free

by force, but he did propose to agitate for such political action as would make impossible the conditions that led the court to render such a decision, and history tells us that he did so continue to agitate until slavery was abolished. [Applause.]

And now, Mr. Chairman, addressing myself in closing my remarks to the gentleman who sits behind the clock in the gallery, the Hon. Wayne B. Wheeler, of the Anti-Saloon League, the man who says it is disloyal and lawless to agitate for the repeal of the Volstead law, or even of the eighteenth amendment, does not belong to the tribe of Abraham Lincoln, or that of Thomas Jefferson. He belongs to the tribe of the Pharaoh whose tomb has just been opened at Luxor after 3,000 years. [Loud applause.]

Mr. MADDEN. Mr. Chairman and gentlemen, I hope the committee will be kind enough to give attention to what I am about to say, because I am going to address the committee upon a serious subject. My speech involves the expenditure of $154,000,000 from the Public Treasury. It seems to me to be sufficiently important to engage the attention of the House, and I am sincerely in earnest when I suggest that I should be very happy if the House will be good enough to listen attentively.

The Budget estimates upon which the bill before the committee is based called in the aggregate for $157,193,616.11. The amount recommended by the Committee on Appropriations is $3,388,772.43 less than that, or $153,804,843.68. This decrease was effected by the committee by the elimination or curtailment of amounts requested for the following purposes:

House of Representatives	$12,493.75
Botanic Garden	5,000.00
General Accounting Office	58,350.00
United States Coal Commission	400,000.00
District of Columbia	86,269.50
Department of Agriculture, Japanese beetle control	45,000.00
Department of the Interior:	
Mescalero Indians, support, etc	175,000.00
Zion National Park, roads	133,000.00
Department of Justice	324,608.54
Department of Labor	495.69
Post Office Department:	
Compensation of postmasters, 1923	1,963,450.00
Car fare and bicycle allowance, 1923	19,900.00
Reimbursement of fines	1,000.00
State Department, peace palace at The Hague	26,000.00
Treasury Department:	
Public buildings	3,500.00
Fuel	1,000.00
Claims	1,004.95
War Department:	
International shooting competition	25,000.00
Rio Grande flood-control survey	35,000.00
Monument for tomb of unknown soldier	2,500.00
Panama Canal, civil government	76,200.00
Total	3,388,772.43

The principal items comprised in the amount recommended to be appropriated in the bill are as follows:

Refunding internal-revenue taxes erroneously collected	$78,675,000.00
Military and naval insurance, United States Veterans' Bureau	13,235,000.00
Payment of pensions, Bureau of Pensions	16,000,000.00
Scrapping of naval vessels	20,950,000.00
Elevation of turret guns on naval vessels permitted to be retained	6,500,000.00
Postal Service, payable from the postal revenues	9,736,766.99
Judgments rendered against the United States by district courts and the Court of Claims	474,648.03
Audited claims allowed by the General Accounting Office	716,380.66
United States employees' compensation fund	475,000.00
Fighting forest fires	340,000.00
Investigation of rubber, etc	500,000.00
Collection and compilation of statistics of customs	150,000.00
Transportation of Indian supplies, fiscal year 1922	201,759.69
Department of Justice and judiciary	1,678,947.49
Mixed Claims Commission, United States and Germany	222,300.00
Public Health Service, pay of commissioned officers	174,273.84
Boston (Mass.) post office and subtreasury building	150,000.00
Settlement with the American National Red Cross	848,067.29
Inland and coastwise waterways service	500,000.00
Roads, Fort Riley (Kans.) Military Reservation	100,000.00
National Home for Disabled Volunteer Soldiers	382,000.00
All other items	1,794,699.69
Total	153,804,843.68

The amount recommended for the payment of refunds on internal-revenue taxes erroneously collected is $78,675,000. This sum may be divided in amounts according to the years in which the claims accrued, as follows:

Fiscal year 1920 and prior years	$53,812,500
Fiscal year 1921	17,063,300
Fiscal year 1922	4,902,300
Fiscal year 1923	2,896,900

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HUSTED. Has the chairman any data to show the amount of taxes recovered by the Government due to underassessment?

Mr. MADDEN. Yes; I shall explain all of that.

The Bureau of Internal Revenue now has a balance of approximately $16,000,000 with which to pay refunds during the remainder of the current fiscal year and an appropriation of $12,000,000 available July 1 next. The data which has been presented to the committee indicate that if the present rate of disposal of claims continues the amount recommended in the bill and the balances on hand will not be more than sufficient to provide for refunds to December 31 next. The amount refunded from July 1 last to January 31 was approximately $76,500,000. The income-tax unit alone on December 31, 1922, had 76,500 claims on hand and unadjusted. Included in these claims are 602 claims where the amount claimed is in excess of $50,000, the total amount claimed in the 602 cases aggregating in excess of $150,000,000. Settlement of claims in the past has resulted in an average allowance of approximately one-third of the amount claimed. The settlement of these claims alone would approximate $50,000,000. In addition to the more than 75,000 claims in the income-tax unit, there were on December 31, 1922, 34,000 claims pending in other classes of taxes, of which 31,000 are in the sales-tax unit.

The total amount claimed in the 34,000 cases is $22,250,000. It must be remembered that the years for which the bulk of these refunds are to be made were war years, new tax laws were enacted with high rates and complicated terms, and billions of dollars were collected. There were few precedents by which to proceed in computing the taxes. The test of the disputed provisions of the laws had not been initiated or settled in the courts. The committee has obtained from the Bureau of Internal Revenue a list of the important court decisions which have settled disputed points in the laws in favor of the taxpayer and have been or will be the cause for millions of the refunds that have been or are to be made. It is estimated that the total amount of refunds for which court decisions will be found responsible is approximately $105,000,000. Of this amount the stock-dividend decision involves refunds of $70,000,000. A decision of the Attorney General in the question of community property involves refunds of approximately $15,000,000.

The audit of tax returns is decidedly in the favor of the Government. While the amount required for refunding taxes seems extraordinarily large, the Government is recovering in back taxes as the result of the audit and as a result of the payment of tax where no return was made sums that are greatly in excess of the amounts required to be refunded. A consideration of the entire subject of tax receipts, tax refunds, collections of back taxes from the fiscal year 1917 to and including January 31 last will be informing and help in a measure to make clear the necessity for the appropriation carried in this bill. The table which I insert at this point shows the total internal-revenue receipts, total amount of additional assessments due to office audits and field investigations, and the total amount of refunds of taxes illegally collected for the fiscal years 1917 to 1922, inclusive, as well as for the first seven months of the current fiscal year (July 1, 1922, to January 31, 1923):

Year.	Total internal-revenue receipts.	Amount of additional assessments and collections resulting from office audits and field investigations.	Amounts of refunds of taxes illegally collected.
1917	$809,393,640.44	$16,597,255.00	$887,127.94
1918	3,698,955,820.93	29,984,655.00	2,088,565.46
1919	3,850,150,678.56	123,275,768.00	8,654,171.21
1920	5,407,580,251.81	466,889,359.00	14,127,098.00
1921	4,595,000,765.74	416,483,708.00	28,656,357.95
1922	3,197,451,083.09	286,978,873.00	48,134,127.83
Total (6 years)	21,558,531,640.48	1,320,209,618.00	102,547,448.39
1923 (first 7 months)	1,277,757,512.94	286,695,625.00	76,488,412.12
Grand total (6 years and 7 months)	22,836,289,153.42	1,606,905,243.00	179,035,860.51

As will be seen by the table which I have inserted, there was an aggregate of tax receipts for the period named of $22,836,000,000, and in connection with this there has been collected as a result of audits on underpaid schedules $1,607,000,000 since the audits began, while the payments made for refunds, as the result of overpayment on schedules audited, amount to only $179,000,000.

It has been frequently asked why it is that the audits are so slow, why we are still at work upon the audits of 1917 taxes. I think a good answer to that question now might be made by showing the House these papers which I have on the table. This bundle of papers is a typical individual case of a consoli-

dated tax return. All the papers here belong to one case. When we realize that this is only a typical case, and further, that in many of the cases it would take a wagon to haul all of the papers in the case, we can understand why a man can not audit many of these cases in a single year. The papers in this particular case the Secretary of the Treasury permitted to be sent down here under seal in charge of one of his assistants so that we might visualize the physical dimensions of it. It will be seen that with so many papers in a case like this, involving perhaps patent rights, depreciation in mining and in oil wells, in machinery, in everything that pertains to the conduct of a very large consolidated business, it is not an easy job to complete the audit of all the cases that are pending. It must be understood that we are still auditing on the 1917, 1918, 1919, and 1920 cases, and that most of the refunds which are being authorized to be made through the appropriations we recommend here are for tax schedules filed for these years and not for 1922 or 1923, although there are some for each of those years. The difficulty has been to ascertain just how they could adjust all of these cases. The adjustment of cases of different types formed a basis upon which to adjust the cases of the succeeding years. As they settle the cases for 1917, that settlement lays down a line of decisions for the succeeding years, and will become much easier. As the law is clarified by the audits and decisions, and as the taxpayers understand more clearly what is to be allowed and what is not to be allowed as credits, the schedules have come in much more correctly than they did during the war. As time goes by there will be less and less refunds to be made, because of the better understanding on the part of the taxpayers and the better knowledge of the law on the part of the administrative officers of the Government.

Mr. FESS. Would it interrupt the gentleman if I should ask him a question right there?

Mr. MADDEN. Not at all.

Mr. FESS. A good many citizens feel quite bitter over what they say is their inability to make out their tax returns because they do not know what the law is.

Mr. MADDEN. As I say, as these cases are adjusted, audited, finally concluded, they then have a principle upon which future settlements can be made, and it is becoming more clearly understood every day by the taxpayers just what credits they are allowed and what sort of return they must make.

Mr. FESS. So that the charge that we have a law on the statute books that nobody can understand and yet they are liable for punishment is not holding now like it was formerly?

Mr. MADDEN. Not at all, but still there are a good many cases. Let me call attention to the 1917 cases.

The bureau has 45,915 of the 1917 cases on hand. The statute of limitations runs on them on March 1 next. Of these cases 16,165 have been audited and the taxpayer notified of the additional assessment and given 30 days in which to appeal or protest the assessment. Of the total 45,915, 5,989 are in the situation where the taxpayer has protested and the protest is being considered. These two sets of cases make 22,154 of the 45,915 that have been audited and in which the Government is protected. Of the remaining 23,761 cases, waivers have been secured in about 50 per cent of them. As the 1st of March approaches they have been obliged to cut out the 30-day privilege and are making assessments and getting waivers from the taxpayers so that the Government will lose none of its rights from the expiration of the period when the statute runs. In cases where the taxpayer refuses to sign the waiver they assess the tax and if the assessment is made before the statute runs it is equivalent to a waiver. If necessary the Government can sue for the tax if the suit is filed within 5 years from the date the return was filed. That will perhaps not be necessary in many cases because when the taxpayer finds the assessment is made he will probably sign the waiver.

Mr. FESS. Will the gentlemen yield for one more question?

Mr. MADDEN. I will.

Mr. FESS. A great many heavy taxpayers have made this statement to me, that they do not know how to plan for the future because they do not know how much back taxes they may be required to pay under a law that they can not understand. Now, I take it that these two decisions, the first the Supreme Court decision and the ruling of the Attorney General, have very largely clarified the situation.

Mr. MADDEN. The Supreme Court settled the question of the income tax on stock dividends, and the Attorney General decided the question on community property. They are making progress in catching up in the audit of back cases.

Mr. FESS. I would like to ask one other question: In the revenue bill we put an authorization for some sort of a commission to simplify tax methods.

Mr. MADDEN. The Tax Simplification Board has been at work and has made a report to Congress.

Mr. SWING. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. SWING. In reference to this refund, I see the bill carries an appropriation of over $78,000,000.

Mr. MADDEN. Yes.

Mr. SWING. Has the gentleman received from the Internal Revenue Bureau a list of persons who are to receive this money?

Mr. MADDEN. They do not know themselves.

Mr. SWING. Is this for the future?

Mr. MADDEN. Yes.

Mr. SWING. Is it similar to giving the department a blanket check——

Mr. MADDEN. Not at all.

Mr. SWING. To hand out to whoever they want to?

Mr. MADDEN. No; when they audit these claims they audit them in their order.

Mr. SWING. I would like to ask the chairman if he will point out the distinction between the claims filed by the Navy Department for money which citizens claim is due them and which Congress is unwilling for the Navy Department to do any more than investigate and report——

Mr. MADDEN. It is quite a different proposition.

Mr. SWING. And this proposition, where we give the Treasury Department $78,000,000 with which they can pay out to anybody they want to on records which are secret, which we may never know, and——

Mr. MADDEN. The law provides a secret audit. The gentleman is not making a correct statement. These payments are not secret. The Treasury reports them to Congress——

Mr. SWING. And all we know about it is that the money is gone, after the water has gone under the bridge.

Mr. MADDEN. That is a totally different case from the case the gentleman described. In the first place, these people have paid the money into the Treasury. They paid it in because they thought they owed it. It is their money. There should be no dispute or delay about the return of it once the justness of their claims has been determined. Would the gentleman stop taxpayers from getting what belongs to them?

Mr. SWING. No. I would do nothing which would delay the repayment. But I think in some cases the claims have been adjudicated and in some not.

Mr. MADDEN. No. The claims which this money will pay have not been adjudicated.

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ROACH. I wanted to ask the gentleman this question, whether or not this $78,000,000 carried in this bill is just to pay the claims that have now been audited?

Mr. MADDEN. No; to pay claims that may be audited between now and December 31.

Mr. ROACH. Will it pay the entire amount of refunds that have been filed up to date?

Mr. MADDEN. Oh, no. They are auditing claims amounting to $530,000 a day.

Mr. ROACH. How do we arrive at the amount $78,000,000?

Mr. MADDEN. They estimate it on the average of daily audits.

Mr. ROACH. Do they think it will cover all they need up to December 31, 1923?

Mr. MADDEN. Up to December 31. And it is not only $78,000,000; they have $16,000,000, and they have $12,000,000 on hand out of which they can pay.

Mr. ROACH. Then, another question: Do they contemplate that they will be able to audit a sufficient number of claims to use up this $78,000,000 within the fiscal year?

Mr. MADDEN. Up to December 31, 1923.

Mr. SWING. Would not the gentleman think it would be a good policy to pursue where so much money is involved that where the refund exceeds $50,000 it ought to be reported in advance and the House have the opportunity to know who is getting this immense sum of money and on what basis he is getting it?

Mr. MADDEN. There is no secrecy about it. When the audit is made it discloses the facts, and they reach a conclusion based on the law and on the facts. If they find that they owe a man, they send him a notice that they owe him, and he comes in and gets his money. If he makes an application for the refund of his money, the same course will follow, and in every case where a claim is audited it must go through five different channels. Each channel checks the other. So far as I can find out, there is no chance for collusion or conspiracy;

and wherever anyone has attempted in the Internal Revenue Bureau to enter into any collusion with a taxpayer the intelligence bureau of the department has been after him and watching him, and in most cases they have caught him and indicted him and sent him to the penitentiary. There is nothing being left undone to safeguard the interests of the Government in the settlement of these claims.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GREEN of Iowa. I might say also that statements of the refunds are filed subsequently.

Mr. MADDEN. Yes.

Mr GREEN of Iowa. We have a complete report of them filed with the Committee on Ways and Means.

Mr. MADDEN. Yes. I hope gentlemen will allow me now to proceed. I have only five minutes.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ANDREWS of Nebraska. The gentleman says everything is being done to safeguard the Government. What is being done to safeguard the taxpayers?

Mr. MADDEN. Well, the taxpayers are the Government. When we mention one we involve the other. I think the interests of the taxpayers are being safeguarded by every action that is being taken by the Treasury Department. There is no disposition on the part of the Treasury Department to take a dollar away from a taxpayer that it ought not to take away.

Now I must not yield further. There are some things here that I ought to mention. The amount assessed and collected from back taxes during the first seven months of the current fiscal year is $287,000,000. That indicates that we are not only paying back overpaid schedules, but are collecting on underpaid schedules. The estimate of the bureau made last November was that the total of such collections during the year would be approximately $300,000,000. The rate of collection now indicates that the figure will reach $400,000,000. Where the Government has exacted money from a taxpayer erroneously there should be no delay in refunding it to him after the justness of his claim has been determined. If this appropriation is not made and the payment of all refunds stopped until an appropriation is made next December or January, thousands of taxpayers who have had their claims adjudicated will have to await a subsequent appropriation for their payments.

The CHAIRMAN. The gentleman has now consumed 30 minutes. He asked the Chair to notify him when he had consumed that much time.

Mr. MADDEN. I thank the Chair. I will take 10 minutes more.

The committee recommends an appropriation of $20,950,000 for expenses in connection with the scrapping of the seven battleships and four battle cruisers whose construction was discontinued in accordance with the provisions of the treaty emanating from the Conference on the Limitation of Naval Armament. An initial appropriation of $5,000,000 for the expenses of scrapping was made in the deficiency act approved July 1, 1922. It was estimated at that time that the total expenses of scrapping would approximate $70,000,000. The settlements made by the Navy Department with contractors thus far have been so much better than was anticipated that it is now expected the total expense will be in the neighborhood of $55,000,000, leaving a balance hereafter to be appropriated on this account of about $30,000,000. Of the $20,950,000 recommended in the bill $8,450,000 is for the settlement of ordnance contracts. The outstanding contract obligations involved for ordnance amount to approximately $21,000,000. It is expected that the sum of $8,450,000 will be sufficient to make all the settlements of claims and contracts in connection with the ordnance for the ships to be scrapped.

When the conference completed its labors it was decided not to continue on the building program of the Navy. It was decided that certain ships should be retained in the service. On all ships outside of the program provided for in the conference treaty work was stopped; construction was stopped. The ordnance feature of construction on these ships involved an expenditure of $21,000,000, and a settlement has been made, a complete settlement, with the contractors at an aggregate sum not to exceed $8,450,000.

The remainder of the $21,000,000, namely $12,500,000, is for settlements in connection with hull and machinery. The contracts for the vessels themselves and for the propelling machinery have not been canceled pending final ratification of the treaty by France. The expenses to be defrayed from the $12,500,000 consist of carrying charges, care and preservation, handling charges, payment of bills for machinery supplied, settlement of contracts for material, and expenses of vessel contractors and propelling-machinery contractors. The final amount necessary to complete the payment of the expenses of scrapping in connection with hulls and machinery will not be accurately known until the cancellation of the contracts in force and is dependent upon the date of the final ratification of the treaty.

No action has been taken with respect to the cancellation of the contracts as to hulls and propelling machinery, and no action will be taken until France ratifies the treaty. If France does not ratify the treaty, we have stopped the expense that would be incident to carrying these contracts alive. Pending the time when France either ratifies or does not ratify, there will be no additional expense created as the result of our stopping the work, and in the settlement of these contracts we are paying for nothing but finished work and partially finished work under the contracts.

It will be of interest to the House at this time to have some idea of what saving will accrue to the Government from the scrapping of these vessels. The estimated cost of constructing the 11 ships is $436,800,000. There had been expended on them up to June 30, 1922, the sum of $155,615,000. If the vessels had not been scrapped there would have been required to complete the same the sum of $281,185,000. Deducting from this sum the estimated cost of scrapping and adding to the result a fair approximation of the value of the salvage, there will be an ultimate saving of somewhere between $240,000,000 and $250,000,000 traceable to the scrapping of the 11 ships, which resulted from the treaty on the limitation of armament. We have a proposal here for an appropriation of $6,500,000 for the elevation of the guns on the ships that are to be retained in the naval service. We are told that this action of elevating the guns is necessary in order to bring them up to the same standard that now prevails in the English and Japanese navies, and that the work of elevating the guns is strictly within the treaty provision and the result will be a minimum fire range of any of the guns on the ships of 32,000 yards instead of 22,000 yards, which is the maximum range of the 12-inch guns.

We have an appropriation recommended of $13,235,000 for military and naval insurance of the United States Veterans' Bureau to supplement the premium receipts on the term insurance. The original appropriation of $23,000,000 was made in the war risk insurance act of 1917. The accumulated premium receipts have been sufficient up to the present date to pay the losses. The term insurance in force amounts to $1,850,000,000, representing 245,000 policies. The excess of payments over premium receipts now amounts to approximately $7,200,000 a month. The amount of accumulated premium receipts, together with the previous appropriation, will fall short by the amount recommended in the bill of meeting the payments required for the current fiscal year. For the fiscal year 1924 these premiums will fall $90,000,000 short, and we have provided that $90,000,000 in the 1924 appropriation bill.

There are a great many things about which I would like to speak, but I do not see that I will have much time to do that. I want to say, however, as to the Department of Justice and the appropriations here provided for that department, that there were 72,000 cases started in the courts of the United States in the fiscal year 1922, and 37 per cent of those were prohibition cases. Forty-four per cent is the average time of the district attorneys of the United States taken on prohibition work, so that the largely increased funds for the Department of Justice may be fairly attributed to this additional business.

Mr. SUMNERS of Texas. Will the gentleman yield at some point in his remarks?

Mr. MADDEN. Yes; I will be glad to yield to the gentleman a little later. I think the bill will be found in every particular to be justified. We have made no recommendation which the facts did not justify to the committee. While the bill carries $154,000,000, which seems a very large sum, all of the $153,000,000 except about $9,000,000 is in six items and mainly attributable to years that are gone. I thank the committee for their attention. [Applause.]

Mr. COOPER of Wisconsin. Will the gentleman yield?

The CHAIRMAN. The gentleman from Illinois has consumed 40 minutes.

Mr. MADDEN. I will take another minute to answer the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I was out of the room when the gentleman was discussing these refunds. I have several constituents who are interested in cases of that kind, and they com-

plain about the delay. I should like to ask the gentleman if the pile of papers before the gentleman are claims for refunds?

Mr. MADDEN. This is one single case.

Mr. COOPER of Wisconsin. There is one bundle there that is more than 2 feet thick.

Mr. MADDEN. That is a typical case.

Mr. COOPER of Wisconsin. That is 30 inches thick.

Mr. MADDEN. Yes; more than that. This is one of the smaller cases. Some of these consolidated cases have a whole wagonload of papers. Every document has to be properly audited and conclusions reached as to the law and the facts in connection with every phase of the case.

Mr. HILL. May I ask the gentleman a question about the war-risk insurance?

Mr. MADDEN. Yes.

Mr. HILL. I understood the chairman of the committee to say that in 1924 the war-risk insurance would cost $90,000,000.

Mr. MADDEN. For term insurance. The gentleman is correct about that.

Mr. HILL. When the war-risk insurance policy was adopted, was it not understood that that would probably take care of itself?

Mr. MADDEN. I am not certain about that. It will cost $90,000,000 next year for term insurance.

Mr. HILL. Another Democratic scheme gone wrong.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. KELLEY of Michigan having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Cravens, its Chief Clerk, announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 7967. An act granting certain lands to Escambia County, Fla., for a public park;

H. R. 10003. An act to further amend and modify the war risk insurance act;

H. R. 5918. An act for the relief of the Michigan Boulevard Building Co.; and

H. R. 7053. An act to grant certain lands to the city of Canon City, Colo., for a public park.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2984) for the relief of Thurston W. True, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAPPER, Mr. SPENCER, and Mr. ROBINSON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1405. An act for the relief of William Collie Nabors;

S. 1599. An act for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased;

S. 3594. An act for the relief of Anton Rospotnik and the exchange of certain lands owned by the Northern Pacific Railway Co.;

S. 107. An act for the relief of Robert Edgar Zeigler;

S. 3351. An act for the relief of G. Dare Hopkins; and

S. 2632. An act to correct the military record of Martin Cletner.

THIRD DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. BYRNS of Tennessee. Mr. Chairman, I wish to discuss a subject that has been very prominent before the people of this country for the past two years. In the statement that I shall make to the House I hope that the Members will indulge me and not interrupt me until I am through. If at that time they desire to ask any question, and I have the time, I will be very glad to respond.

Mr. Chairman, this bill carries an appropriation of $500,000 for investigating the sources of crude rubber and the possibilities of developing the rubber-plantation industry in the Philippines and in Latin America. As originally submitted by the Budget, with the approval of the President of the United States, it provided solely for an investigation on the question of rubber and our rubber supply. The suggestion was made in committee that the provision be broadened, and it now applies not only to rubber but also authorizes the Secretary of Commerce, through the Bureau of Foreign and Domestic Commerce, to investigate the conditions of rubber and the marketing of other essential raw materials for American industries, including nitrates and sisal and related problems in the development of the foreign trade of the United States in agricultural and manufactured products.

The United States is the largest buyer of rubber in the world. There is consumed in this country more than 75 per cent of the world's supply of rubber. Formerly the most of it came from wild rubber in Brazil. But a number of years ago British capital, with its usual foresight, and anticipating the enormous increase in the demand for rubber, established rubber plantations in the British East Indies. The result is that at the present time British capital in the British East Indies produces more than 72 per cent of the entire world's supply. This with the other supply under control makes about 85 per cent of the production acreage absolutely under the control and domination of British interests. Through a rubber growers' association, the British interests have a monopoly of the entire world's supply. They have formed an association, organized expressly for the purpose of limiting the production of rubber and increasing the market price, and they limit the production by an export tax, which increases as the amount of exports from the British East Indies increases, so at the present time, by reason of the monopoly on the part of the British interests, consumers in this country are paying 35 cents a pound for rubber, and Secretary Hoover says there is no telling the extent to which it may go. You know that the increase in the demand for rubber is constantly growing. Most of it is used in tire production. There are 10,488,632 motor vehicles registered in the United States, and it is estimated that there will be 45,000,000 tire casings produced in 1923, as compared with 37,500,000 last year. So it is important that something be done in order to develop other fields in the interest of the American consumer. The President of the United States and the Secretary of Commerce have very wisely asked Congress to make this appropriation of $500,000 in order to enable the department to investigate the opportunity and facilities for American capital to make investments in South America and the Philippines for that proper purpose.

ANALOGY BETWEEN BRITISH CONTROL OF RUBBER AND NITRATES.

Mr. Chairman, the analogy between British control and monopoly of rubber and nitrates consumed in the United States is most striking. The paramount necessity of both of these products is evident, but it must be conceded that of the two nitrates are vastly more important, because they are essential in agriculture and are necessary in food production. Rubber is necessary for transportation both in war and in peace times. Nitrates are necessary for explosives in times of war and fertilizer in times of peace. Nearly all of the world's supply of the natural product of nitrate comes from Chile, and it is absolutely controlled by British capital, acting in conjunction with Chilean interests. Now that Germany, since the war, supplies her own nitrates, the United States is the world's largest buyer of Chilean nitrate, consuming at the present time nearly one-half of the total production. There has been imported from Chile since the beginning of exportation about 15,282,197 long tons of nitrate, for which the American consumer has paid $982,562,000, of which $188,626,000 was collected by Chile as an export duty. This is 18 cents per pound for nitrogen. To meet our needs it should be available at 5 cents per pound. From 50 to 60 per cent of the Government revenue of Chile is derived from the export tax on nitrate, and it will be seen that the American consumers are contributing about 25 per cent of the income of the Chilean Government. Think of it! The American farmers, in addition to the high taxes they pay in this country, are compelled to pay one-fourth of the entire expenses of the Chilean Government in order to secure the nitrates necessary for their soil. Is it surprising that the farmers all over this country are complaining that the President and this Congress have not taken some step to relieve this situation and bring about the production of nitrogen in this country, as is being done in Germany and as is now being undertaken in France?

England controls the Chilean nitrate industry under a price-fixing agreement, restricting production, and allotting output; and, as in the case of rubber, London quotations control the nitrate markets all over the world. British control of the nitrate industry is exercised through the association organized by the English companies in 1899 as the Nitrate Propaganda Committee, and later known as the Chilean Nitrate Producers' Association. Its purposes are, first, to fix prices; second, to limit and apportion the production; third, to promote consumption of nitrate of soda abroad; and, fourth, to secure favors and protection at home for the producers. There does not exist a more grasping and dominating trust, and to this foreign monopoly and combination the American farmer is compelled to pay tribute on account of the inaction of Congress.

The President readily responded to the appeal of the great rubber companies of this country, and pursuant to his request Congress is about to make an appropriation in the effort to

secure relief for the rubber industry of the United States. Just when will the President and Congress recognize the plight of the American farmer with reference to the high cost of fertilizer and take steps to free him from the grasp of foreign monopoly of the world's nitrates, which are so essential to the greatest possible productivity of his soil? In view of the British control of rubber and the fact that the United States consumes three-fourths of the world's supply, does anyone doubt that if our climate were adapted to the growing of rubber and the United States had a large rubber plantation in southern Texas, or even at Muscle Shoals, steps would not have long since been taken to make its supply accessible to domestic needs, thus relieving the American consumer of the excessive price he is now compelled to pay by reason of British control or monopoly? Why is it that the President and Congress, who have responded so quickly to the appeal of the great rubber companies, have refused the appeal of the farmers for the utilization of the hydroelectric energy which can be developed at Muscle Shoals for the production of nitrogen from the air, and which we are assured would ultimately result in the farmer getting his fertilizer for one-half the price he is now compelled to pay to the Fertilizer Trust?

OTHER COUNTRIES PROVIDING RELIEF FOR THEIR FARMERS.

For some years Germany has been taking nitrogen from the air and selling it to her farmers in the form of fertilizer, we are told, at one-half the price which the American farmer is compelled to pay for his fertilizer. We are told that France, although burdened with an overwhelming war debt, is planning to operate a 50,000,000-franc nitrogen and synthetic ammonia plant as an aid to French agriculture by renting the Toulouse gunpowder plant to a private corporation and subscribing for one-half the capital stock out of her treasury. And it is stated that if an operating private corporation is not formed within four months, then the Government will operate the plant for the benefit of the French farmer. But when the American farmers point to the great possibilities of water-power development at Muscle Shoals and ask the President and a Republican Congress to use it and free them from the shackles of British monopoly of nitrates and the Fertilizer Trust, a deaf ear is turned to them.

The great water power at Muscle Shoals gives the United States the advantage of Germany and France and all other countries in the fixation of nitrogen from the air. During the war the erection of a dam and nitrate plants at Muscle Shoals was begun for the manufacture of munitions, with the idea of utilizing the plant after the war for the manufacture of nitrates for fertilizer. When the war came to a close more than $89,000,000 had been expended. The dam had not been completed, and when an appropriation was asked to complete the dam, so as to make the plant and the investment available in peace times for the purpose for which it was intended, opposition, which had not dared to show itself during the war, arose. The necessities of agricultural interests were ignored and we were solemnly told that this huge investment should be scrapped. The British interests, through the Alabama Power Co., an English-controlled corporation, the Fertilizer Trust, the Aluminum Trust, and other allied interests began to send out propaganda over the country to the effect that nitrogen could never be successfully produced and the investment should be charged off as a war loss.

I was a member of the conference committee which in February, 1921, had under consideration an appropriation of $10,000,000 to continue the work on the dam, and I recall that the then Republican chairman of the Appropriations Committee deliberately and arbitrarily withheld the conference report for days from the House, confessedly because he feared that a majority of the House would override him and make the appropriation, and it was not until he was certain that there were sufficient votes to defeat it that he made the report. Let me say, parenthetically, that this unjustifiable action of the former chairman is parallel with the action of the present chairman of the Committee on Rules in refusing to allow the House to vote. It but shows to what length the opposition to the development and utilization of the water power at Muscle Shoals will go. The work was stopped and the large organization disbanded and scattered. Since then public pressure has resulted in the work being resumed, and the present investment of the United States in the plant is more than $107,000,000.

OFFER OF MR. FORD AND METHODS ADOPTED TO DEFEAT IT.

In July, 1921, Mr. Henry Ford, at the invitation of the Secretary of War, submitted a proposal to take over and operate the plant. The terms of his proposal are well known and I have not the time to discuss them, except to say that he proposed to lease the plant for 100 years and to pay 4 per cent interest on the money necessary to complete the dam, and by the time of the expiration of his lease to pay to the Government every dollar expended in its construction, together with the amount of money necessary, year by year, to maintain and operate the locks for navigation purposes. He agreed to produce 40,000 tons of pure nitrogen, which is equivalent to 2,000,000 tons of fertilizer, and to sell it to the farmer at cost, plus 8 per cent profit.

Forthwith a campaign began to defeat his proposition. Other offers from mysterious sources were finally made, including one from the Alabama Power Co., which has employed a former Member of Congress and paid lobbyists to defeat the Ford offer. None of these opposing offers were regarded as even worthy of serious consideration. Then they said Mr. Ford could not make nitrogen as he had agreed. He says that he can, and he is willing to back his judgment with all of his millions; but despite the fact that this offer has been pending for nearly two years the House has been denied the right to even vote as to whether or not it will accept or reject it. It has been denied this right through the action of the gentleman from Kansas [Mr. CAMPBELL], the chairman of the powerful Committee on Rules, supported by the majority leader, the gentleman from Wyoming [Mr. MONDELL]. But let it be said that the chairman of the Committee on Rules could not have succeeded in denying the House the opportunity to vote if he had not been supported by the Republican members of that committee, for the Democratic members were unanimously in favor of the proposition. Nor would the majority members of the committee have so acted without the sanction of the Republican steering committee, and for whose action the Republican majority in the House must be held responsible.

In the strangle hold of the majority leader of the House and the chairman of the Rules Committee to choke off a vote on the Ford offer, the chairman of the Rules Committee has told the House that he represented and spoke for the "responsible majority of the Republican side of the House." I deny it. The chairman of the Rules Committee no longer has any legislative responsibility in the House of Representatives; the people of his district took that responsibility away from him at the last election, and he misrepresents the House before the country in using his power, along with the majority leader of the House, to overthrow and override the majority on both sides of the House, for if the chairman of the Rules Committee had been willing to be fair and let the Members of the House vote, the Ford offer would have been accepted by a majority of two to one, and maybe more than that. [Applause.]

STATEMENT OF SECRETARY HOOVER AND DEPARTMENT OF COMMERCE.

Secretary Hoover, who is conceded to be perhaps not only the ablest economic authority in his party, but one of the best-informed men in the United States on domestic and foreign trade, was selected by the President as a member of his Cabinet because he is an acknowledged authority on all trade questions. When he was before the Committee on Appropriations last Saturday, in answer to a question put to him as to what his views were as to Muscle Shoals, Secretary Hoover said:

I know what we are sparring about here, and I will tell you I am in the habit of talking straightforwardly. I am in favor of the development of Muscle Shoals for making nitrates. I would like to see Mr. Ford do it if that will suit anybody. I do not know whether Mr. Ford's terms are the terms that Congress ought to adopt. I could not speak as to that, but I would like to see anybody who has the capital take Muscle Shoals and turn nitrates out of it to-morrow, and I would be especially more than pleased if we would take hold of this four-million horsepower in Arizona and make nitrates out of that, but Muscle Shoals is nearer production than the other and we can start right there.

Mr. BYRNS I take it you are like everybody else in this room; you are not in favor of Government operation if it can be done by private enterprise.

Secretary HOOVER. I am not in favor of Government operation of anything of that sort.

Secretary Hoover may not speak for a majority of the Cabinet of which he is a member, but he does speak as one of the ablest members of the Cabinet, who is willing to be responsible and respond to the appeal of the farmers of the country for relief.

The Secretary of Commerce in presenting to the Appropriations Committee the facts about British control of the rubber trade of the world has also furnished to the committee members interesting and illuminating information about the British control of the Chilean nitrate production; and the Department of Commerce has sent a statement, addressed to the chairman of the Appropriations Committee, which is very illuminating, and I wish to read it:

Nitrate of soda, of which large quantities are imported into the United States and used principally as fertilizer for cotton, is a natural monopoly of Chile, the principal west-coast country of South America. The war of the Pacific, between Chile on one side and Peru and Bolivia on the other, was really caused by disputes over Chilean interests in the nitrate fields, which were at that time divided between Peru and Bolivia. As soon as it had acquired these deposits by conquest, Chile

attained a greatly increased importance, and the subsequent exploitation of this industry has been the principle means of paying Government expenses and supporting the agriculture and other industries of the country.

The Chilean policy has been one of protection to foreign investments, and outside capital, especially British, was not slow to enter the nitrate field. At the present time companies incorporated in Chile produce on the average nearly 50 per cent of the annual total of nitrate; British corporations account for from 35 per cent to 40 per cent, and the balance is controlled by German, Jugo-Slav, Spanish, Italian, American, and Peruvian capital. It is to be observed that the Chilean and British companies are preponderant. The two American companies which have producing plants—the Grace Nitrate Co. and the Du Pont Nitrate Co.—produce about 3 per cent of the annual output.

The British influence in the nitrate industry is really stronger than is indicated by the figures just given. Many of the Chilean companies have British stockholders or have British banks represented in their directorate. Recently there has been a tendency to claim company domiciles in Chile, thus avoiding British taxation, although the stock control might be British. Other British influences relating to the industry are as follows:

"Ownership of the principal railroads which carry nitrate from the interior to the seaports; ownership of a large part of the water supply, needed in large quantities in the process of nitrate extraction; practical control of fuel and other supplies through the British commercial houses established at the ports; quotation of prices in sterling, which means that all business is financed by means of 90-day drafts on London, regardless of the destination of shipment; control of the iodine business, the principal by-product of nitrate."

In 1919 nitrate producers formed a cooperative selling association, as a result of the centralized buying instituted by the Allies during the war. Statutes provide that the association may be renewed each five years, with the consent of 80 per cent of the voting power (votes are based upon production, each company having the number of votes equivalent with its productive capacity). On the whole the association has given satisfaction to the producers, although there have been complaints from individual members who have felt themselves injured by measures considered necessary for the general good. The Chilean Government is represented by delegates who meet with the governing board of the association, with voting power. The association fixes prices at which nitrate will be sold for each year beginning July 1; may change these prices if it seems desirable; prescribes standard forms for sales contracts and other documents; inspects and grades the nitrate delivered on orders; allocates sales among the producers; and devotes a certain sum of money each year to the maintenance of offices abroad which report on foreign conditions and distribute publicity.

The principal purposes of the association are to eliminate competition among the producers, keep prices as high as practicable, and at the same time maintain propaganda tending to stimulate consumption at these prices. The attitude of the Chilean Government toward the association is generally benevolent, since the strengthening of the industry through this monopolistic control maintains the revenue derived from the export tax of 56 cents United States currency per hundredweight which is paid in to the customhouse by shippers when the nitrate is loaded on board ship.

Just at present the Nitrate Producers' Association seems in a fairly strong position, having weathered the very hard times in 1921 without disaster. The three important German producing companies, which for a long time had held aloof, were finally persuaded in 1921 to join the association, through adjustments on their outstanding contracts which amounted to a subsidy totaling £342,650 paid to them by other members of the association. In the same year strong efforts were made to force the American companies to join, but the latter appealed to their diplomatic representatives in Chile pleading the impropriety of their being forced into an organization clearly illegal according to our Sherman law.

Present prices of nitrate as fixed by the association are lower than those received during the times of speculation that followed the end of the war, but they are not yet down to the pre-war basis. The price of nitrate in Chile in December, 1922, was equivalent to $2.35 per 100 pounds, while in December, 1913, it was $1.98. There has been a reluctance to try to stimulate world consumption by a drastic cut in price, based on the following arguments: Firstly, that the impoverished condition of the agriculturists in Europe would prevent their purchase of nitrate on a large scale, and even at a reduced price. Secondly, that higher production costs and the expenses of the association would not permit. In association expenses are included the sum of £342,650, already referred to, which was paid the Germans, and a sum of $7,050,000, which the association voted in 1921 to pay to a group of its customers known as the European pool, as an adjustment resulting from heavy speculative operations carried on in 1920. The latter subsidy to the association's principal customers is being paid at the rate of 8 cents per 100 pounds of nitrate exported subsequent to July 1, 1922.

The prospects in the nitrate industry have been brighter during the past seven months. The United States has lately been the mainstay of the Chilean nitrate producer, our increased consumption helping toward offsetting the loss of the German market, which is estimated to have taken only 20,000 tons of Chilean nitrate during 1922, as compared with the quantity of 675,000 tons annually prior to the war. Manufacture of synthetic nitrate in Germany does not yet appear to be sufficient for the country's need, and the Chileans hope that Germany will be forced to import their product on an increasing scale. Information as of the end of December, 1922, is that the cost landed in Germany of the unit of nitrogen derived from Chilean nitrates was 20 per cent higher than that of synthetic nitrogen produced in German chemical works.

The United States imported from 1900 to 1921, inclusive, 12,205,227 long tons of Chilean nitrate, or slightly more than 28 per cent of the total of exports of nitrate from Chile during that time. At present nearly one-half of the Chilean nitrate is coming to the United States, and since about 50 per cent of Chilean Government revenue is derived from the export duty, already referred to, American purchasers of nitrate are paying about 25 per cent of the Chilean Government's income.

FARMERS APPEAL AND CHARACTER OF OPPOSITION.

Now, against this British control in production and price of our Chilean nitrate supply, the farmers of the country have appealed to the House, and the leader of the majority and the chairman of the Rules Committee have refused to give the House an opportunity to vote upon the acceptance or rejection of the Ford offer, which, if accepted, would put an end to British interests fixing the prices of Chilean nitrates sold to American farmers.

Who are the allies supporting the Ford offer and who are the allies of the opposition? Those allied together and begging the House for a vote on the Ford offer are the American Farm Bureau Federation, the National Grange, the Farmers' Union, the American Federation of Labor, and others; while the allies of the opposition are the British, led by the Alabama Power Co., British owned, and standing with these British allies and the Alabama Power Co. are the leader of the majority of this House and the chairman of the Rules Committee. [Applause.]

They say that all these organizations supporting the Ford offer who are begging the House to vote on it are fooled. Let us see if they are.

STATEMENT OF MR. GRAY SILVER, OF THE AMERICAN FARM BUREAU FEDERATION.

At a hearing before the Committee on Agriculture of the House on January 29, 1923, Mr. Gray Silver, the Washington representative of the American Farm Bureau Federation, in a statement made to the committee, presented to the committee a detailed explanation of how the price of Chilean nitrate is fixed for the farmer and controlled by the "pool" of nitrate buyers in London in agreement with the London nitrate committee of the Chilean Nitrate Producers' Association. His statement appears on pages 49 and 50 of the hearings and is as follows:

1. In order to keep the price of Chilean nitrate after the war as nearly as possible up to war prices, in January, 1919, the Chilean Nitrate Producers' Association was formed—a price-fixing trust of the most extreme type.

2. The American-owned plants in Chile, which produce less than 3 per cent of the total Chilean nitrate production, are not actually members of the Chilean Nitrate Producers' Association, and were permitted to remain outside of the association on the plea of the American antitrust laws, but the American Chilean nitrate operators have continued to work without friction with the association and have not been guilty of selling nitrates under the prices fixed by the association or in competition with it.

3. The first trust business done by the association was to push the price of nitrate in 1919 up to 18 shillings per Spanish quintal, which at the normal exchange is $96.77 per long ton, which was the highest price ever known for Chilean nitrate, not excepting the war period.

4. The association allots the quotas of production to every nitrate plant in Chile, fixes the prices of nitrate, and makes all sales effective. In cases where plants can not produce nitrate at the prices fixed by the association these plants are allowed to sell their production quotas to more efficient organizations; and the larger operators, in order to have their plants work to capacity, pay the small and inefficient plants a bonus of $4 per ton actual exchange, and these large operators are very glad to pay this bonus to the inefficient operators, as the large and efficient operators get all of the bonus back and more from the consumer.

5. The German nitrate owners and operators in Chile are second only to the English in the extent of their operations, and their plants are the most efficient of any nitrate operators in Chile.

6. In 1919 the German nitrate operators were not members of the Chilean Nitrate Producers' Association, and the Germans through their own organization were able to supply the German farmers with nitrogen fertilizers from the coke ovens and war-built air-nitrogen fixation plants, so when the top-notch price was set by the association of 18 shillings the Germans, not being members of the association, began to cut the fixed price and put 210,500 tons on the market, which they sold, and had an additional 89,000 tons available for the year ending July 1, 1921.

7. The association, finding itself pinched by this German competition, invited the German companies into the association, but the Germans, having them on the hip, insisted they first be allowed to sell their surplus of nitrate stock. To meet this the association agreed to pay the German companies an indemnity which figures $1,668,706 at normal exchange, and with this arrangement of a bonus to the German companies the pool price was maintained.

8. The price of $4 per ton paid to the inefficient plants for their production quotas and this German indemnity bonus are paid about one-half by the American farmers and about one-half by the rest of the world—Germany in the meantime having her home supply.

9. The net result to American farmers is:

He pays the price fixed by the association and he pays for the inefficient and idle plants in Chile; and the German syndicate sees to it that German-produced nitrates do not compete with Chilean nitrates, while the American producers of ammonium sulphate see to it that their product does not compete with either.

10. If nitrate plant No. 2 at Muscle Shoals had been put in operation promptly after the war and its production had been allowed to flow into the market without fixed price and in actual competition, the Chilean Nitrate Producers' Association price-fixing organization would have broken down. We could easily have done the same as Germany did, where with the Haber process alone Germany is coming to produce almost twice as much nitrogen as she formerly imported from Chile.

11. The condition of the nitrate market caused by the high prices maintained by the pool was such that the factories in Chile had to close down from overproduction, with nitrates stocked in the Chilean ports unable to move, and the whole country of Chile was being demoralized, since the production of Chilean nitrate is the chief industry and the mainstay of the Chilean Government. The association begged the pool to reduce the price so that the Chilean factories could go back to work. The pool, having the upper hand under their price-fixing agreements, refused to reduce the prices until the association finally agreed to sign a new agreement under which the association guaranteed a minimum compensation of $7,305,000. This agreement covered the period up to June 30, 1923, and, of course, the American

farmer is paying his one-half of this amount on each ton he buys of Chilean nitrate.

12. Finally and in the meantime, with this arrangement in Germany, the German farmer gets his nitrogen fertilizers for about one-half what the American farmer pays.

13. The American farmer also pays the English coal miners for the power that produces his nitrates in Chile, when his power for producing nitrates could be generated from water power at Muscle Shoals. The American farmer pays freight on the coal from England to Chile on English ships, and then when the nitrates are ready for shipment from Chile he pays $11.20 export duty to Chile; and when his Chilean nitrate starts from a Chilean port he pays a toll for his nitrate to pass through his own country's canal, which he helped to build—this toll being kindly arranged for him by English diplomacy.

14. Yet with all this, some say there is no trust and no price fixing.

15. As a further nitrate aid to the American farmer, the ammonium-sulphate producers get $5 per ton protection against the German importations—and forthwith the Chilean nitrate producers step up the price $5 per ton.

FARMERS NEITHER IGNORANT NOR FOOLED.

The farmers fooled! No; they have been buncoed by the majority leader of the House and the chairman of the Rules Committee.

Henry Ford is an American and the allied influences and organizations supporting his offer are Americans, but the opposition to his offer is supported and applauded by the British and Chilean nitrate interests, the leader in the fight against the farmers of this country to be relieved from this practice being the Alabama Power Co., British owned.

The Ford offer and its American allies and supporters may be denied; they have been denied a vote by the majority leader of the House and the chairman of the Rules Committee; but Henry Ford's offer and its American allies are only delayed; they are not defeated; and when the next Congress meets a vote will be had in the House, led along with others on the Republican side by such men as the two gentlemen from Illinois, the chairman of the Appropriations Committee, Mr. MADDEN, and the acting chairman of the Military Committee of the House, Mr. MCKENZIE, and Henry Ford's offer will be accepted and the British interests and their allies will be defeated, as some of their allies in this House were defeated in the last election. [Applause.]

The responsible Republican majority of this House have rejected the wise advice of such distinguished and able leaders as the lamented Mr. Mann and Mr. MADDEN of Illinois, both of whom have urged the acceptance of the Ford offer. Only a short while ago the gentleman from Illinois [Mr. MADDEN] delivered a masterly and convincing address in favor of the Ford offer in which he clearly demonstrated that as a plain business proposition it should be accepted—a speech which no one has dared to attempt to answer. Neither of these gentleman came from agricultural constituencies. They came from Chicago, but they had the vision to see that this is a national and by no means a sectional question, and that it is one which vitally concerns not only the farmer but the consumers in the cities who desire greater production and cheaper food. You have rejected the advice of such able men in your party as the gentleman from Illinois [Mr. MCKENZIE], the acting chairman of the Committee on Military Affairs, which conducted an exhaustive investigation of this and other offers, and of the gentlemen from Michigan, Mr. KELLEY and Mr. JAMES, and others. These gentlemen had the statesmanship to rise above sectionalism, misrepresentation, and false propaganda, and any possible difference they may have with either the public or private views of Mr. Ford and to consider this question as one of broad, national importance. You have preferred to follow the leadership of the gentleman from Kansas, backed by the majority leader from Wyoming. But do not deceive yourselves. Do not imagine that the farmers are ignorant of what is going on; that they are not aware of this betrayal of their interest; that they do not know why they have not been given this relief. You need not cloak yourselves with any such idea for they will tear that cloak off of you when they have opportunity at the next election.

RELIEF MOST NEEDED BY THE FARMERS.

You have told the farmers that you were giving them relief in the extension of their credits. That is all very well, but I wish to call your attention to the fact that, while extension of credit is important, after all the farmers are more interested in the ways and means to avoid going in debt. They wish above all else for legislative and administrative action which will enable them to produce at less cost, something which has been denied them by the refusal for nearly two years to permit a vote on the proposition of Mr. Ford. They vastly prefer to avoid debt by increasing their production and by being afforded markets for the products of their labor. If I had the time I could show you a chart which shows that the expenditures of farmers for fertilizers in the last 10 years has, with the exception of three or four of the smaller States, increased all the way from 100 per cent to nearly 1,500 per cent. The great agricultural State of Kansas, which is so badly misrepresented on this question by the gentleman from Kansas, stands second on the list. The expenditures of Kansas farmers for fertilizers in the last 10 years have increased 1,200 per cent. Do you not think the Kansan farmer knows something of what is going on here?

As proof of that fact the lower house of the Kansas Legislature a short while ago unanimously adopted a resolution asking Congress and asking the chairman of the Committee on Rules, who hails from Kansas, to permit the representatives of the people to have a vote upon the proposition of whether or not Mr. Ford's offer should be accepted. That is not the only legislature which has so acted. A number of legislatures throughout the country have urged Congress to at least permit a vote on this proposition. I hold in my hand a copy of a resolution adopted by the Senate and House of Representatives of the State of Missouri, adopted unanimously in the house and with only one dissenting vote in the senate. That resolution is as follows:

Whereas among the most important lessons of the World War is that any nation which is not prepared to supply its own nitrogen for explosives is unprepared for war and national defense; and

Whereas the preservation and increased fertility of the soil of the farms of our country is an economic necessity, as well as a national duty; and

Whereas the total cost at our ports of imported Chilean and Peruvian nitrates to the industries and to agriculture in our Nation since 1831 amounts approximately to the staggering sum of $1,000,000,000, nearly all of which has been paid since 1867; and

Whereas the fertilizer bill of the farmers of our country increased from 1910 to 1920 $211,517,259, or 184 per cent; and, as an example of States, the purchases of fertilizers by the farmers of Missouri in the same decade increased 487 per cent; and

Whereas several tenders were submitted the Federal Government for the lease and purchase of the Muscle Shoals project, all of which tenders were discarded by unanimous votes of the committees of Congress, except the one offered by Henry Ford, thus leaving his as the only alternative to governmental operation of this gigantic undertaking; and

Whereas Henry Ford's offer, given at the invitation of the Federal Government, for Muscle Shoals proposes and guarantees to keep nitrate plant No. 2 in a state of readiness for the war needs of the Nation and to produce nitrogen for agricultural purposes equal to about half of the nitrogen contained in the importations from Chile in normal years preceding and following the World War; and

Whereas the Ford tender, though made first on July 8, 1921, and finally submitted to the Congress of the United States more than seven months ago, still stands as the only proposal except that of governmental operation for the utilization of the Muscle Shoals project, with no action taken by either House of the Congress: Now, therefore, be it

Resolved, That having full confidence in the fertilizer benefits and economies that will flow to the farmers of our country if Henry Ford's offer is accepted; and believing that as a matter of fairness and square dealing with Mr. Ford his offer should either be accepted or rejected by the Congress before the adjournment of the Sixty-seventh Congress: And be it further

Resolved, That governmental operation of this great nitrate, fertilizer, water power, and transportation project is highly undesirable in that such disposition of it throws the Federal Government into direct competition with private enterprise: And be it finally

Resolved, That we urgently request our Senators and Representatives in Congress to do everything in their power to get the Henry Ford tender for Muscle Shoals voted on and accepted before March 4 next; and that copies of this resolution be promptly forwarded to the President of the United States, to the Vice President, to the Speaker of the House of Representatives, and to each Member of the Congress from the State of Missouri.

As the gentleman from Alabama [Mr. ALMON] has suggested, the Legislature of the State of Nebraska passed similar resolutions, and a number of other State legislatures have done the same. The request and demand that Congress should at least vote upon this proposition is not confined to any one section of the country. It comes from every section of the country; not only the South, but the North, the East, the West. As a sample of some of the editorials appearing in every section of the country I read from an editorial in the Worcester (Mass.) Telegram dated February 12, 1922:

MUSCLE SHOALS, THE SAME YESTERDAY, TO-DAY, AND—

It is apparent that the situation with regard to Muscle Shoals will be the same when Congress adjourns as it was when Congress met. That is, all the talk and all the argument over the great plant has come to nothing so far as its completion or disposal is concerned. As long as there was not an offer made for it Congress was constantly insisting that something be done toward its disposal. Then when something was done and Mr. Ford came with his offer Congress stopped insisting that something be done and began insisting that nothing be done. The result was that the Ford offer was blocked, and now the status of Muscle Shoals is the same as it was a year ago.

Yet the United States Government will not complete the plant at Muscle Shoals. It is not advisable that it should. It is advisable that the plant should be completed and then operated as a private enterprise.

But the moment any plan is put forward looking to that end Congress takes attitude reminding of the fable of the dog in the manger, regards that offer with suspicion, apparently thinks the Government is to be done out of vast sums of money, and insists on continuation of do-nothing policy.

A good deal of water has gone over the dam at Muscle Shoals since Congress began to consider and to pick to pieces proposals to have it taken off the Government's hands. A good deal more water will go over the dam at Muscle Shoals before anything will be done toward accomplishment of the transfer to private enterprise if in the future the policy of the present Congress toward any proposal made is continued.

The offer of Mr. Ford, which, if accepted, would relieve in large measure the farmers of this staggering burden of expense by reducing the cost of fertilizer through competition with foreign nitrate interests and the Fertilizer Trust of this country, may be defeated in this Congress solely by the action of the majority leader and the chairman of the Committee on Rules, who have taken advantage of the rules of the House to prevent a vote; but I wish to repeat that this proposition will be accepted in the next Congress, as it would have been in this if a vote had been permitted.

INTEREST OF THE NATION DEMANDS RELIEF FOR THE AMERICAN FARMER.

Mr. Chairman, we are passing through a dangerous period. The wisest statesmanship and the most unselfish patriotism is needed to guide our country along the road of happiness and prosperity. Congress can not afford to neglect the interests of agriculture. The prosperity of all classes of our citizenship is dependent primarily upon the farmer, for as he prospers so will the country prosper. Before the war 30 per cent of our population lived on the farm. Now only 24 per cent dwell on the farm. The effect of such a falling off of our farming population is manifest. It is certain to increase the cost of living, and the prosperity of the country is bound to suffer unless something is done to change this condition of affairs. Something must be done to attract people to the farm, and this can only be done by increasing the productivity of our soil, thus making farm life more profitable. We must not overlook the fact that the standard of living of the American farmer is higher than that of the farmers of other countries. Certainly no one would have it otherwise. We now produce a surplus of farm products for foreign markets. But if other countries, as some of them are now doing, make it possible for their farmers to get cheaper fertilizer, thus increasing the productivity of their soil, and our Government fails to do so, then the time will come when we will not only not produce enough for export but we will not even produce enough for domestic consumption. No greater blow can be struck at the foundation of our Nation's prosperity than to deny to the farmers the remedial legislation and relief which they seek and have the right to demand. [Applause.]

Mr. MADDEN. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Chairman and gentlemen of the committee, I am in hearty sympathy with the sentiments expressed by my friend from Tennessee [Mr. BYRNS] regarding the merits of the Muscle Shoals proposition, and I intend to vote for the Ford proposition if I ever get an opportunity to do so. [Applause.]

Unlike my friend from Massachusetts [Mr. GALLIVAN], who spoke awhile ago, I am going to claim your attention for a few minutes on a subject which is not included in this bill, I regret to say, viz, an appropriation for public buildings throughout the country. Some of my colleagues have indicated they may desire to ask me a question or two, but I trust they will defer their questions until I have brought out two or three points I desire to cover, and then I shall be glad to yield, if my time will permit.

It has now been 10 years since we passed an omnibus public buildings bill, and I feel that the conditions in various parts of the country warrant me in saying that the enactment of another omnibus bill has already been much too long deferred. [Applause.] As most of you are aware, I have been an earnest advocate of the passage of such a bill during this Congress; but upon second thought we concluded that it would not be possible to secure its enactment into law now in view of existing conditions, and so we finally decided not to insist upon reporting such a bill this session since it would involve a large amount of unnecessary work and the collection of data, which in many instances would probably be more or less antiquated when the time arrives for passing a bill. I think this is the attitude of practically all the members of our committee. We do not feel that anything beneficial can be accomplished by butting a brick wall merely for the sake of butting. As gentlemen are aware, about $13,000,000, authorized by the act of 10 years ago, remain unexpended for the reason that the advance in the cost of labor and materials due to the World War made it impossible in more than 100 cases to get bids within the limits of the act. In addition to that, the postal business throughout the country has more than doubled in the last decade, and in many instances emergencies have arisen requiring the erection of public buildings for housing Government activities which were not and could not have been anticipated 10 years ago.

It is interesting to note in this connection the report of our committee four years ago on an omnibus bill which did not become a law because of the financial condition of the Treasury resulting from the World War:

[Report to accompany H. R. 15987.]

The last general public building bill passed by Congress was approved by the President on the 4th day of March, 1913, and carried authorizations which in the aggregate amounted to approximately $40,000,000. During the six years which have passed since the approval of that bill by President Taft the growth of the country in population, in wealth, in business, and in manufacturing and industrial enterprise has been so great as to increase tremendously the demand for new, enlarged, and better facilities for the economic and efficient transaction of the public business. Every line of Federal activity has kept pace with the progress of the age, and to-day in very many of the cities and towns of the country the public business is being conducted in such overcrowded, ill-ventilated, insanitary, and germ-infested shacks as not only to reduce materially the efficiency of the employees, but to seriously jeopardize their health and that of the people of the communities in which they are allowed to remain. In many of the cities of the United States postal employees are forced to work under artificial light both night and day; they are located in many instances in damp, insanitary basement rooms, and are so crowded that in numerous buildings the space for each employee ranges from 19 square feet to 70 square feet.

The best authorities agree that there should be, as a minimum, 100 square feet to each employee in order to secure the most efficient service, and undoubtedly human beings should not be compelled to work in a building where the space allotted them is less than 10 by 10 feet, or 100 square feet. It would work better, both for efficiency and for health, if each employee could have not less than 200 square feet. This condition is not confined to the large cities, as it obtains also in the smaller places, and indeed the post offices in the smaller places are more of a menace to the health of the general public than are the post offices in the large cities. In the large cities where the public business is transacted, as a rule, in buildings owned by the Government, custodians are in charge who are furnished with janitors and charwomen who are employed to keep the buildings clean and sanitary, whereas in rented buildings it usually devolves on the postmaster to attend to this, and as the building is usually old, dilapidated, and undesirable, no particular effort is made to keep it clean, and it is a very fertile breeding place for disease germs of every character. Mail sacks are daily brought into places of this kind, thrown upon the dirty, germ-infested floor, and in a day or so filled with mail; they are sent to the railroad station and started on their journey through the country carrying with them the seeds of pestilence and death. We have said that these rented buildings in the smaller cities and towns are usually "old, dilapidated, and undesirable," and this is not only true, but there is a good and sufficient reason for its being true. The reason is that the Government will not pay sufficient rent to secure one of the best buildings in the town, and in addition, generally requires the landlord to equip the building with lock boxes and other post-office fixtures, which are useless to him when his building ceases to be used for post-office purposes.

The growth of the Parcel Post Service has been so great that in very many cities and towns the postal employees have been forced to use the basements, sidewalks, and in some instances the lawns or grassplots surrounding the buildings. Mezzanine floors have been placed in many buildings in efforts to furnish more room for employees, but these makeshifts have in most cases proven unsatisfactory, the chief result being to force employees to work in hot, stuffy quarters under artificial light. In fact, the hearings before the committee, and the facts which have been known to the committee for some time past, disclose conditions which are disgraceful to this great Government, and they can not be remedied too quickly for the honor of the country as well as for the comfort and the efficiency of the employees. Up to six years ago it was the custom of Congress to pass an omnibus public building bill at least every two years, and sometimes oftener; but, as stated in the beginning of the report, no general public building bill has been passed during the past six years. As these biennial public building bills in normal times carried from thirty to forty millions of dollars, and as we are now practically reporting three bills in one, it should not surprise anyone if this bill should carry from ninety to one hundred and twenty millions of dollars. When the marvelous growth of the country and the Postal Service is considered, the great increase in the number of postal employees, the addition of the parcel post, and the postal savings and the accounting system to the service, it would not be surprising if the bill should carry as much as $200,000,000. The bill, in fact, carries authorizations amounting in the aggregate to the sum of $61,678,300, but this will be reduced by the amounts which will be secured from the sale of buildings and lots in certain cities provided for in the bill, which we can not exactly estimate, for the reason that these amounts have been left to the discretion of the Secretary of the Treasury, but we can reasonably expect to realize at least $2,355,000. Of the total amount carried in the bill $12,494,300 is carried for the purpose of enabling the Secretary of the Treasury to carry out existing provisions of law.

In other words, Congress has heretofore authorized the purchase of land, the erection, or the enlargement, or the extension, or the remodeling, or the repair of public buildings, and it has been found that sufficient money to buy the land, or to erect the building, or to enlarge, extend, remodel, or repair the building, as the case may be, has not been authorized, and therefore nothing can be done until these increases are authorized by Congress. Thus it will be seen that Congress must make these additional authorizations if the law is to be executed, and some of these projects have been held up for 9 or 10 years. Of the total amount carried in the bill, $9,021,000 is carried to enable the Secretary of the Treasury to enlarge, extend, remodel, rebuild, reconstruct, or improve certain buildings where the growth of business has been such as to make it impractical to carry on the public business therein and where it is thought to be for the best interests of the Government and the public service. Of the total amount carried in the bill, $12,710,000 is carried to enable the Secretary of the Treasury to erect public buildings upon land which is already owned by the Government; that is to say, upon land in cities and towns bought by the Secretary of the Treasury under and by virtue of acts of Congress heretofore passed. Congress directed that these lots be purchased and appropriated the money to pay for the same, with the express declaration that the purpose was to erect these buildings thereon. The committee has sought to authorize in this bill buildings at those places where they appear to be needed. Of the total amount carried in the bill, $2,400,000 is carried for the construction of a marine hospital at San Francisco, Calif., a quarantine station at New Orleans, La., and an armory at the city of Washington, the Capital of the Nation. So it will be seen that of the total amount

carried in the bill, $36,625,300 represents items which Congress must provide for or else repeal the law under which they were originally authorized, and in addition allow the business of the Government to continue to be inefficiently done and these buildings to go to ruin for the lack of needed repairs. As the amount last named is made up of matters which Congress is obligated to provide for under previous legislation, we submit that in all fairness that amount should not be charged up against this bill.

Of the total amount carried in the bill, $23,333,000 is carried for the purchase of new sites and the erection thereon of new buildings and $4,120,000 is carried for the purchase of new sites only, aggregating $27,453,000, which is the amount carried by this bill for new projects in addition to the amounts for the marine hospital, the quarantine station, and the armory, and we respectfully submit that this is what is really chargeable to the bill, and these items are justified and needed. We have adhered strictly to the rule as laid down in the act of March 4, 1913, and have provided for a site at no place where the postal receipts were less than $6,000 per annum, nor have we provided for a building at any place where the postal receipts were less than $10,000 per annum, except in a very few places where a site had already been purchased and where the receipts were so near $10,000 per annum that they would undoubtedly go much beyond it before the building could be constructed. In section 24 of the bill we have formulated a plan for the expeditious construction of these buildings which we believe is workable and will result in eliminating some of the "red tape" heretofore always attendant upon the construction of public buildings. We have inserted this section in order that the Government's public building work may aid in some degree in giving work to our returning soldiers and others of the unemployed. These buildings are needed in the interest of the public service, and they should be built now in order to aid in the readjustment of business and labor to our changed conditions. Of course, if matters are to so lag that work will not be begun on these buildings for several years, then the passage of this bill will not aid in our readjustment other than the aid which will come from the moral effect of the Government resuming its building operations, but we believe that under the plan suggested work can begin on the buildings authorized in this bill within six months after its passage and approval. England, France, and other countries are engaged in expending many millions of dollars to give employment to their people, and surely the United States can afford to expend a few millions in an effort to aid our unemployed, and especially when the money is to be expended for so laudable a purpose.

We expect the cry of "pork barrel" to be raised by sensational yellow journals, by politicians whose whole stock in trade consists in loud declarations of their fealty to the interests of the "deer peepul," and alleged statesmen deluded with the idea that a stern and solemn visage is the last word in all knowledge and wisdom. The "pork barrel" cry is always raised against buildings for the smaller cities and towns. Millions can be authorized for the cities, and none of these patriots who are the self-constituted guardians of the interests of the "deer peepul" ever even inquire into the merits of the proposition, but let it be suggested that a building should be constructed at some thriving, growing, aspiring small city or town at a cost of a few thousand dollars and instantly, without making any investigation, it is loudly denounced as a "pork barrel" proposition. Take the present bill and only about 30 per cent of it goes to the smaller cities and towns. In addition to the fact that these buildings are needed for the public service, let us call attention to the fact that the people of the small cities and towns and the people living tributary thereto pay their taxes and perform their other civil duties to the Government. In time of war they cheerfully furnish their sons to carry the flag where thickest fall the shells and other messengers of death. In fact, there are no better citizens of the Republic than are they, and all they ever see of their Government is the mail, and why should not, when conditions warrant it, a Government building be erected in their midst, in which may be transacted their business with their Government? In addition to its usefulness nothing so inspires and stimulates the patriotism of the citizen as looking upon a Federal building in his own home town. It represents to his mind the majesty of the law, the grandeur of the Republic, and the transcendent glory of a great people. The United States of America is not a pauper, and the Government should not be a tenant when it is possible to avoid it. The doing without necessary things is not economy—it is simply penuriousness.

We are carrying in this bill a provision for the relief of certain contractors, but as a separate bill has already been reported to the House covering that subject, we think it only necessary to refer to the report which accompanies that separate bill.

The committee reports the bill with the recommendation that the same be passed without amendment.

Since this report was made the need for public buildings has grown steadily worse and with increasing rapidity.

Some time ago I made the statement that an immediate appropriation of less than $100,000,000 would not be adequate to meet the most pressing needs of the Government. That statement was attacked not only by newspapers and magazines, but was extensively exploited in the late congressional campaign as another attempt to raid the Treasury with a pork barrel bill. There are some people in this country who manifestly think that a Congressman who votes for an appropriation of millions of dollars for the erection of monumental buildings in the great civic centers is a patriot, while those who insist that the smaller cities should likewise be provided for in accordance with their needs are merely pork-barrel advocates. In a recent issue of Collier's Magazine there appeared a two-page article attacking my suggestion for a $100,000,000 bill, and containing a number of statements that were wholly inaccurate and entirely unwarranted by the facts. The author of that article was one Byron R. Newton, a former Assistant Secretary of the Treasury. I presume some of you remember him. While he was in that subordinate position he seemed to think that the solvency of the United States Treasury rested upon his shoulders, and since his retirement he appears to look with amazement upon the fact that the Government at Washington still lives and that the Treasury Department is still solvent although he is no longer connected with it. I shall not attempt to answer that article except to say that that portion of it which refers to me ignores the explanation which I made in the House at the time the bill in question was under consideration. Our committee is tolerably familiar with the conditions in various sections of the country. I have personally collected figures showing the amount of annual rental now being paid by the Government for buildings, many of which are insanitary, nonfireproof, and wholly inadequate to meet the requirements. This annual rental amounts to approximately $21,000,000, between $12,000,000 and $13,000,000 of which is expended by the Post Office Department alone. At the prevailing rate of interest at which the Government could borrow money, at least $500,000,000 could be expended on the construction of needed public buildings and still a net saving could be made in the item of interest alone, to say nothing of the added advantage of having substantial, roomy, sanitary, and fireproof buildings for housing Government activities. I have here a letter addressed to me as chairman of the committee by the Postmaster General outlining the general situation, which he describes as acute and urgent. I can not place the situation before you as concisely and accurately as the Postmaster General does, and I shall include this letter as a part of my remarks.

Referring to a previous communication sent to the Congress on August 21 last, the Postmaster General says:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., December 11, 1922.

Hon. JOHN W. LANGLEY,
Chairman Committee on Public Buildings and Grounds,
House of Representatives.

MY DEAR MR. LANGLEY: On August 21, 1922, I had the honor to send to your committee a communication concerning the ownership by the Government of such new postal buildings as must of necessity be erected from time to time to accommodate the rapidly expanding volume of mail.

Basing my recommendation wholly on principles of business economy, I cited the fact that the department is constantly compelled to secure additional postal buildings by contracting for leases of structures not in existence but to be erected by private capital. Although such leases are negotiated with the greatest care and through the best competition available, they are usually made on an investment basis of from 8 to 16 per cent.

This state of affairs arises from the fact that, generally speaking, Congress in the past has followed the policy of appropriating moneys for the leasing of postal buildings, but has not appropriated for the construction and ownership of such buildings as they become necessary.

The Postal Service must be maintained. Mail is received in such volume as the public business requires. It must be housed, transmitted, and delivered in safety. The department can not decline to negotiate leases on new buildings. They must be had; otherwise valuable mail is exposed to the elements and ruined in transmission.

Under the law as it exists to-day the department is absolutely compelled to execute leases on the best terms it can get, whether they are reasonable or otherwise.

Entertaining the belief that Congress would change this policy as soon as it could come to a complete understanding of all facts, I have refrained from completing contracts for the erection of certain buildings, although their urgency is great.

It is the purpose of this letter to present those cases to your consideration which are just now particularly pressing and which will become exceedingly acute before buildings can be constructed.

It is also the purpose of this letter to explain to you more fully the entire leasing situation, showing how leases now in existence are constantly expiring, presenting almost daily problems as to whether they shall be renewed or not. But if the policy of owning postal buildings shall be adopted by Congress, the logical method, in my opinion, would be to take care of the pressing cases as they occur by ownership, just as under the present policy we take care of them by leasing, although I do not wish to presume upon the manner in which Congress may see fit to act in these matters.

The extent to which this leasing policy has gone and the extent to which it will go in the next few years is almost startling. In my former communication I recited that we now have 5,846 post-office buildings under lease, while the Government owns only 1,132. Many of the Government-owned buildings have become outgrown. The aggregate annual rental for leased quarters is about $12,000,000. Unless a building policy is adopted, this will increase by large amounts from year to year.

These leases are expiring almost daily, and whenever one expires it presents a new problem of what shall be done in a given locality. Renewals are made at increases of from two to four times the old rate, although careful study is made in each case and every possible effort made to secure the best terms. The popular objection to changing the location of post offices, particularly in the smaller cities and towns, militates strongly against making a good trade for a lease.

The greatest actual and imperative demand for new buildings comes from the larger cities and from rapidly growing cities, where parcel-post stations, substations, and garages must constantly be added. Another class of cities where the building problem is acute are those having a single Government-owned building which is no longer adequate for the needs of the office, and where men are obliged to work in insanitary cellars or basements.

The department has for more than a year been investigating this problem of buildings and has been making a careful survey to determine the adequacy of space in postal buildings. Since it requires from one to two years to construct buildings, it is necessary to anticipate to that extent the needs of each case.

While we have reliable information from more than 100 post offices that the space for the postal business is wholly inadequate and the conditions unsuitable and while these cases are being more carefully studied to determine which are the most pressing, I desire for the moment to present for your information certain cases which have been delayed awaiting your policy, where the demand for the same is extremely acute but where we still think it would be advisable to decline to lease, and to begin a program of Government ownership.

NEW YORK CITY.

The proposition at New York has been under investigation for more than a year and, as you no doubt will recall, is practically a duplication of the present central post office on Thirty-fourth Street. The requirement is for 800,000 square feet. The site is owned by the Pennsylvania Railroad and is said to be available at $2,000,000. We do not have definite information as to the cost of the proposed structure, but it is generally estimated at around $6,000,000. The average rental for such a building by the lowest bidders is approximately $1,000,000 per year. While these bids contain various options for purchase there is no legislation by which such purchase could be made effective. The department has approved of plans and specifications but has declined to enter into any contract for a lease of this proposed building until Congress shall have acted in the matter.

DETROIT, MICH.

Another proposition which demands immediate action is that of a parcel-post station at Detroit, Mich., to contain approximately 55,000 square feet of floor space on two or three floors. Negotiations for the construction of such a building through the lease method have been under way for several months and are now ready for decision. A lease can be obtained on the proposed building when erected for $52,000 per year. I am not satisfactorily informed as to the cost of such a building, but believe the entire expense, including the lot, would be from $300,000 to $500,000.

SAN FRANCISCO, CALIF.

In this city 150,000 square feet of floor space in a new building must be provided forthwith. This proposition is under investigation, and while the need is well known, I have not the details with sufficient accuracy to submit them to you herewith, but will do so in a later communication.

DALLAS, TEX.

Here a new building must be provided as soon as possible containing 85,000 square feet of floor space on two or three floors. This case has been under careful investigation and negotiation for several months, and the best proposition for a lease now in sight is for a building to be constructed for the department and rented at $84,250 per year. My information is that such a building would cost in the vicinity of $700,000. It would, however, enable us to discontinue two smaller stations which we are leasing at $9,000 each.

BROOKLYN, N. Y.

The department is now considering what would be necessary to do here at the Flatbush Station when the lease expires on April 1 next. The old rental was $5,000 per year, but the premises are inadequate, and the proposition to take its place will cost about $20,000 per year.

BUFFALO, N. Y.

At this place a garage must be provided to accommodate the motor vehicle service. It must contain about 30,000 square feet of floor space. On a rental basis it will cost $30,000 per year for a building which we are informed can be erected for $175,000.

Let me remind you, in closing, that this list of cases is but the beginning. They are the ones which are at this moment on my desk pressing for decision. If the policy of constructing post-office buildings is to begin, it is apparent that we must discontinue to take care of the acute cases by leasing. There may be many other situations in the country as much in need of additional facilities as some of those in this list, and when our investigations have been sufficiently completed we will present them to you, together with the situations as they occur from time to time when leases expire.

Let me also call to your attention the fact that the business of the Post Office Department, doubling every 10 years, can never be placed on an efficient and stabilized basis until the erection of suitable buildings at suitable places is planned not only on an economic basis but from a scientific and service viewpoint.

Very truly yours,

HUBERT WORK, *Postmaster General.*

Since I received this letter from the Postmaster General I have had several conversations with that most capable official, in each of which he stressed the great urgency of immediate action by Congress. Recently he and the Secretary of the Treasury have addressed two different joint letters to the Speaker of the House, which letters have been referred to our committee. One is dated December 30, 1922, and the other February 8, 1923. I shall insert these here as a part of my remarks:

TREASURY DEPARTMENT,
Washington, December 30, 1922.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: The attention of Congress is respectfully invited to the urgent need for larger Federal buildings for housing the service in many cities throughout the country. Provision has to be made not only for increase in Government business due to the normal growth in population but for new activities, the most important of which are the establishment of the parcel post, the development of the rural carrier system, the collection of direct taxes, the enforcement of prohibition, and the establishment of the Veterans' Bureau. The demand for office space by these activities has far exceeded the space available in many of the Federal buildings, in consequence of which much space has had to be rented in the large cities at a great annual cost to the Government.

The postal business has had an abnormal growth during the last 10 years. Parcel post, established in 1913, has expanded rapidly. Of the three to three and one-half billions packages handled annually, the average weight is 4 pounds each, or approximately 7,000,000 tons.

Each of these packages during its progress must be received in one building and distributed from another building, so that the aggregate space required is enormous. Other branches of the Postal Service have kept pace with the business progress of the country and the results are that the workrooms in many of the post offices have become so crowded that it is impossible to properly handle the vast volume of mail. With funds appropriated during the past four years for remodeling and enlarging public buildings, relief has been given in some places, generally by building frame mailing sheds in which to handle the parcel post and by constructing mezzanines, and in some cases making part of the second story available for postal business by installing lifts. In cases of extreme necessity resort has been had to utilizing basements, boiler rooms, and swing rooms for the handling of the postal business, which, of course, has proved very objectionable.

The health, comfort, and efficiency of more than 250,000 postal employees is dependent upon the physical conditions under which they work, so that one of the big problems confronting the Post Office Department at this time is the providing of sufficient working space. The Post Office Department believes that the minimum for efficient mail handling, including spaces taken up by cases, parcel-post packages, trucks, etc., is 100 square feet per employee. With a unit space of 60 square feet, the workrooms become so congested as to greatly retard the work and necessarily reduce the efficiency. Yet there are great numbers of buildings where the unit rate is below 60 square feet, running in some cases even below 40.

Next to the Post Office Department, the Internal Revenue Service has been the greatest sufferer on account of lack of space. Since 1913 there has been added to its activities the collection of direct taxes under the sixteenth amendment of the Constitution and the enforcement of prohibition under the eighteenth amendment. This has added so greatly to the personnel that in many buildings part of the internal-revenue business is transacted in public corridors, to the great detriment of efficiency and the health of the employees. Notwithstanding the maximum use of Federal buildings, this bureau alone is now paying $459,272.63 rent annually for commercial space.

The Veterans' Bureau, coming into existence with the Great War, has had to rent quarters for branch offices in nearly all the large cities where the Government owns buildings because it was found absolutely impossible to crowd any further activities into these buildings.

The following table gives a concrete idea of the extent to which the Government is now paying in rent throughout the country:

Total number of leases	8,368
Rents paid as follows (approximate):	
Post Office Department	$11,660,056
Veterans' Bureau	3,586,301
Department of Agriculture	158,903
Treasury Department	2,212,970
Interior Department	226,063
War Department	828,781
Navy Department	405,795
Other departments and miscellaneous bureaus	1,751,324
Total	20,830,193

While it would not be an economic measure or feasible in some cases to provide quarters for housing all activities of the Government now in rented quarters, especially in the smaller places where the upkeep of a Government building would exceed in amount the rental for quarters for the post office, etc., it is undoubtedly true that a great saving could be effected by the construction in the larger cities of adequate and well-planned buildings. Besides the saving in rents, adequate Federal buildings would make possible increased efficiency and with a smaller force in some cases.

It is realized that present conditions, brought about by the suspension of building operations for a long period, can be remedied only gradually, but it is important that a start be made by the development of a consistent construction program.

Public building acts, the last of which was passed in 1913, included generally a generous proportion of extension projects and thereby kept pace with the growth of population in larger cities, but since then no projects of any importance have been authorized and no provision whatever has been made for new activities created during the last five years.

The appropriation of $220,000 to $375,000 made during the last four years, for remodeling and enlarging Federal buildings, of which only a limited amount on any one building can be used, has afforded relief of a temporary nature in cases where the congested condition was acute or an emergency existed, but has been entirely inadequate to provide permanent relief.

With the view of ascertaining the most urgent cases the Treasury and Post Office Departments during the past year have conducted a survey of Government-owned buildings in communities which have doubled and trebled in population since the Federal building was provided or enlarged. Many of the buildings have been found lacking in floor space to such an extent that additional quarters had to be rented or the work crowded into unsuitable working space at a loss of efficiency.

As a result of this investigation there is transmitted herewith a list of 140 buildings with the estimated cost of providing extensions or new buildings. The list does not include the following cities where the Federal service is equally as congested or where the Government is paying large sums for rent; however, it will be necessary to more fully investigate the existing conditions and method of relief before complete data can be submitted.

Atlanta, Ga.	Fort Worth, Tex.	Philadelphia, Pa.
Baltimore, Md.	Jacksonville, Fla.	Salt Lake City, Utah.
Boston, Mass.	Los Angeles, Calif.	San Francisco, Calif.
Brooklyn, N. Y.	Louisville, Ky.	Seattle, Wash.
Cincinnati, Ohio.	Minneapolis, Minn.	St. Louis, Mo.
Cleveland, Ohio.	New York, N. Y.	Scranton, Pa.
Chicago, Ill.	Newark, N. J.	Worcester, Mass.
Dallas, Tex.	Norfolk, Va.	
Detroit, Mich.	Pittsburgh, Pa.	

Even if it were prudent financially to relieve all this congestion in one year it would be impracticable from a construction standpoint to undertake so much at one time. It would therefore seem wise to map out a program covering a period of years, relief to be provided first in places where the congestion is greatest and where the Government is paying out large sums for rent of space in private buildings.

The foregoing is submitted with the understanding that nothing contained therein is intended to supplant the recommendations made by the Postmaster General in his letters of December 11 and 18, 1922, to the Joint Commission on Postal Service, copies herewith, relative to the Government ownership of buildings for the use of the Postal Service instead of securing them under lease as at present, but the recommendations made in those letters should stand and be considered independently of those contained herein.

Respectfully,

HUBERT WORK,
Postmaster General.
A. W. MELLON,
Secretary of the Treasury.

DECEMBER 18, 1922.

Hon. CHARLES E. TOWNSEND,
Chairman Joint Commission on Postal Service.

MY DEAR SENATOR TOWNSEND: On the 11th instant I addressed you a communication in regard to the department's policy with reference to the Government ownership of buildings to be occupied by post offices and post-office stations rather than securing them through the leasing

system, as is generally done at present, and furnished therein a list of post offices and stations which, in my opinion, deserve immediate attention.

On the same date you wrote me regarding this matter and in the second paragraph of your letter requested this department to advise you if there are any other cities where it is thought that there is an emergency and which should be included in your report to Congress for new offices.

Availing myself of that invitation, I am submitting herewith a supplementary list as follows:

NEW YORK CITY, STATION J.

This is a substation on which the lease expired October 1, 1922. The quarters are outgrown. For the next 10 years we shall need fully 3,000 square feet additional. The landlord will renew the lease and add the additional 3,000 feet for a term of 10 years for $54,000 for the first year and $34,000 for each of the succeeding 9 years. We have been paying $16,300 a year for 18,630 square feet.

There will always need to be a station of some sort in this immediate vicinity, and it is believed that it would be the best policy for the Government to build what it needs and own it.

NEW YORK CITY, STATION G.

The lease on the quarters occupied by this station expired July 1, 1922, but it has since been extended for a period of one year from that date. To properly maintain the service at this point during the next 10 years we shall need at least 30,000 square feet of floor space. A proposition has been secured to lease 31,032 square feet, at $59,500 a year. Under the present extension we are paying $30,000 a year for 11,574 square feet.

The needs of the Postal Service at New York will always require the provision of station facilities in this neighborhood, and it is my opinion that it would be advantageous to the Government to erect a building for the housing thereof.

DETROIT, MICH., NORTH END STATION.

The lease on the quarters occupied by this station expired October 1, 1922. We have obtained a proposal to lease 9,706 square feet for 10 years, at an annual rental of $15,875. The rental under the former contract was made at the rate of $3,500 a year for 5,520 square feet.

This station is the largest in Detroit and serves a population of 201,232 people. It is imperative that it be continued in operation, and it is believed that it would be a wise step to provide a Government-owned building, containing between 15,000 and 20,000 square feet above the basement, for its use.

BROOKLYN (N. Y.) STATIONS A AND W.

The lease on Station W, which is at the rate of $6,000 a year, will expire May 1, 1923, and that on Station A, at $7,200 a year, will expire June 1, 1923. Proposals have been received for new quarters to be occupied on the dates stated; for Station A, 10,764 square feet at $16,500, and for Station W, 15,024 square feet at $27,500, or a total for the two stations of 25,788 square feet at $44,000. Inasmuch as these stations serve territory adjoining each other, it is believed to be possible to consolidated them in one station at a central point. That, however, can only be determined after a careful investigation, which will be undertaken immediately after the holiday season. If the consolidation of the stations is found feasible, it is believed that it would be in the interest of economy and good service for the Government to erect a building, containing not less than 35,000 square feet of floor space above the basement, for the use of the station established as a result thereof.

Sincerely yours,

HUBERT WORK.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., December 11, 1922.

JOINT COMMISSION ON POSTAL SERVICE,
Washington, D. C.

MY DEAR SIRS: On August 21, 1922, I had the honor to send to your commission a communication concerning the ownership by the Government of such new postal buildings as must of necessity be erected from time to time to accommodate the rapidly expanding volume of mail.

Basing my recommendation wholly on principles of business economy, I cited the fact that the department is constantly compelled to secure additional postal buildings by contracting for leases of structures not in existence but to be erected by private capital. Although such leases are negotiated with the greatest care and through the best competition available, they are usually made on an investment basis of from 8 to 15 per cent.

This state of affairs arises from the fact that, generally speaking, Congress, in the past, has followed the policy of appropriating moneys for the leasing of postal buildings, but has not appropriated for the construction and ownership of such buildings as they become necessary.

The Postal Service must be maintained. Mail is received in such volume as the public business requires. It must be housed, transmitted, and delivered in safety. The department can not decline to negotiate leases on new buildings. They must be had, otherwise valuable mail is exposed to the elements and ruined in transmission.

Under the law as it exists to-day the department is absolutely compelled to execute leases on the best terms it can get, whether they are reasonable or otherwise.

Entertaining the belief that Congress would change this policy as soon as it could come to a complete understanding of all facts, I have refrained from completing contracts for the erection of certain buildings, although their urgency is great.

It is the purpose of this letter to present those cases to your consideration which are just now particularly pressing and which will become exceedingly acute before buildings can be constructed.

It is also the purpose of this letter to explain to you more fully the entire leasing situation, showing how leases now in existence are constantly expiring, presenting almost daily problems as to whether they shall be renewed or not. But if the policy of owning postal buildings shall be adopted by Congress the logical method, in my opinion, would be to take care of the pressing cases as they occur by ownership, just as under the present policy we take care of them by leasing, although I do not wish to presume upon the manner in which Congress may see fit to act in these matters.

The extent to which this leasing policy has gone and the extent to which it will go in the next few years is almost startling. In my former communication I recited that we now have 5,846 post-office buildings under lease, while the Government owns only 1,132. Many of the Government-owned buildings have become outgrown. The aggregate annual rental for leased quarters is about $12,000,000. Unless a building policy is adopted, this will increase by large amounts from year to year.

These leases are expiring almost daily, and whenever one expires it presents a new problem of what shall be done in a given locality. Renewals are made at increases of from two to four times the old rate, although careful study is made in each case and every possible effort made to secure the best terms. The popular objection to changing the location of post offices, particularly in the smaller cities and towns, militates strongly against a good trade for a lease.

The greatest actual and imperative demand for new buildings comes from the larger cities and from rapidly growing cities, where parcel-post stations, substations, and garages must constantly be added. Another class of cities where the building problem is acute are those having a single Government-owned building which is no longer adequate for the needs of the office and where men are obliged to work in insanitary cellars or basements.

The department has for more than a year been investigating this problem of buildings and has been making a careful survey to determine the adequacy of space in postal buildings. Since it requires from one to two years to construct buildings, it is necessary to anticipate to that extent the needs of each case.

While we have reliable information from more than 100 post offices that the space for the postal business is wholly inadequate and the conditions unsuitable, and while these cases are being more carefully studied to determine which are the most pressing, I desire for the moment to present for your information certain cases which have been delayed awaiting your policy, where the demand for the same is extremely acute but where we still think it would be advisable to decline to lease and to begin a program of Government ownership.

NEW YORK CITY.

The proposition in the city of New York has been before your committee for more than a year and concerning which you have had the details. This, as you will recall, is practically a duplication of the present central post office on Thirty-fourth Street. The requirement is for 800,000 square feet. The site is owned by the Pennsylvania Railroad and is said to be available at $2,000,000. We do not have definite information as to the cost of the proposed structure, but it is generally estimated at around $6,000,000. The average rental for such a building by the lowest bidders is approximately $1,000,000 per year. While these bids contain various options for purchase, there is no legislation by which such purchase could be made effective. The department has approved of plans and specifications but has declined to enter into any contract for a lease of this proposed building until Congress shall have acted in the matter.

DETROIT, MICH.

Another proposition which demands immediate action is that of a parcel-post station at Detroit, Mich., to contain approximately 55,000 square feet of floor space on two or three floors. Negotiations for the construction of such a building through the lease method have been under way for several months and are now ready for decision. A lease can be obtained on the proposed building when erected for $52,000 per year. I am not satisfactorily informed as to the cost of such a building, but believe the entire expense, including the lot, would be from $300,000 to $500,000.

SAN FRANCISCO, CALIF.

In this city 150,000 square feet of floor space in a new building must be provided forthwith. This proposition is under investigation, and while the need is well known, I have not the details with sufficient accuracy to submit them to you herewith, but will do so in a later communication.

DALLAS, TEX.

Here a new building must be provided as soon as possible containing 85,000 square feet of floor space on two or three floors. This case has been under careful investigation and negotiation for several months, and the best proposition for a lease now in sight is for a building to be constructed for the department and rented at $84,250 per year. My information is that such a building would cost in the vicinity of $700,000. It would, however, enable us to discontinue two smaller stations, which we are leasing at $9,000 each.

BROOKLYN, N. Y.

The department is now considering what would be necessary to do here at the Flatbush Station when the lease expires on April 1 next. The old rental was $5,000 per year, but the premises are inadequate, and the proposition to take its place will cost about $20,000 per year.

BUFFALO, N. Y.

At this place a garage must be provided to accommodate the motor-vehicle service. It must contain about 30,000 square feet of floor space. On a rental basis it will cost $30,000 per year for a building which we are informed can be erected for $175,000.

Let me remind you in closing that this list of cases is but the beginning. They are the ones which are at this moment on my desk pressing for decision. If the policy of constructing post-office buildings is to begin it is apparent that we must discontinue to take care of the acute cases by leasing. There may be many other situations in the country as much in need of additional facilities as some of those in this list, and when our investigations have been sufficiently completed we will present them to you, together with the situations as they occur from time to time when leases expire.

Let me also call to your attention the fact that the business of the Post Office Department, doubling every 10 years, can never be placed on an efficient and stabilized basis until the erection of suitable buildings at suitable places is planned not only on an economic basis but from a scientific and service viewpoint.

Very truly yours,

HUBERT WORK, *Postmaster General.*

LIST OF 140 CITIES WHERE INVESTIGATION SHOWS THAT THE FLOOR SPACE IN THE FEDERAL BUILDING IS INADEQUATE.

The proposed relief measures and estimated cost are given in each case. Where legislation is pending it is noted by the words "Bill pending."

Alabama:		
Anniston, extension and remodeling		$85,000
Montgomery (bill pending)—		
New site	$170,000	
Building for post office	330,000	
		500,000

Arizona: Phoenix, extension and remodeling		$350,000
Arkansas:		
Camden (bill pending), extension and remodeling		50,000
Little Rock (bill pending), new post office and court-house, building on present site		1,000,000
California:		
Sacramento—		
New site	$325,000	
Building for post office	675,000	
		1,000,000
Stockton (bill pending)—		
Additional land	30,000	
Extension and remodeling	150,000	
		180,000
Colorado: Boulder (bill pending)—		
Additional land	13,000	
Extension and remodeling	75,000	
		88,000
Connecticut:		
Bridgeport (bill pending)—		
New site	300,000	
New building	1,000,000	
		1,700,000
Hartford (bill pending)—		
New site	1,000,000	
Post office and office building	1,000,000	
		2,000,000
New Britain—		
Additional land	50,000	
Extension and remodeling	175,000	
		225,000
New London—		
Additional land	25,000	
Extension and remodeling post office	225,000	
		250,000
Torrington—		
New site	30,000	
Post-office building	220,000	
		250,000
Waterbury (bill pending)—		
Additional land	300,000	
Extension and remodeling post-office building	325,000	
		625,000
District of Columbia: Georgetown station—		
Additional land	15,000	
Extension and remodeling	110,000	
		125,000
Georgia: Savannah (bill pending)—		
New site	175,000	
Post-office and office building	325,000	
		500,000
Illinois:		
Aurora—		
New site	45,000	
Building	255,000	
		300,000
Belleville—		
Additional land	15,000	
Extension and remodeling	110,000	
		125,000
Bloomington (bill pending)—		
New site	75,000	
New post-office building	300,000	
		375,000
Champaign (bill pending)—		
Additional land	30,000	
Extension and remodeling post-office building	105,000	
		135,000
Decatur—		
Additional land	15,000	
Extension and remodeling	135,000	
		150,000
Freeport—		
Additional land	25,000	
Extension and remodeling	75,000	
		100,000
Galesburg (bill pending)—		
Additional land	15,000	
Extension and remodeling	120,000	
		135,000
Jacksonville, extension post-office building		75,000
Kewanee, extension post-office building		65,000
Oak Park (bill pending)—		
Additional land	30,000	
Demolition of present structure and construction of new post-office building	270,000	
		300,000
Ottawa, extension post-office building		50,000
Pekin, extension post-office building		75,000
Rockford (bill pending)—		
Additional land or new site	100,000	
New post office and office building	400,000	
		500,000
Streator, extension and remodeling post-office building		60,000
Indiana:		
Fort Wayne (bill pending)—		
New site	$250,000	
Building	750,000	
		1,000,000
Hammond (bill pending), extension and remodeling		200,000
Kokomo, extension and remodeling		95,000
Logansport (bill pending), extension and remodeling		125,000
Muncie, extension and remodeling		130,000
South Bend (bill pending)—		
New site	$250,000	
Building	425,000	
		675,000
Indiana—Continued.		
Terre Haute (bill pending)—		
Additional land	$35,000	
New building on present site	350,000	
		$385,000
Vincennes—		
Additional land	20,000	
Extension and remodeling	130,000	
		150,000
Iowa:		
Iowa City—		
Additional land	26,000	
Extension and remodeling	85,000	
		111,000
Marshalltown—		
Additional land	10,000	
Extension and remodeling	125,000	
		135,000
Mason City (bill pending)—		
New site	25,000	
Building	200,000	
		225,000
Waterloo (bill pending), extension and remodeling		275,000
Kansas:		
Hutchinson—		
Additional land	$55,000	
Extension and remodeling	145,000	
		200,000
Lawrence, extension and remodeling		115,000
Pittsburg, extension and remodeling		115,000
Kentucky: Newport—		
Additional land	30,000	
Extension and remodeling	85,000	
		115,000
Louisiana: Shreveport (bill pending), extension and remodeling		250,000
Maine:		
Houlton (bill pending)—		
Additional land	5,000	
Extension and remodeling	55,000	
		60,000
Lewiston, extension and remodeling		115,000
Portland (bill pending)—		
New site	700,000	
Post-office building	750,000	
		1,450,000
Maryland: Cumberland (bill pending)—		
Additional land	55,000	
Extension and remodeling	245,000	
		300,000
Massachusetts:		
Brockton—		
Additional land	25,000	
New building on enlarged site	325,000	
		350,000
Fitchburg, extension and remodeling		125,000
Gloucester (bill pending)—		
New site	60,000	
Building	275,000	
		335,000
Haverhill (bill pending)—		
New site	100,000	
Building	300,000	
		400,000
Lawrence, extension and remodeling		175,000
Lynn—		
New site	100,000	
Building	400,000	
		500,000
Lowell (bill pending)—		
New site	250,000	
Building	450,000	
		700,000
Pittsfield—		
Additional land	25,000	
Extension and remodeling	175,000	
		200,000
Taunton, extension and remodeling		100,000
Michigan:		
Ann Arbor, extension and remodeling		150,000
Battle Creek, extension and remodeling		200,000
Jackson—		
New site	75,000	
Building	375,000	
		450,000
Kalamazoo (bill pending), extension and remodeling		200,000
Pontiac, extension and remodeling		145,000
Saginaw (bill pending), extension and remodeling		250,000
Minnesota:		
Duluth, post-office building on site acquired		650,000
Fergus Falls, extension and remodeling		100,000
Mississippi: Hattiesburg (bill pending)—		
Additional land	$10,000	
Extension and remodeling	165,000	
		175,000
Missouri:		
Columbia, extension and remodeling		100,000
Sedalia (bill pending)—		
New site	40,000	
Building	250,000	
		290,000
Montana: Butte, extension and remodeling		350,000
Nebraska: Norfolk, extension and remodeling		50,000
Nevada: Reno (bill pending), extension and remodeling		175,000
New Hampshire: Nashua, extension and remodeling		60,000
New Jersey:		
Atlantic City (bill pending)—		
Additional land	$175,000	
Extension and remodeling	350,000	
		525,000

New Jersey—Continued.		
Camden—		
Additional land	$20,000	
Extension and remodeling	355,000	
		$375,000
Paterson, extension and remodeling		350,000
Perth Amboy—		
Additional land	20,000	
Extension and remodeling	95,000	
		115,000
Trenton. Will report later.		
New York:		
Albany—		
Additional land	800,000	
Extension and remodeling, or annex	1,200,000	
		2,000,000
Amsterdam (bill pending)—		
Additional land	20,000	
Extension and remodeling	155,000	
		175,000
Binghamton—		
Additional land	25,000	
Post-office building	475,000	
		500,000
Elmira, extension and remodeling		185,000
Gloversville, extension and remodeling		125,000
Ithaca—		
Additional land	25,000	
Extension and remodeling	150,000	
		175,000
Newburgh—		
New site	75,000	
Building	225,000	
		300,000
Niagara Falls (bill pending)—		
Additional land	12,000	
Extension and remodeling	150,000	
		162,000
Peekskill, new building on present site		125,000
Plattsburg (bill pending), extension and rebuilding		140,000
Rome, additional land, extension, and remodeling		165,000
Syracuse (bill pending), increase in limit of cost authorized, new building		1,050,000
Schenectady—		
Additional land	$30,000	
Extension and remodeling	270,000	
		300,000
North Carolina:		
Asheville (bill pending)—		
New site	200,000	
Building	560,000	
		760,000
Greensboro (bill pending)—		
New site	100,000	
Building	500,000	
		600,000
North Dakota: Fargo, building on acquired site		600,000
Ohio:		
Akron, additional land to site acquired and new building; increase authorization by		773,000
Canton (bill pending)—		
New site	$160,000	
Building	440,000	
		600,000
Hamilton—		
Additional land	35,000	
Extension	225,000	
		260,000
Lima—		
New site	100,000	
Building	325,000	
		425,000
Marion—		
Additional land	25,000	
Extension and remodeling	150,000	
		175,000
Springfield—		
Additional land	100,000	
New building on enlarged site	400,000	
		500,000
Zanesville—		
Additional land	15,000	
Extension and remodeling	185,000	
		200,000
Oregon:		
Astoria, new building on present site		300,000
Eugene, extension and remodeling		120,000
Pennsylvania:		
Allentown—		
Additional land	50,000	
Extension and remodeling	250,000	
		300,000
Chester—		
Additional land or new site	125,000	
New building	375,000	
		500,000
Erie—		
New site	100,000	
Building for post office or extension and remodeling of present building with purchase of additional land for same amount	500,000	
		600,000
Hazleton (bill pending), extension and remodeling		125,000
Lancaster, building on acquired site		500,000
Pennsylvania—Continued.		
Lebanon—		
Additional land	$26,000	
Extension and remodeling	124,000	
		$150,000
McKeesport, extension and remodeling		125,000
New Castle—		
Additional land	100,000	
Extension and remodeling	250,000	
		350,000
Pottsville (bill pending)—		
New site	150,000	
Building	200,000	
		350,000
Washington—		
Additional land	18,000	
Extension and remodeling	130,000	
		148,000
Williamsport (bill pending), extension and remodeling		200,000
Wilkesbarre (bill pending)—		
Additional land	30,000	
Extension and remodeling	250,000	
		280,000
Rhode Island: Pawtucket (bill pending)—		
New site	100,000	
Building	400,000	
		500,000
South Carolina: Spartanburg (bill pending), extension and remodeling		125,000
South Dakota:		
Aberdeen, additional land, extension and remodeling		300,000
Watertown—		
Additional land	20,000	
Extension and remodeling	100,000	
		120,000
Texas: Houston, extension and remodeling		900,000
Virginia:		
Newport News—		
Additional land	20,000	
Extension and remodeling	180,000	
		200,000
Portsmouth—		
Additional land	25,000	
Extension and remodeling	175,000	
		200,000
Roanoke (bill pending)—		
New site or additional land	275,000	
New post-office building, or remodeling and extending present building	325,000	
		600,000
Alexandria (bill pending)—		
New site	25,000	
Building	225,000	
		250,000
Petersburg—		
Additional land	50,000	
Extension and remodeling	140,000	
		190,000
West Virginia:		
Charleston. Will submit report later.		
Clarksburg (bill pending)—		
New site	150,000	
Building	400,000	
		550,000
Wisconsin:		
Appleton (bill pending)—		
Additional land	50,000	
Extension and remodeling	100,000	
		150,000
Beloit—		
Additional land	14,000	
Extension and remodeling	135,000	
		149,000
Janesville, extension and remodeling		125,000
Kenosha (bill pending)—		
New site	125,000	
Building	275,000	
		400,000
Oshkosh (bill pending)—		
Additional land or new site	50,000	
New building on enlarged or new site	300,000	
		350,000
Manitowoc—		
Additional land	40,000	
Extension and remodeling	115,000	
		155,000
Racine (bill pending), extension and remodeling		150,000
Sheboygan (bill pending), extension and remodeling		100,000
Stevens Point, extension and remodeling		75,000
Wausau (bill pending), extension and remodeling		100,000
Wyoming: Casper—		
New site	$75,000	
Building	275,000	
		350,000

TREASURY DEPARTMENT,
Washington, February 8, 1923.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: Reference is made to department letter of December 30, 1922 (H. Doc. 523), submitting for your consideration a number of places throughout the country where extreme congestion in Federal buildings exists. Further investigation has been made in some of the cities mentioned in the list of 25 for which no estimates were included in the previous letter, and the departments are now able to supply the omitted information.

About $2,500,000 is paid annually for rent in the cities on the attached list for activities that could be housed in Government

owned buildings. Of this amount over one-half is expended by the Post Office Department for space other than substations.

Because of the failure of the Government to keep pace with its building needs in the larger cities, the Post Office Department has been forced in a number of instances to enter into agreements for leased quarters in buildings to be specially constructed for the purpose. The rent paid in such cases is frequently at a rate to absorb the original costs during the term of the lease, leaving the Government at the expiration of the leases with no equity in the buildings. Furthermore, the buildings so leased by the Post Office Department naturally do not provide space for other activities, its appropriations not being available for providing such additional accommodations. Space for this purpose, however, could be provided at a comparatively small increase in cost in connection with buildings, or extensions to buildings, constructed by the Government.

In some of the cities mentioned in the list the rent is not an item of great expense at this time, but the congestion in the Federal buildings is bad and is increasing at a rate which will result in a few years in the rental of space unless the Government provides additional housing for the service.

As previously stated, it would seem wise to map out a program covering a period of years whereby relief would be provided first in places where the congestion is greatest and where large sums are being paid for rented space in privately owned buildings. The acquisition of sites, where not already owned by the Government, making of surveys, preparation of plans, etc., will require considerable time; therefore it would not be necessary to appropriate a large initial amount to commence the work of relief if the authorizations should be made.

In the list transmitted herewith there appear the following places not included in the previous list: Alexandria, La.; St. Paul, Minn.; Springfield, Mass.

Respectfully,

HUBERT WORK,
Postmaster General.
A. W. MELLON,
Secretary of the Treasury.

List of 19 cities where the Government-owned buildings are inadequate to house the Federal service and suggested relief measures, with estimated cost.

Boston, Mass.: Rebuilding by sections the present post office and subtreasury for post office, courthouse, and other purposes	$6,000,000
Brooklyn, N. Y.: Extension, or annex, on land acquired adjoining the present post-office building and including remodeling and renovation of present building	1,500,000
Cleveland, Ohio: Acquisition of a site and construction of a postal station and office building	3,000,000
Chicago, Ill.:	
(a) West Side post office—Acquisition of a site and construction of building for post office at limit of cost of	10,000,000
Amounts previously authorized for acquisition of site in acts of May 30, 1908, and March 4, 1911, hereby made available toward total limit of cost stated herein.	
(b) Alteration and renovation of post office and courthouse, including mechanical equipment and mail-handling apparatus	750,000
Detroit, Mich.:	
(a) Demolition of the customhouse, etc., and construction of Federal office building on the site	2,500,000
(b) Acquisition of site and construction of a postal station	750,000
Los Angeles, Calif.: Acquisition of site and construction of post office and office building	3,000,000
Louisville, Ky.: Acquisition of site and construction of a postal station	560,000
Minneapolis, Minn.: Extension and remodeling of the post-office building for post office, courthouse, and office purposes	2,000,000
Newark, N. J.: Amendment of previous legislation so as to authorize acquisition of site and erection thereon of building for post office, courthouse, and other Government offices, at a limit of cost of	4,000,000
Upon completion of said building the present building and site to be sold at such time and upon such terms as the Secretary of the Treasury may deem to be to the best interests of the United States.	
Pittsburgh, Pa.: Construction of post office and office building on site authorized	2,250,000
Salt Lake City, Utah: Acquisition of site and construction of an annex or extension to the post office and courthouse, including remodeling and renovation	$900,000
San Francisco, Calif.:	
(a) Sale of subtreasury; acquisition of a site and construction of a Federal office building	2,000,000
(b) Acquisition of a site and construction of a postal station	1,350,000
Seattle, Wash.:	
(a) Acquisition of a site and construction of a postal station and office building	3,250,000
And that the $300,000 authorized by act of March 4, 1913, and subsequently appropriated be made available for the project.	
(b) Extension and remodeling of the courthouse, customhouse, and post-office building	650,000
Scranton, Pa.: Acquisition of a site, with surface rights only, if necessary, and construction of post office and office building, and sale of present post-office site and building	1,150,000
Springfield, Mass.: Acquisition of site and construction of post office and office building	1,750,000
Worcester, Mass.: Acquisition of site and construction of a postal station	650,000
The following places are additional to those included in the list of 25:	
Alexandria, La.: Demolition of present building and construction of building upon the site thereof for post office, United States courts, and other Government offices	$400,000
Amount previously authorized by act of March 4, 1913, for extension, etc., to be made available toward total limit of cost.	
Cincinnati, Ohio: Acquisition of site and construction of postal station	$1,150,000
St. Paul, Minn.: Acquisition of site and construction of postal station	1,000,000

Attached to the first letter is a list of 140 cities which the department had up to that time inspected, in which it is stated that the floor space in the Federal buildings at these points is wholly inadequate, and the total expenditure estimated to meet these cases alone is $45,343,000, which, added to the amount estimated in their second letter covering 19 cities, makes a grand total of nearly $90,000,000; and this, they state, is only a partial list of places where new public buildings and additions are needed, and does not cover a single case that has not a Government building of some sort. Among other cities included in this list, they took a shot at Kentucky, but the bullet ricocheted and glanced only a suburb of Cincinnati. [Laughter.]

Of course, Congress needs all this information which the Post Office and Treasury Departments are furnishing us, and we could not intelligently frame an omnibus bill without such information, but I do not think that we should act on these propositions until a general public-buildings program for the entire country is determined upon and included in one bill. It has been suggested to me from high sources that good business principles require us to have the money in sight to pay for the work before we begin the erection of additional public buildings. I do not concur in that proposition, because most of the business of the country now is conducted upon a credit basis.

I do not refer to any public official in particular, legislative or executive, when I say that it is manifestly the purpose, in certain quarters at least, to take care of the great civic centers where the business of the Government is necessarily enormous and conditions more congested, and after that is done they will, to express it in common parlance, tell the balance of us to go to the devil. In the documents to which I have referred it is set forth that by reason of the inaction of Congress in the construction of public buildings, it has become necessary to enter into contracts with private persons to construct suitable buildings upon a rental basis; and as the Postmaster General has correctly stated, this is a most undesirable method, not only because of the excessive rentals which it is frequently necessary to pay, but because in most instances the buildings at the expiration of the lease would revert to the owners, so that the Government would be left in a worse situation than it is now. I think also that this idea of side-stepping Members of Congress and making contracts with private individuals to build colossal buildings in big cities and leaving the small cities out is wrong in principle and certainly discourteous to the legislative branch of the Government, and if I can do anything to stop the practice it shall not continue. [Applause.]

It has been correctly suggested that this information is being furnished for the guidance of Congress, which is a coordinate branch of the Government and can do as it pleases. I heartily assent to that, but I wish to add that so long as I have any say in the matter I shall do what I can to prevent Congress from becoming a subordinate branch of the Government in this particular. [Applause.]

I note in the morning papers that the Joint Postal Commission has submitted, or is going to submit, a recommendation that a public building program be adopted by Congress which will involve the expenditure of $20,000,000 a year for some years to come, relief being first given to the large cities, where there is the greatest congestion.

In the first place, I wish to say that this suggestion is utterly absurd. It is in direct conflict with the views of the Postmaster General, expressed to me both verbally and in writing, and also in conflict with the recommendations contained in the two joint letters from the Postmaster General and the Secretary of the Treasury, which urge immediate action in a number of cases which they cite and which of themselves involve an expenditure of $90,000,000, although it is conceded by these two officials that there are still other cases equally emergent that they are proceeding to investigate and will later submit an additional list to Congress. Moreover, the expenditure of $20,000,000 a year will not be equal to the annual rental which we are now paying, so that such a program would not relieve us of this burdensome and excessive rental for a good many years to come. I do not recall how this Joint Postal Commission was created, nor am I acquainted with its personnel; but from what I have seen and read of its attempts to function, it is my opinion that it is just about as useful to the Federal Government as the appendix is to the human body; and I suggest that a speedy surgical operation is advisable to separate it from our Federal machinery before suppuration sets in. [Laughter and applause.]

We shall, of course, be compelled to wait until the next session of Congress before any relief can be given in the way of authorizations and appropriations to relieve this situation, which is destined to become little short of a public scandal unless something is speedily done. My own opinion about it is that we should immediately upon the convening of the next Congress pass an omnibus public buildings bill providing for a general building program, and that this bill should be so phrased that the localities that have not a public building but are in need of one shall not be ignored until certain favored localities are taken care of, so that we may have, as far as it is possible economically to do, all our Government activities ultimately housed in Government-owned buildings.

I think this building program should involve a standardization of public buildings so that one set of plans and specifications may be utilized for the construction of all buildings of similar size and to meet similar public necessities. This of itself would greatly expedite the carrying out of the sort of program I have in mind. From what information I have been able to gather, I am also of the opinion that this program could be further expedited by throwing antiquated plans and specifications into the discard and adopting uniform and up-to-date methods.

The Postmaster General tells me that in numerous instances he is losing 40 per cent of the efficiency of the force by reason of the crowded conditions, to say nothing of the danger to the health of the employees as a result of their insanitary surroundings. I see in the last estimate submitted by the Postmaster General and the Secretary of the Treasury, which totals the sum of $44,260,000, that two, three, and four millions of dollars are estimated for certain cities, including Newark, Minneapolis, Cleveland, Pittsburgh, and Los Angeles, and $6,000,000 for Boston, and the princely sum of $10,000,000 for Chicago. Those of us who do not live in these great civic centers are entirely willing to give them whatever the needs of the situation demand, but only upon condition that they help us take care of our own sections of the country at the same time. I do not mean that every little village should be provided for, but I have in mind now the places where the business of the Government is such that it would be a matter of economy in the end to construct Government-owned buildings instead of renting them.

I am willing to concede that millions are needed in some localities where thousands would suffice in others, but I insist that the smaller places where governmental activities are not provided for with a Government-owned building, need relief just the same as Boston needs six millions and Chicago needs ten millions.

I know of many situations that have been brought to the attention of our committee where even $25,000 or $30,000 would afford ample accommodations. I am not an advocate of the construction of colossal or monumental buildings. I mean, rather, the construction of substantial, fireproof buildings of the factory type, such as commercial interests are constructing to-day. The difficulty is to determine where to draw the line. I can give you two or three instances to illustrate what I mean. Ten years ago provision was made for the construction of a building at Jasper, Wyo., a town of 1,700 inhabitants, and the Senator who secured it was subjected to much criticism, but he knew it was a rapidly growing town and that a building would be indispensable to meet the situation by the time it could be erected. To-day it has a population of 20,000 and the business of the Government is such that that building, constructed after much delay, is inadequate to meet the requirements. In my own district, to give you another illustration, in the last omnibus bill which passed the House but was not taken up in the Senate because of the World War, I had included the city of Hazard, which, according to an antiquated census, had a population of less than 600, and Hazard was made more or less a town of national reputation because of the criticism heaped upon me for that action. To-day the Hazard post office supplies at least 25,000 people living in and around the city, and it is fast becoming one of the industrial centers of our State. The same is true of Pikeville, my home city, and of Paintsville, and I might also mention Jenkins, in my district, the site of which was covered with timber when I was first elected to Congress.

To-day it is the center of a great coal field and has a population of 6,000 or 8,000, a second-class post office, one of the largest artificial lakes in the world, and all sorts of up-to-date facilities too numerous to mention; and yet, as a result of the persistent insistence upon delay in reporting an omnibus bill over our protest, the facilities for the transaction of Government business are wholly inadequate in each instance; and although I have been a member of this committee for 10 years and chairman of it for four years, it has not been possible thus far to get a single public building erected in my district. You may, therefore, very well understand why I feel as I do on this subject.

I could give scores of cases that have been brought to the attention of our committee, most of which are not included in the lists submitted by the Postmaster General and the Secretary of the Treasury, but which are nevertheless equally emergent, and in which the Representatives from the districts where these are located have repeatedly and persistently appealed to our committee to report legislation to relieve the situations, which has not been done because of existing conditions and the operation of influences against the reporting of any public-building legislation during the Sixty-seventh Congress.

Take, for example, the case of Oakland, Calif., where the conditions surrounding the transaction of the postal business are simply deplorable. A few other cities in California are in the same condition, and one can readily understand the situation in that State when I tell you that in a number of places the population has doubled in the last 10 years.

I might mention many other cities throughout the country where the conditions are equally deplorable, such as Steubenville and Circleville, Ohio; Sheboygan, Kenosha, and Racine, Wis.; Asheville, N. C.; Chandler, Okla.; also at Houston, Tex., where the parcel post is handled on the sidewalk and in the street, and I have a photograph on file for the committee showing this. Facilities are wholly inadequate in cities like Baltimore, Pittsburgh, Boston, Lawrence, and Peabody, and even in Chicago. I am reminded also of the city of Syracuse, N. Y., whose able and industrious Congressman has repeatedly urged the relief which is needed there. The first step toward meeting this situation there was in 1906, but outside of the acquisition of a site and the razing of buildings thereon and the partial appropriation contained in the act of March 4, 1913, nothing has been done and an entire block in the heart of the city is inclosed by an unsightly board fence. But I could go on almost indefinitely citing these cases where the facilities are so inadequate for the transaction of the public business that it is discreditable to a great Nation like ours.

To repeat myself somewhat, we ought not to have unnecessarily ornate buildings; they ought to be in keeping with the architecture of the surrounding buildings in the city in which they are constructed. I think also that we should have a standardization of all buildings, so that, instead of drawing the plans and specifications for each, there should be a general type of buildings for cities of a certain size and with a similar volume of public business. I think this would greatly expedite this construction work, which is most desirable and indeed of immediate and pressing importance.

There is another matter that I wish to mention briefly, and that is: When we do enact an omnibus bill, and we must do it at the next session of Congress if we wish to avoid the just indignation of the people in those localities throughout the country to which I have referred, we should so legislate as to provide adequate facilities for the prompt erection of these buildings in order that, when a Member of Congress secures an authorization for a building, he has a reasonable assurance of seeing the building completed and occupied while he is yet living. [Applause.]

Mr. MADDEN. Mr. Chairman, I yield 18 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TINKHAM. Mr. Chairman, criminal charges of a very serious nature are about to be presented to a New York grand jury against one William H. Anderson, who is a member of the national legislative committee, national executive committee, national board of directors, and is New York State superintendent of the Anti-Saloon League of America. All of the State officers of the New York Anti-Saloon League are being examined to-day in Albany for violations of the New York corrupt practices act.

In view of these facts and the added fact that this organization has dominated and controlled the Congresses of the United States for nearly 10 years and has attempted to dictate appointments to the Federal judiciary and controls completely the present administration, the following correspondence from an unimpeachable source should be interesting both to the House of Representatives and the country. It is between William Dudley Foulke, vice president of the National Civil Service

Reform League, and S. E. Nicholson, secretary of the Anti-Saloon League of America:

DECEMBER 22, 1922.

S. E. NICHOLSON,
Secretary Anti-Saloon League, Washington, D. C.

DEAR SIR: In yours of December 18 you say "When the Volstead law passed neither the Anti-Saloon League nor any other agency could have gotten into that law a civil-service provision." It was not necessary to get into that law any such provision. The civil service law itself would have taken care of that, but in the bill you supported there was put in a provision that the places should be excepted from the civil service law. For putting that in your league can not shirk the responsibility. It was well recognized you were behind that law and doing your utmost to secure its passage with that provision.

You add that Congressmen took the view that civil-service requirements would have eliminated some old internal-revenue men who would make the best enforcement officers because of their experience; that most of your Anti-Saloon League people did not agree with this, but it would have been useless to have opposed it. This is quite different from what Mr. Wayne B. Wheeler told us in his reply to my address at the civil-service meeting in Washington, for he said that the objection to including these places in the civil service was because in that case only men with two years' previous experience in investigating crime could be admitted and that many of these men were regarded by the league as not suitable. You say it was because experienced men would be excluded, and he said it was because such experience was improperly required. Which is it? The fact is that neither of these statements is true. Mr. Wheeler's was not correct because neither the Civil Service Commission nor any authorized body had made any rule requiring two years' qualification, or anything of the kind, and your statement can hardly be correct because experienced internal-revenue officers, if they could show their qualifications under civil-service rules, would be appointed. The plain fact is that the Congressmen wanted the plunder and you let them have it.

You say that it would have been useless to have opposed the congressional viewpoint, although the Anti-Saloon League people did not agree with it, and that for the league to have forced the issue would have been to jeopardize the bill. You insist, therefore, that I did the league an injustice by giving the impression that its officers opposed the civil-service provision. I said nothing about its officers nor about such a provision. All we wanted was no provision at all, and your explanation puts the league in a far worse position than what you say I charged, for you admit that its members, although knowing the Congressmen's views were wrong, yielded to them to get the bill passed. That means that you bought the bill with congressional patronage and paid for it not with your own money but, far worse, with offices, paid out of taxes levied upon the people. I do not at all suppose you understood the immorality of that act, but in any reasonable system of ethics it was far more indefensible than opposing the civil service law. A man may conscientiously oppose that law, but not support its inclusion if he believes that law is right.

Your league is not like an ordinary political organization, which can compromise and give and take what it will for the sake of expediency, but you are professedly engaged in accomplishing a great moral reform, and this can not be done through immoral means. And even if you could not get your bill through except by excluding appointments from the classified service, you could at least have declared that you were not cooperating with that part of the bill and did not approve of it.

Mr. BLANTON. Mr. Chairman, will the distinguished gentleman from Massachusetts yield?

Mr. TINKHAM. I can not yield.

Mr. BLANTON. I make the point of order, Mr. Chairman, that it is improper in debate for a Member of Congress to accuse his own party of buying officials who are employed to perform their duties with patronage positions. That is the substance of the gentleman's statement, and it casts a reflection upon his entire party.

The CHAIRMAN. The point of order is overruled, and the gentleman from Massachusetts will proceed.

Mr. TINKHAM (continuing):

But suppose that your excuse was well founded and that you had to agree without remonstrance to the wicked clause in order to obtain the larger good; in other words, that you believed in the principle that the end justifies the means. Suppose that were true and the bill were passed in that way, what then? You could at least do your utmost to have this iniquitous provision removed and appointments placed under civil-service rules as soon as possible. Many years have passed since that time. What have you done? The National Civil Service Reform League, through its president, Richard H. Dana, showed at once where this clause would lead and we have protested over and over again, at our annual meetings in speeches and resolutions. We have repeatedly sent our representative to confer with enforcement officers and have drafted a bill providing for the classification and reexamination of all persons in this branch of the service, yet you never lifted a finger to stay the abuses you had created, and to substitute a nonpolitical system for the party plunder you had introduced.

When the Wilson administration ceased and the Republicans came into power, and when the maxim "turn the rascals out" was more deservedly applied to the enforcement bureau than I ever knew it applied before, would not that have been a good time to substitute nonpolitical and competitive tests for the appointment of those who were to succeed the men dismissed? Yet you never budged.

Even if you regarded it as well nigh impossible to secure this, should not your own self-respect have impelled you to make some effort or at least some gesture of an attempt to remove this demoralizing system from the service. Where and how did you make it? For you knew perfectly well that wherever the spoils system entered corruption and incompetency followed in its train, and the enforcement bureau under the Volstead Act has given a finer illustration of that than any other case in history. What has been its record? In Rhode Island the corruption was so great that the entire Federal organization from top to bottom was thrown out by the authorities at Washington. The changes in New York have been kaleidoscopic. There have been seven different supervisors and directors, the corps of subordinates has been changed correspondingly. Hardold L. Hart, chairman of the Broome County Republican committee, who was appointed director soon after Harding took office, resigned in October, and thereafter was indicted for fraud; withdrawal permits had been issued during his administration and many millions due the Government were absorbed by illegal transactions. Favorable rulings from Director Hart were secured by William A. Orr, another Republican politician afterwards indicted. There was one director after another of the same caliber. Ralph A. Day refused to waive immunity when called by the grand jury investigating liquor fraud, refused to permit inspection of the books of R. A. Day & Co., of which he was president.

Herbert G. Catrow, former assistant prohibition director of New York, was indicted last April with 15 other officials.

In Pennsylvania W. C. McConnell, former director, was indicted last March for conspiracy in the fraudulent withdrawal of liquor. Men were actually dismissed from the service in Pennsylvania because they insisted on the enforcement of the law. The cases in these various States all hang fire amid interminable delays. Attorney General Daugherty says his department can not properly press for their trial to the prejudice of other cases. A few men, however, have been tried and convicted. Thomas Delaney, director of Wisconsin, was sentenced to two years in prison and fined $10,000, as well as Joseph Ray, one of his inspectors, and another of a year, while Robert L. Grillion, director in Detroit, was sentenced to three years in prison. The prohibition director from Montana has recently been indicted.

I could give you lists by the score of subordinates involved in these frauds. Liquor is openly sold in some of the largest New York restaurants and other public places in the country and statements made as to how much is paid to the inspectors for permission to make these sales. Liquor is imported daily in enormous quantities from the Bahamas, Canada, and elsewhere in violation of law. The service is corrupted from top to bottom by a set of depraved political officials appointed under the spoils system which you promoted.

Mr. BLANTON. Mr. Chairman, may I make a point of order?

The CHAIRMAN. The gentleman will state his point of order.

Mr. BLANTON. Mr. Chairman, I make the point of order that what is known as the ship subsidy bill is now dead, and it is no longer necessary to read these dry essays before the Congress.

The CHAIRMAN. The Chair overrules the point of order.

Mr. TINKHAM (continuing):

Even those who seem anxious to enforce the law are so ignorant and inefficient that they make illegal searches and arrests in violation of the fourth amendment to the Constitution as recently decided by one of our Federal courts. I could go on for hours with the details, but why do so? President Harding himself announced in his message that they had become a national scandal and calls upon the governor for help in that for which the national force, if decently administered, ought to be adequate.

It will not do to say that the national prohibition force can not be kept from corruption, since the Harrison antinarcotic bill, dealing with a precisely similar subject, has been adequately enforced without serious scandal by employees appointed from top to bottom under the civil-service system. Indeed, I understand that you yourself do not claim that the Volstead Act can not be enforced. Why, then, have you not done something to get it enforced under the system which has been successful?

I have been for many years in a very small way a contributor to your organization. I believe that national prohibition, if adequately enforced, would be a great benefit to the families of workingmen and others who have suffered from the evils of intoxication; but in view of your past course, I am entirely through with you and believe that you have brought nothing but discredit upon the cause you support, and that some better organization ought to take your place. [Applause.]

In my speech at the Washington meeting of the National Civil Service Reform League I said, "I here accuse the Anti-Saloon League that in so long permitting without a protest the enforcement bureau to become and remain the spoils of degenerate political plunderers, they have themselves been guilty of an immoral and wicked course." In your letter to me you say that I did the Anti-Saloon League an injustice, and that I am doing violence to the prohibition cause in attacking its enforcement; that the blame does not lie wholly with the enforcement department. In this you admit that a great deal of it does lie just there. You accuse wet propaganda in the news papers and movies, but what better support could such propaganda have than the general corruption of this bureau? You promised us that under prohibition we should have a great diminution of vice and crime, yet vice and crime are rampant as never before. Mr. Wayne B. Wheeler said the causes lie elsewhere, and in part they do, but what greater incentive could there be to the violation of all laws than for our people, especially the young, to see that this law is generally, if not universally violated? It is time for you to acknowledge your own shortcomings before you accuse the press or the people of the things to which they have led.

The charge which I made in Washington was not only true but it did not go far enough. I will now add, "They have not only betrayed the cause they espoused by discrediting its agents and deserve the chastisement visited upon their reprehensible conduct, but they also have endeavored to palliate and justify such conduct by insincere and dishonest excuses. Take, for example, what Mr. Wheeler said in answer to my Washington address. I had described the course of Mr. Harold D. Williams, one of the appointing officers, in Massachusetts, in selecting his men. He said, "Well, I size the man up first, myself. I give him the 'once over' and I get a fairly good idea of his character and capacity in that way; I examine his recommendations and testimonials, if any; then, if he measures up to my standard, I put him through what I call the third degree. He is to present an indorsement by the Republican League, the Republican State Committee, and the Anti-Saloon League."

It would appear from this that the worthies who fill these offices were indorsed by your league and Mr. Wheeler found it necessary to refute my statement. He said there was no such man as Williams at all, and that it was Wilson, and that Wilson had no power to appoint whatever. This seemed to be a rather conclusive rejoinder. But it so happened that in one of the front rows in the audience was Miss Nichols, belonging to our league, who informed us that she had herself seen Mr. Wilson's successor, and that the appointments had been

made in just that way. She further said that, although the actual power to appoint was not in his hands, yet it was his recommendations which decided—just as the recommendation of the local postmaster generally decides the appointments made in his office by the Postmaster General in Washington. So that the charge in its substance was absolutely true and the excuse was a mere dishonest evasion.

Mr. Wheeler also insisted that the last election, instead of showing dissatisfaction with prohibition enforcements, showed that it was increasingly supported by the people. This is not the way that your own papers, like the American Issue, looked at the election, a paper which admitted the dangers it portended, and insisted that you must be on guard now as never before. Mr. Wheeler is entitled to all the comfort and delight which that election is so well calculated to produce. But voters do not closely discriminate. Their disgust for VOLSTEAD, leading to his just and salutary repudiation, and for the corrupt gang with which his act infected the country, soon expanded into disgust for all temperance legislation. Many who were conscientious supporters of prohibition, seeing how it works, and the general demoralization caused by the lawlessness it encourages, say, "We favored prohibition and we would favor it still if you would enforce it; but the vile thing we have now is worse than the evil we sought to abolish." And now they seek—mistakenly, I believe—rather the repeal of the whole system than the effort to enforce it by removing it from politics.

Mr. Wheeler urged at the meeting that we should now try to get together for the best civil-service law we would get, and when I tried to pin him down to what law he meant he said it was Senate bill 3274. He mistook the number, it was 3247, and I read it to the audience. It provided that the field service and prohibition agents should be transferred to the classified service without any further examination. That would include in the classified service every derelict whom the bureau now has in its employ. No test of their qualifications was to be imposed. If the bureau had a decent, efficient service now that might do, but with the corrupt gang that now fills the positions this provision would only render more permanent the present abuses. But worse than all, section 3 provides that nothing should restrict the exclusion from civil-service methods of all executive officers having immediate direction of the enforcement of the act, and also the persons authorized to issue permits, including officers employed under the commissioner and directors. By this provision all the miscreants at the head of this corrupt organization would still remain political plunder as at present. The condition of the service would actually be worse than it is to-day, and all the discredit attached to its inefficiency after it has been thus degraded would naturally fall on the competitive system itself.

You say in your letter "the bill which would bring enforcement agents under prohibition (I suppose you mean civil service) has been reported favorably. It may not be all that you and others desire or that we desire. It has not been, however, our policy in the past to reject everything because we could not get at the particular time all we want. We of the Anti-Saloon League feel now that with the experience of the past two or three years the sentiment in Congress has changed sufficiently for us to get this particular bill, and the Anti-Saloon League is throwing itself into the fight for all that it is worth."

That is exactly what I would suppose you would do with such a measure. These spoils Congressmen now hope to keep even more permanently than before the vile retainers they have foisted upon the public and you are backing them up now just as you did at the beginning in their iniquitous purposes. I am glad that your letter arrived simultaneously with one from the secretary of our league, Mr. Marsh, who tells me he has already stirred up some opposition to this bill but that "Wheeler and the Anti-Saloon League are undoubtedly behind it and that is enough to put it through." I am glad to transmit this correspondence to him and I expect to urge him to leave no stone unturned to show the world that we repudiate it utterly. We do not intend to have the civil-service system discredited by "covering" into it a bureau which you have permitted to be thus defiled when the only effect will be to perpetuate and increase the undendurable stench which now permeates the olfactories of the Nation. We want the scoundrels eliminated before the civil-service system shall be held responsible.

I wrote to Mr. Wheeler on November 20, 17 days before our meeting and told him my criticisms of your league and asked him to tell me, since I did not wish to do the organization an injustice, what it has done to prevent the exception from the civil service law being included in the Volstead Act; what protest your league had made against the spoils system and what efforts to eradicate it. To these questions I have had no answer down to the present moment. Mr. Wheeler said he had been out of town but I can hardly commend the efficiency of an office which does not permit that a communication of this kind should reach him during all of that time. If you hope to get any better enforcement of the law you will have to act with more celerity than this. If I am doing you any injustice now it would be better to let me know in less than 17 days for I shall not wait that long before submitting this correspondence to so much of the world as I can reach.

WILLIAM DUDLEY FOULKE.

Thus, Mr. Chairman, the House of Representatives should apprehend what criminal, unprincipled, and mendacious leadership it has followed for 10 years and added to the Constitution of the United States the eighteenth amendment and enacted the Volstead Act, both of which have brought to our country revolution against Government and revolt against all law.

Under leave to extend my remarks I desire to print an address delivered by Nicholas Murray Butler, president Columbia University, of New York, before the Ohio State Bar Association at Columbus, Ohio, on January 26, 1923.

The address is as follows:

LAW AND LAWLESSNESS.

[An address delivered before the Ohio State Bar Association at Columbus, Ohio, on January 26, 1923, by Nicholas Murray Butler, president Columbia University, of New York.]

In this presence of a distinguished and representative company of American lawyers and men of affairs it would be quite easy to speak once again with appropriate rhetorical flourishes those sonorous platitudes concerning the law and its supremacy with which we are all familiar. One who does not venture beyond the limits of common consent may gain universal applause, but he does not contribute to progress. My preference is to raise, with such definiteness as the time at my disposal will permit, some fundamental and doubtless disputed issues which I conceive relate directly to the subject under discussion.

That disregard of law, disobedience to law, and contempt for law have greatly increased and are still increasing in this country is not to be doubted. Similar happenings are taking place in other parts of the world, but one may wonder whether the unenviable supremacy of the people of the United States in this field is not fixed for the time being. In all parts of the country judges and lawyers are discussing the prevalent spirit of lawlessness, and usually end by asserting emphatically that the law must be and shall be enforced exactly as it is written without fear or favor. This has a fine sound and is universally applauded, but it contributes absolutely nothing to an understanding or solution of the grave problem which widespread lawlessness has raised. An examination of the proceedings of the recent annual meetings of bar associations throughout the country establishes the fact that almost all of them have been hearing discussions of this topic. Its importance, therefore, and its nation-wide character may be taken for granted.

It is rather a sorry outcome of our century and a half of existence as an independent nation, proclaiming to the world the discovery of the best possible method of providing for liberty under law, that we should now be pointed to as the lawbreaking nation par excellence. At the meeting of the American Bar Association held in San Francisco in August last I listened to the report of a special committee on law enforcement. That committee called attention first to the fact that we in this country are without adequate and accurate statistical information as to crime and will remain so until the Department of Justice is in position to establish a bureau of records and statistics where all relevant information may be assembled and preserved, and to which recourse may be had by courts and public officers throughout the nation. That committee offered a most disheartening and indeed shameful comparison between the law-abiding character of the people of the Dominion of Canada and that of the people of the United States. They seemed to feel that the situation was somewhat relieved by the fact that when Canadians cross the border they become proportionately less law-abiding than when at home. Some of us might think that, contrary to the adage of the poet Horace, these immigrants had changed both the sky above them and the spirit within them, and that the inference was not complimentary to the United States. However that may be, the Dominion of Canada, with a population of some nine millions, stands in most enviable contrast to Cook County, Ill., with a population of some three millions, when burglaries, larcenies, and homicides are taken as standards of comparison.

It was of particular interest to hear in that report the statement that particularly since 1890 there has been and continues to be a constantly widening and deepening tide of lawlessness in the United States. I hold that date, 1890, to have marked the turning point for the worse in more than one field of thought and action, and to be a truly significant date for anyone who would understand the prevalent lawlessness among our people. It seems clear that the remedies usually suggested for this lawlessness are very superficial and can have none but superficial and temporary results. It is all well enough to increase the number of judges, to make criminal trials more speedy and sentences after conviction more severe, and in various other conventional ways to strengthen the administration of justice. We may, however, do all these excellent things and lawlessness will still continue to exist and to grow unless its underlying causes be reached and dealt with. Human experience has long since exploded the doctrine that a severe punishment will deter from the commission of crime. The fear of detection will so deter, but the fear of punishment will not.

In order to get at the fundamental facts in respect to lawlessness we must dig down somewhat deeper than ordinary. There is, first, the body of new information just being brought to general public attention, which appears to indicate that during the past hundred years and more the material progress of man and his power to control and apply the forces of nature have far outrun both his intellectual and his moral capacity and competence. One of the most distinguished of American scientists recently said in my hearing that he had about come to the conclusion that all his discoveries and advances were harmful rather than helpful to mankind because of the base and destructive uses to which they were likely to be put. He insisted that, in the present state of public intelligence, if there was a lofty use and a lower use of his discoveries and inventions, evidence multiplied that the lower use would be the first chosen. He pointed, among other things, to the fact that the Great War, with all its destructiveness and appalling loss of life and treasure, could never have been fought except by the use of two of the most beneficent and striking of modern inventions, namely, the telephone and typhoid prophylaxis. What, he added, is the use of inventing and improving the telephone or of discovering and applying typhoid prophylaxis if the killing of millions of men is the best use that can be made of them?

Frankly, we must face the possibility that we are living in a material world, to which but a portion of the people are intellectually and morally adjusted. These, and these alone, be they few or many, are in a state of mental health. The others are pathologic cases from the intellectual and the moral point of view. They are not mentally defective as that term has been understood, nor are they in any technical sense insane; but they are sufficiently maladjusted to their environment to be lacking in complete mental and moral health. If conditions like these be superadded to the general temperament and known characteristics of the people of the United States, it is not difficult to see how a widespread spirit of restlessness, of dissatisfaction with law, and eventually of disregard for law, might be brought about. The more advanced of our students and investigators of mental life and mental health are quite alive to these conditions, but as yet they are voices crying in a wilderness.

The report of the American Bar Association's committee on law enforcement mentioned the year 1890 as significant in the history of the development of lawlessness in this country. That happens to be about the time when the standards and methods of general education which had existed in the United States for more than a half century began to give way before those that have since become increasingly influential not only in our schools and colleges but in our homes. For various reasons which need not be gone into here there then began to be an increasingly sympathetic response to the doctrine which had for some time been preached, that no youth should be asked to follow any course of study that he did not like and that was not of his own choosing. His tastes and early capacities, or perhaps his whims, were to take the place of human experience and the general interest in determining how he should spend his time while in the process of formal

education. A quick effect, and indeed an almost unconscious effect, of the practice of such a doctrine is to displace discipline and to arouse in the mind of youth contempt and disregard for those things which he has not chosen to know, regardless of what may be the opinion of others concerning their value and importance. In this way the individual learns to separate his own tastes, his own interests, his own occupations from those of the community of which he is a part, and only to prefer and to follow his own. That subtle and many-sided influences would in this way be set in motion to make for lawlessness seems obvious.

Until about 1890 the ruling notion in American education was that there existed such a thing as general discipline, general knowledge, and general capacity, all of which should be developed and made the most of by cooperation between the home and the school. As a result of a few hopelessly superficial and irrelevant experiments it was one day announced from various psychological laboratories that there was no such thing as general discipline and general capacity, but that all disciplines were particular and that all capacities were specific. The arrant nonsense of this and the flat contradiction given to it by human observation and human experience went for nothing, and this new notion rapidly spread abroad among the homes and schools of the United States, both to the undoing of the effectiveness of our American education and to the spread of a spirit which makes for lawlessness.

It would surprise a great many excellent persons to be told that the schools upon whose maintenance they are pouring out almost unlimited sums raised by public tax were, quite unconsciously, doing all that they reasonably could to implant a spirit of lawlessness in those who come under their influence. And yet that is the sober truth. If a youth be taught at home or in school that there are no fundamental underlying principles, but that the world is his oyster, to be consumed at such time and in such fashion as he may see fit, or that it is to be made over to his heart's desire, one need not wonder when a spirit of lawlessness and restlessness under order and constraint find expression in his life. The platitude makers tell us sometimes that education is preparation for life, and sometimes that education is life; take either horn of the dilemma, and the sort of education to which we are now subjecting our youth is too often a training in the spirit of lawlessness. No person can be called educated who will not do effectively something that he does not wish to do at the time when it ought to be done.

If these considerations be correctly stated, a secure foundation for lawlessness has been laid in our national life and an invitation to lawlessness has been extended by the recent material progress of man and by the changes that have come over our national system of education. The sum total of the effects of these causes is to predispose to lawlessness. In such case there is no effective barrier raised against human passion, human greed, human revenge, or human cupidity. First comes individual interest and individual satisfaction; then group or class privilege or advantage; and last of all, the interest of the general public, which in a healthy and law-abiding society will always be supreme.

Upon the foundation so laid, there has been rising for some time past a structure making for lawlessness which has had the cooperation of many builders, most of whom have been quite unconscious of the part they were playing. Our legislatures, both State and National, and our various administrative boards and bureaus are largely made up of those whom Thomas Jefferson wittily described as demi-lawyers. Their ruling passion is a statute or an administrative order. Their constant appeal is to force, to what has come to be known as the police power of the state, and they exercise it with a ruthlessness and a ferocity from which kings and emperors have been accustomed to draw back. Shortly before retiring from public life, former Senator Thomas, of Colorado, himself a learned lawyer of high type, made a speech in the Senate in which he pointed out that within a relatively short period of time we Americans had some seventy thousand statutes, State and National, passed for our guidance and Government. To state this fact is to name a powerful force making for the spread of lawlessness. When the temporary is confused with the permanent, and when the unimportant and trivial is mistaken for that which has broad reference and wide implication, intelligent citizens must not be expected to look seriously upon statutes and statute making or to treat all statutes with equal respect. The strain is quite too much for common sense and for a sense of humor to bear. I well know that it is the opinion of lawyers that whatever enactments are duly made by a legislature and upheld by a competent court are part of the law. But that is an illusion. They are only part of the law if general public opinion supports and upholds them. There is a silent referendum in the hearts and minds of men on every important enactment by a legislature and on every important decision by a court which involves a fundamental principle of civil liberty. Without a favorable issue in that referendum the statute and the decision alike are written in water. It must not be forgotten that law is but one form or type of social control.

It is not so many years ago that Americans used to laugh at the Prussian bureaucracy and to point with scorn at the signs "Verboten" that were to be seen on every hand in Prussia. Our bureaucracy is quite as bad as that of Prussia ever was, without being so efficient, and now we have a dozen "Verboten" signs in the United States to every one that Prussia can show. Not a few of the printed forms addressed to citizens by various bureaus of the National and State Governments are rude and peremptory to the point of insolence, and are justly resented by self-respecting citizens. The multiplication of petty crimes has gone on until the list includes scores of perfectly innocent departures from the conventional and scores of perfectly harmless infractions of good manners and good conduct.

No longer do the demi-lawyers stop with defining these acts as misdemeanors. Not infrequently they are elevated to the rank of felonies. Is it any wonder that an intelligent and self-respecting public revolts at that sort of official treatment? It may just as well be frankly stated that a very distinct contribution to the spread of lawlessness is made by the ease and inconsequence with which we make and modify the law. Did time serve it would be possible to give illustration after illustration drawn from the statute books and administrative codes of States in all parts of the Union. Thomas Jefferson would rise in his grave if he could know what is now going on in the United States, not infrequently at the behest and under the influence of the political party which still professes allegiance to his name and principles.

In this respect things have come to such a pass that the really public-spirited legislator who should vote no on every roll call in respect to the final passage of a bill would be rendering public service nine times out of ten. The common law will take care of our developing needs in far better fashion than will statutes in all but a very small class of cases. The influence of a sound education and a true religion, if really believed in instead of being merely talked about, would in time build up a spirit of obedience to law which no possible system of law enforcement can ever bring about. Through centuries a habit of obedience to the Ten Commandments may be built up among men, but the Ten Commandments can not be enforced by all the governments and armies in Christendom.

This is but one more phase of the never-ending struggle between reason and force in human life. Civilized states, and particularly those which rest upon a basis of popular government, are always steadily aiming to widen the area in which reason rules and to narrow that in which force controls, both as to their internal policies and as to their international relationships. We in this country, however, have of late been pursuing the reactionary policy of widening the area where force controls, and this is justly resented by a very large number of Americans. Their resentment leads naturally, in the case of not a few, to lawlessness in one of its many forms. It is no answer to say that these statutes and these administrative orders are made in pursuance of law, and that at bottom they rest, through the medium of our representative institutions, on the will of the majority. The will of the majority is under precisely the same limitations as was the will of the monarch. In the process of gaining freedom it has never been the intention of modern men to substitute a tyrant with many heads for a tyrant with one head. They have endeavored and have struggled to mark out and to define an area of civil and political liberty into which no tyrant may enter, whether he have one head or many. The invasion of that area by the many-headed tyrant under the ostensible forms of law is just as repugnant to the lover of liberty as is its invasion by the monarch claiming to enter by divine right. When the law commits a trespass it can hardly expect that sort of hospitable welcome which is cheerfully offered to an invited guest.

These were once fundamental principles of American public polity. They were universally accepted by the fathers, and were laid down as the chart by which our ship of state was to be guided as it set out on its memorable voyage across the seas of political experience. It needs no argument to prove that we are tending to lose sight of these fundamental principles and to try all over again, although in new forms, the world-old experiment of tyranny and despotism and interference with personal life and private conduct. It has been settled and generally accepted law in the United States for nearly two generations that when an undertaking privately organized becomes charged with a public interest then public supervision and control may rightly be established over it. Similarly, it is only when the private life and personal conduct of an individual become so charged with a public interest that public authority has any proper concern with them at all. It would not be unbecoming for us all to reread at intervals the Declaration of Independence and to reflect seriously upon its words. If the American of to-day were to read Thoreau's essay on Civil Disobedience he might be startled but he certainly would be enlightened.

It would be lacking in frankness and sincerity not to point out two important and law-made influences which are now making, and seem likely long to make, for lawlessness in American life. The American people as a whole can not escape full share of the responsibility for these two influences, although they are in part due, no doubt, to what Walt Whitman described as "the never-ending audacity of elected persons."

The first is the fifteenth amendment, proclaimed in 1870, and the second is the eighteenth amendment, proclaimed in 1919. In form and in fact, and judged by all the usual tests and standards, these two amendments to the Constitution of the United States are part of the organic law, with all the rights and authority which attach thereto. Nevertheless, they are not obeyed by large numbers of highly intelligent and morally sensitive people, and there is no likelihood that they can ever be enforced, no matter at what expenditure of money or of effort, or at what cost of infringement or neglect of other equally valid provisions of the same Constitution. The purpose of those who advocated and secured the adoption of these two amendments was excellent, but they did not stop to deal with the realities of politics and of public morals.

When the thirteenth amendment abolished slavery, and when the fourteenth amendment provided for the reduction of the representation in Congress from any State which abridged the right of any citizen to vote, except for participation in rebellion or other crime, the matter might well have rested there. All that was needed was the courage and the public opinion to enforce the fourteenth amendment, and speedily the several States would have made provision for their own protection by which the intelligent colored man would have been permitted to vote. Gen. Robert E. Lee himself testified in this spirit before the reconstruction committee of the Congress. The Civil War had but just ended, however, and passion ran high. Therefore the fifteenth amendment was proposed and ratified, and the right of suffrage was given a national basis and protected by a national guaranty. What has been the result? After a half century the colored man votes in those States where he voted when the fifteenth amendment was passed, but he rarely votes, and certainly does not freely participate in public life, in those States where he did not vote then. Every attempt to enforce the fourteenth or fifteenth amendment has been denounced as a force bill. Oddly enough, it has been so denounced by those very Senators and Representatives who will go to any length to enforce the provisions of the eighteenth amendment. The practical question is not whether or not the colored man should vote in the Southern States, but whether the American people will frankly face the problem presented by the nullification throughout a large part of the land of a most important provision of the Constitution of the United States. Everyone knows what political results follow from the failure to enforce the provisions of the fourteenth amendment and from the skillful measures which have been enacted to escape its provisions without actually violating it. All this is a matter of history. No one in his senses wishes to overturn white government in the Southern States; but everyone with the American spirit in his heart wishes fair play and a fair chance for the colored man and the removal of any continuing cause of lawlessness which has its foundation in the organic law itself. It is elementary that an individual or a community may not defy law in one respect without developing a habit of disregard for all law. If the American people stand idly by and see the fifteenth amendment unenforced and unenforceable because it runs counter to the intelligence and moral sense of large elements of the population, must they not either remove the offending cause from the law or leave off bewailing the lawlessness to which its presence naturally leads? This generation has become so accustomed to the cavalier treatment of the fourteenth and fifteenth amendments that it rarely weighs, and little understands, the influences flowing from them for lawlessness. It is a fair question whether, if the fifteenth amend-

ment were repealed and the fourteenth amendment were enforced, the political and social condition of the colored man in the Southern States would not be vastly improved. Certainly a powerful and continuing cause of lawlessness would have been eliminated and the political condition of the colored man would be no less advantageous than now.

The situation with regard to the eighteenth amendment is even worse, because the revolt against it is not confined to men and women of intelligence and moral sensitiveness in one section alone, but is nation-wide. It will not do to attempt to silence these persons by abuse or by catch phrases and formulas of the hustings. These men and women dissent entirely from the grounds upon which the case for the eighteenth amendment was rested, and they regard its provisions and those of the statutes based upon it as a forcible, an immoral, and a tyrannical invasion of their private life and personal conduct.

They have no possible interest in the liquor traffic, and they are without exception opposed to the saloon. But they are equally opposed to making the Constitution of the United States the vehicle of a police regulation affecting the entire country, and dealing not alone with matters of public interest and public reference but with the most intimate details of personal and private life, including food, drink, and medical treatment. The moral sense, as well as the common sense, of very many people is affronted by a policy which will expend millions of dollars and use the methods of Czarist Russia and of the Spanish Inquisition to enforce one provision of law while others of far greater significance and public importance are accorded conventional treatment or less.

It will startle many excellent people to hear the following sentences from the recent book of Outspoken Essays, second series, written by the Dean of St. Paul's Catholic Cathedral, London. The author, Doctor Inge, is one of the most learned and most eminent of English churchmen. "Suppose," says Dean Inge, "that the State has exceeded its rights by prohibiting some harmless act, such as the consumption of alcohol. Is smuggling, in such a case, morally justifiable? I should say yes; the interference of the State in such matters is a mere impertinence." (Inge, William Ralph: Outspoken Essays, second series (New York, 1922), p. 134.)

Or if one crosses the Atlantic he may find with increasing frequency expressions like these unanimously adopted by a recent grand jury in Kings County, N. Y., whose limits are identical with those of the community which has long been known as the City of Churches. Referring to the existing laws for the enforcement of the eighteenth amendment this grand jury expressed itself as follows:

"Whatever may be our individual ideas upon the subject of temperance and prohibition, we believe that there can be no doubt but that this law tends to debauch and corrupt the police force. It interferes with the liberty and private life of moral, law-abiding citizens. It even goes so far as to brand good men felons, because in their own conscience they desire to indulge in personal habits in which they find no harm. It has not checked the misuse of intoxicating liquors, but it has seriously hampered their proper use. We feel that it can never be enforced, because it lays down rules of private conduct which are contrary to the intelligence and general morality of the community. It is an attempt by a body of our citizenship, thinking one way, to interfere with the private conduct of another body, thinking another way." (New York Globe, December 29, 1922, p. 2.)

These are not expressions of a spirit of lawlessness. They are a simple declaration of the fact that lawlessness is certain to follow from some types of law. The answer which is made is instant and resounding. We are told that the eighteenth amendment was adopted in accordance with the provisions of the Constitution itself, and that its validity as an amendment has been affirmed by the United States Supreme Court. We are told then that all that those who disagree with its principles and purposes have to do is to accept defeat, to recognize themselves as in the minority, and to obey the law. Perhaps this ought to be the case, but it is not, and I greatly doubt if it ever will be, at least within the lifetime of any man now living. The majority is not always right, nor is its verdict final. The Old Testament records a leading case in which four hundred and fifty prophets of Baal were worsted single-handed by the prophet Elijah, who had God and right on his side. Four hundred and fifty to one is a very unusual majority, but it was not enough.

As Abraham Lincoln pointed out in his argument against the finality of the decision of the United States Supreme Court in the Dred Scott case, he was not violating the law or urging its violation. He did not propose to set Dred Scott free by force, in opposition to the court's decision. What he did propose, however, was to agitate and to lead an agitation for such political action as would make impossible the conditions which had led the Supreme Court to make its decision in that particular case. It is lawless openly to affront the law. It is not lawless to agitate for its modification or repeal.

No one who is familiar with the practical workings of our political system would expect either the fifteenth or the eighteenth amendment to be repealed within measurable time. So far as one can see, therefore, we are shut up to the alternative of their attempted enforcement by soldiers and police and special agents and detectives and spies, or to their abrogation over a great part of the land by local initiative and common consent. Either alternative is humiliating and degrading. If our people have taken untenable and harmful positions in respect of securing suffrage for the colored man, and in respect of promoting the cause of temperance and total abstinence and in removing the abuse and the nuisance of the public bar, they should be willing to retrace those steps and start toward their wise and splendid goals by other and more practical paths. I know of no one who dares to hope for any such fortunate outcome of the unhappy conditions that now confront us.

Speaking for myself, I may say that my first political activity in my native State of New Jersey was in cooperation with colored men and on their behalf and in support of movements to restrict and to abolish the saloon or public bar. In my own congressional district there were large numbers of colored voters who were eager, intelligent, and public-spirited. To see colored men of that type participate freely in the public life of other districts and other States would be a great satisfaction. But it is now plain to me that the road which was taken to that end was a wrong road. It has delayed, not hastened, the political participation of the colored man in the public life of the United States. Similarly, it was my fortune, as a member of the committee on resolutions of the New Jersey State Republican convention of 1886, to give the casting vote in favor of the platform declaration which declared war on the saloon. That platform declaration is supposed to have cost the Republican party that election, but it was a sound and true declaration none the less. Later, in the State of New York, it was my lot to work vigorously with those who attempted to drive out the saloon by use of the power of taxation. Therefore I am personally committed through many years of practical political action to the cause of universal suffrage and to the abolition of the saloon. Perhaps, for that very reason, I feel so strongly as I do the disastrous mistakes that have been made and the evil consequences that have followed and are certain long to follow in the life of the people of the United States. Surely there can be no more distressing and no more disintegrating form of lawlessness than that which arises from the resistance of intelligent and high-minded people, on grounds of morals and fundamental principle, to some particular provision of law.

The American people must learn to think of these things and to give up that unwillingness, which seems so characteristic, to discuss or to deal with the disputed and the disagreeable. We have almost gotten to a point where public men, and those who should be leaders of opinion, hesitate to speak until they know what others are likely to say and how what they say will probably be received by the press and the public. There are not so many as there should be who are willing to take the risk of being unpopular for the sake of being right.

During the delivery of the above speech,

The CHAIRMAN. The time of the gentleman has expired.

Mr. TINKHAM. I would ask the honorable Representative from Illinois for two additional minutes.

Mr. MADDEN. I have not the time; the gentleman can extend his remarks.

Mr. BANKHEAD. Did the gentleman ask permission to extend his remarks, Mr. Chairman?

The CHAIRMAN. The gentleman at the opening of his remarks was granted that permission.

Mr. ANDREWS of Nebraska. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ANDREWS of Nebraska. I rise to make the point that nothing but his own remarks can be added to where the gentleman quit reading.

SEVERAL MEMBERS. Oh, no.

Mr. MADDEN. Mr. Chairman, I yield three minutes to the gentleman from Iowa [Mr. DICKINSON]. [Applause.]

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DICKINSON. Mr. Chairman, I was interested this morning in the statement of the gentleman from Massachusetts [Mr. GALLIVAN] with reference to the tender mercies extended to a man in Wyoming who felt himself in need of a stimulant. He made light of the proposition and he put on a very old vaudeville act here for about 45 minutes to which we can not get time to reply. The time should be limited, and I am willing that my time shall be limited, but I want you gentlemen of the committee here now to contrast with the lightness of the proposition put up by the gentleman from Massachusetts this morning the seance that took place on the end of a bridge out at Laurel, Md., a night or two ago where a young lady, an employee of our Government, went riding with a motorist who was intoxicated, and he ran into the edge of the bridge and she was thrown over the railing, instantly killed, and left there, covered with a coat by a drunken driver. The Washington Post refers to the matter and reports the finding of the coroner's jury, as follows:

DEATH CHARGED TO MORRIS.

The coroner's jury last night handed down the decision that Miss Sullivan met her death in an automobile accident caused by the careless driving of Benjamin F. Morris, who, it was charged, operated the machine while under the influence of liquor.

Those are the things that have brought the prohibition law into this country and are going to keep it here by the acts of Congress. [Applause.] The idea of men getting up here and saying we do not have sufficient funds to enforce this law and it ought to be repealed because it can not be enforced! Are we to repeal the law against murder because men committing murder are not always convicted, because it costs money in order that they shall be convicted in this country? Why, the cost of enforcing the prohibition law is absolutely an infinitesimal amount compared with the amount of good it will do if men and women will open their eyes here in this country and see what benefit it is bringing to this country, even if there are a few thirsty men who do not want to see it imposed upon the country. [Applause.] Now, I want to suggest a few things here that I think will materially assist in the enforcement of the prohibition act. I have heard that it can not be enforced up in Massachusetts, but I will tell you how it can be enforced. I remember when the Volstead Act was being passed by this House and the gentleman from Iowa [Mr. BOIES] put in an amendment on this floor that gave the right of abatement by a court of equity by reason of a declaration that the sale of intoxicating liquor constitutes a nuisance; and if you go up into the city of Boston and get a judge up there who believes in the prohibition law and wants to see it enforced, assisted by an attorney similarly minded, and institute the right form of

equity proceedings for abatement and levy a tax against the real estate in a proper proceeding, the Hebrew brothers who own that property and lease the same to the Irishman who wants to run a bootlegging joint, you will soon see that the prohibition law is enforced in Boston. [Applause.]

The last register of the Department of Justice shows that there are approximately 500 persons on the official and clerical force in Washington. In the division of Assistant Attorney General Willebrandt, who has charge, among other things, of all prohibition matters, there are employed 16 persons. In addition to handling prohibition, Mrs. Willebrandt has charge of all prosecutions arising under the so-called minor acts to regulate commerce, such as the food and drugs act, the safety appliance act, the animal quarantine laws, and also directs the conduct of tax cases. The liquor matters handled by this division do not all arise out of the prohibition act, as many cases are still brought under the old internal revenue laws, and the customs laws still account for a number of cases.

Though it may be said that a larger part of the time of United States attorneys and assistant United States attorneys is devoted to liquor cases than is given to any other single subject, this is not a test from which it can be unqualifiedly concluded that prohibition should be charged with a larger percentage of the cost of maintaining United States attorneys' offices than is to be marked up against any other class of crimes. United States attorneys' offices were maintained before prohibition, and there were employed therein many assistants. While a good deal of work has been placed on them by prohibition, a large number of these assistants would have been employed without prohibition. In 1917 there were on the rolls of the Department of Justice approximately 119 assistant United States attorneys; in 1919, 170; in 1920, 190; in 1922, 210; in 1917 there were employed approximately 100 special assistant attorneys; in 1919, approximately 200; in 1920, 280; and in 1922, 200. The number of United States attorneys is, of course, stationary, there being 1 for each judicial district, there being 88 in the continental United States. The total number of officials and employees connected with the Department of Justice has shown a small increase in the course of the last five years, the number in 1917 being 5,700; in 1919, 5,722; in 1920, 7,800; in 1922, 6,000.

Another source of revenue which it is thought has not been referred to is the sale of liquors and materials seized as contraband. Under authority of the national prohibition act liquor which has been forfeited and condemned may be sold to permit holders for medicinal purposes under order of court. There is also some revenue accruing from the sale of scrap copper out of which stills were made and empty barrels after the contents have been disposed of. A sample of what may be done also along this line is to be found in the conduct of the United States marshal for the eastern district of Pennsylvania, W. Frank Mathues, who has turned into the Treasury of the United States thousands of dollars in the past two years received from the sale of condemned liquors and forfeited materials.

On June 30, 1922, there were pending 17,834 cases arising under the national prohibition act and other liquor traffic laws. On December 1, 1922, there were on the dockets of the various district courts approximately 21,850 cases undisposed of. About 3,000 cases a month are being reported to and acted upon by the various United States attorneys. This figure, it is believed, is the high point, as the present tendency is to make and report fewer cases and to make them better and stronger. As the investigating officers become acquainted with the decisions of the courts on various phases of the law and the legal evidence necessary to sustain a case the work of United States attorneys will to some extent decrease. At present a large part of the time of United States attorneys and their assistants is being taken up either in bolstering up a case which has been made by agents unacquainted with the quantity of evidence necessary or in instructing the agents in what they should do in particular cases in order to make them presentable to the court. As the work of the investigating agents becomes methodized, better and stronger cases will be presented to United States attorneys and their work on liquor matters accordingly decreased so that more of their time may be given to other matters.

The subject of the congestion upon the dockets of the Federal courts and the time used by the courts to enforce prohibition has but recently been considered by Members of this Congress. H. R. 9103, approved September 14, 1922, Public Laws 298, provided for the appointment of 24 additional United States district judges and 1 additional circuit judge. At the time this bill was under consideration the entire matter was investigated. The committees to whom this bill was referred had presented to them the facts with reference to the conditions. The testimony before these committees was given by the officials of the Government who have immediate charge of the subject. They were in a position to be acquainted with the true conditions. In addition to this, the matter was the subject of a careful survey and study by a special commission of judges and district attorneys acting at the request of the Attorney General. At the hearing before the Judiciary Committee of the Senate when this measure was pending Attorney General Daugherty said:

After a month or so of consideration I conceived the idea of assembling what I termed a commission of trial judges and two district attorneys to confer among themselves, to study this situation, and I might say, considering their experience, in connection with trying to solve this proposition. I had no authority to do this, but I found gentlemen on the bench who were willing, and many others I might have asked would no doubt have been willing, and these two district attorneys were willing, and I asked Judge Sater, of my State, who has been selected as the chairman of the commission, Judge Grubb, of Alabama, Judge Pollock, of Kansas, Colonel Hayward, district attorney of the southern district of New York, and Mr. Clyne, district attorney of the northern district of Illinois, to act as this commission.

They met with me, and I laid my troubles before them, and they generously gave me the benefit of their advice and experience. We had several meetings, and the whole situation was thoroughly discussed.

About two months ago, or probably a little less, the Chief Justice was chosen, and I asked him, as soon as his name had been announced as the new Chief Justice, to meet this commission and myself for the purpose of going over this situation, and I found him enthusiastically willing to render any assistance that he could in the matter.

The Attorney General further said:

We have prepared charts and statistics, information which we expect to submit in full detail to the committee, and we are willing to secure any further information the committee may desire in connection with the consideration of this question. There is nobody more anxious than the Department of Justice, as it is now constituted, to clean up the situation in the United States in regard to any kind of business the Department of Justice has to do or that the courts are expected to deal with.

In such a comprehensive study of the situation and its causes the question of the effect of the adoption of the Volstead Act was naturally considered. Mr. Chief Justice Taft said:

The Volstead Act, of course, added greatly to the jurisdiction of the Federal courts, but that is only one step. I am told—doubtless you will hear the statistics given with exactness, but I am told—that the Volstead Act adds only about 8 per cent to the business of the courts. But the business is far backward and the arrears are increasing rapidly, and something has to be done if we are not going to be swamped.

One of the difficulties of the achievement of the dispatch of business has been the variation of conditions in the different districts and circuits. In some places there would be a judge who had but half his time occupied; in another place there would be a judge who would be overwhelmed with work. This bill introduces a reasonable system of watching and supervising conditions by the judges of the courts of appeals, with a view to having them get at the actual facts as to where the arrears are. You gentlemen are all familiar with the fact that dockets are quite misleading in the number of cases that they seem to show. There is a lot of stuffing in the docket. Many of the cases ought to be dismissed.

Senator REED questioned the Chief Justice relative to the effect of prohibition upon the business of the Federal courts, and pointed out the growth in population and general business of the country. Senator REED said:

Another thing that is undoubtedly permanent is a constant growth in the population of the United States, and a constant increase in business. I think you will agree that business is increasing more rapidly than population right along; that multiplication of business is a thing that is with us and goes with civilization.

Chief Justice TAFT. Senator, to illustrate that, at the beginning of the Government the intrastate commerce was 75 per cent of all the commerce of the country. Now the interstate commerce is 75 per cent of all the commerce of the country; and that just by the increase in the volume. Of course the interstate commerce law has been passed since, because of that and other things, and that has naturally increased greatly the jurisdiction of the Federal court.

Senator REED. Yes; but the general business of the country has increased. For instance, a farmer used to raise his own pigs and kill them and make his own bacon. Now, just to take a very simple illustration, to-day he raises his hogs and ships them to market and they are killed by a packing house and they are sent back to a butcher and they are sold to the farmer back on his farm. In that there are five different transactions, and it is all business; and I think all the business in the United States is increasing in that way. There is your permanent condition. They are going to be with us.

In speaking of the effect of prohibition upon the dockets of the Federal courts, Attorney General Daugherty said:

The Volstead Act—the prohibition act—is much dwelt upon in connection with the reason for this request for increase. That has something to do with it. I believe that the experience the country over in the prosecution of violations of the prohibition law will be the same as it was in the counties where prohibition was first put in force, and in States where it was later put in force. It has been my observation and experience that in the outset the impression was that this law could not be enforced when it was applied to counties and when it was applied to States. I have seen that fear dissipated in counties and in States. I expect, by the aid of the courts and the aid of the public sentiment and the aid of everybody who want to see the laws enforced, to see the criminal business fall off. I think it is at its peak now, so far as prohibition laws are concerned, and if the people are impressed with the fact that it is the intention to enforce this law, that it will gradually fall off; but that as it falls off, probably in greater figures the civil business will increase; because when the country gets to going along again in a normal way I am satisfied that the civil business will increase in greater proportion than it has in the last year, and it has increased considerably in the last year.

Senator STERLING. Mr. Attorney General, do you not think that there will be an increase of business arising from the enforcement of the prohibition law, for a time, yet?

Attorney General DAUGHERTY. I do not think there will be an increase. I may be mistaken about it, Senator, but my judgment is that it is at its peak, and it wants the exhibition of determination on the part of people who believe that laws ought to be enforced, to start it down from the peak.

The prohibition law increases this business not to the percentage that the general public is led to believe or that an effort is made to lead the general public to believe, that it has increased. You must understand that there are these new tax laws and other laws. There are seven or eight thousand cases in New York growing out of the selective draft.

Mr. HAYWARD. Over 7,000 left.

Attorney General DAUGHERTY. And other things make this necessary as well as prohibition. That is a contributing part.

Senator SHIELDS. Mr. Attorney General, I think you could well make the statement you did, that later there may be a decrease in the violations of the prohibition law; judging by the experience in the States. I think the law is pretty well enforced. I think at first there were a great many violations, but later it was accepted better, and probably the Federal laws will follow the same course.

Judge J. E. Sater, chairman of the commission requested by the Attorney General to study the question, said relative to the congestion upon the dockets of the Federal courts:

Judge SATER. The manner in which this committee was called together has been stated. We limited ourselves to a single, narrow proposition, without considering some other matters which other people desire to have passed by the House and the Senate.

During the war, civil business died very largely all over the country. Criminal business increased wonderfully.

Following the close of the war there has been a very marked increase in civil business. The work that breaks the backs of judges is the civil business on the law and the equity sides.

We have occasional cases, and very troublesome ones, growing out of postal frauds, occasional cases of defalcations of banks, and the like of that; but ordinarily the criminal side of the court is the easy side for a district judge.

We found about 142,000 cases on the dockets of the United States courts, and 102 judges to dispose of them. We recognized the fact that the mere number of cases does not always indicate the real situation, because one district may have a good many cases that are quite easily disposed of and a very large number of cases, while some other district may have a more limited number, but which involve a good deal more work because they are of a different character, and it is, after all, the business side of life that brings the hard work to the judges. But there is an average of about 1,400 cases to a judge, which is entirely too many.

We found districts in which the judges did not have work enough to occupy all their time. In other districts the work is so great that the judges are hopelessly in arrears, and in order to get the work up it was evident that there had to be a substantial increase in the number of judges. The business in the criminal work in the last half dozen years has been very great. I am not prepared to give the percentage, although Mr. Strong has worked that out. It will be surprising to you.

Mr. STRONG. It has increased 800 per cent since 1912.

Judge Sater pointed out that in some districts the State courts under State laws are taking care of the prosecutions for violations of the liquor laws, with the result that in such instances there are relatively few cases pending in the Federal courts under the Volstead Act.

As the district attorney says, we have a law that is the same as the Volstead Act, and the result is that we have in our district but very few cases pending under that act; in the whole district about 20 or 25, according to the statistics.

He then pointed out some of the other kinds of criminal cases which had tended to delay the speedy administration of justice. He said:

Now, we realize that this is at present a rather critical situation. There are many thousands of cases against slackers, for instance, and other cases which arose under the war acts. We realize that every month added to the life of those cases means an increasing number of them that must fail, because the witnesses die, they move away, they can not be located, the evidence is dissipated, and after having gone to the trouble of indicting these persons, no matter how guilty they may be, a large number of cases are constantly failing because we fail now to reach them in time. Now, how to get rid of this quickly was the question.

Then, again, on account of the shipping interests, under various other war acts that arose, we have found that there is a large class of cases, and they are still coming in and will continue to come in, arising out of these war acts.

The Government has vast sums of money tied up on account of these tax laws, and in admiralty cases, generally taking a good deal of time, and the sooner these cases are disposed of the better it would be for the Government and the greater will be the respect of the people for the law. If men are guilty of a crime, if they are guilty of cheating the Government, the quicker that is found out and the more certainly they will have to account the greater will be the regard of the people for the enforcement of the law.

So that we felt that here are conditions that are permanent. The business of the United States courts is increasing and will continue to increase, because the country is growing; but there is a temporary situation that ought to be met. Take Massachusetts, for instance, with about 7,000 cases on the docket only. Four thousand five hundred of them are slacker cases. The longer they hang there the fewer convictions there will be.

New York has 7,000 slacker cases—2,000, I believe, in the Brooklyn district.

Judge Pollock, of the commission, pointed out the effect of the war. He said:

The war occasioned much of this present congestion—different war measures—and the extension of the Federal judicial power. Now, we have thought that if these judges could be presently created, they could take hold of this congestion and get it where the litigants or the defendants could get justice in the courts speedily, and then you gentlemen here could go to work and build up these different districts so as to take care of the matter later on. But this is a mere emergency matter to take care of the congestion that has grown out of this war and all the troubles that have gone with it.

The trial of offenses against the Volstead Act, except where unusual features are involved, consumes relatively little time of the courts as compared with other forms of criminal prosecutions. Many of these liquor cases are prosecuted by the filing of informations, without the necessity of indictment, and in a very large percentage of them the defendants plead guilty and waive a trial by jury. Col. William Hayward, United States district attorney for the southern district of New York, the largest district in the country from the standpoint of the number of cases, said upon this point in his testimony before the Senate Judiciary Committee:

There is another thing I think the committee would be interested in. I presume that we have more of these prohibition cases than in any other district, but I do not say that it is the most burdensome feature at all. The burdensome features with us are the mail-fraud cases and prosecutions under the Sherman antitrust law. Those cases run into weeks and weeks and weeks. The liquor cases, so called, are reasonably short and reasonably simple, except when complications may arise, such as the seizure of a vessel or something of that sort; but I brought to the committee the records of our own office for the months of August and September.

When we took that office over there were 800 cases pending.

Senator OVERMAN. This year?

Mr. HAYWARD. Yes; this year. I went into office on the 4th of June and I found 800 cases waiting, some of which had been waiting for more than a year.

Senator SHIELDS. Volstead law cases?

Mr. HAYWARD. They were cases of violations of the liquor prohibition act. I may say that Governor Miller and the New York Legislature had passed a "State Volstead Act," as we call it—the Mellin-Gage bill—and the police were quite active in the State courts along this same line, which it is my present opinion they should be in all the States. As the result of that there had been a slight cessation of the number of new cases being filed in the Federal courts. Taking advantage of that situation—which was unhappily temporary, because they are now coming on again very rapidly—I disposed of 607 cases before one Federal judge in two months.

Senator BRANDEGEE. How many of those were liquor cases?

Mr. HAYWARD. Five hundred and six were on pleas. We got them all in, and we said to them, "Now, you can plead or you can go to trial to-day." Five hundred and six of them pleaded guilty. In those two months we had 29 jury trials, in which we got 13 convictions, 15 acquittals, and 1 disagreement.

Senator SHIELDS. How much have you under the naturalization laws? Does that consume much time of the court?

Mr. HAYWARD. Yes; we have quite a considerable number of those cases. We file complaints, but do not indict under the drug and food laws; and ordinarily we do not indict under the Volstead Act. That is done on criminal complaint. We do not even swear to the complaint unless it is necessary to get a bench warrant for the arrest, which, of course, simplifies it very much.

Senator SHIELDS. Do the cancellations of naturalization papers and naturalizations—the entire proceedings, both ways—take up much time of the court?

Mr. HAYWARD. Not to compare to these other things. There are a good many habeas corpus actions, resulting perhaps from an exclusion, or something like that; but I do not consider that one of the time-taking features of the office at all.

Senator SHIELDS. Under what statutes do the greatest number of offenses arise?

Mr. HAYWARD. The present docket in that particular office has about 11,000 cases. It is only fair to say, however, that you can not judge of the quantity of business by mere number of cases, because of that 11,000 approximately nearly 7,000 are draft-evasion cases that were left over from the war, and I worked very hard on those cases.

The greatest portion of the time of the Federal courts is consumed in the trial of civil cases; in suits between individuals and in bankruptcy matters, in which the Government is not a party at all. This is shown by the testimony of Mr. M. F. Clyne, United States district attorney for the northern district of Illinois. Mr. Clyne was one of the commission acting at the request of the Attorney General in the preparation of the survey. The district spoken of by Mr. Clyne contains the city of Chicago. This is one of the largest from the standpoint of the volume of business. The conditions of the docket there should be illustrative of the proportion of prohibition cases to other cases on the docket. Mr. Clyne said:

Mr. CLYNE. That is the grand total on the 1st day of July. Then the number of cases to which the United States is a party, criminal, 1,108. Then the total number of civil cases to which the United States is a party is 229. I can go on and subdivide them further. Of the criminal cases, the criminal internal-revenue cases are 94; post-office cases, 105; interstate commerce, 20; prohibition (so designated), 236; civil prohibition, 39. But I indicated some time ago that that has been increased, so that the number has been considerably increased, and there are now about 339 of those cases.

Of the cases to which the United States is not a party, there are, admiralty cases, 10; bankruptcy cases, 1,322; and other miscellaneous cases to which the United States is not a party, 863; making a grand total, as I indicated, of 3,582.

The following statement by Mr. George E. Strong, special assistant to the Attorney General, made to the Senate Judiciary Committee gives the proportion of prohibition cases pending in the Federal courts of the country at the time as compared with other cases of all kinds. Mr. Strong said:

Mr. STRONG. Exhibit "H" has particular reference to prohibition. Many people had the impression that prohibition alone is responsible for this congestion. Reports went out to the newspapers to that

effect; and this is a short statement showing a comparison between 1921 and 1915, showing that the criminal business is 40 per cent in 1921.

Senator SHIELDS. You mean the prohibition business?

Mr. STRONG. No; the criminal business is 40 per cent of the total business pending on July 1, 1921, as compared with only 8 per cent in 1915. That is one reason on which I base my statement that we have not reached the peak of the civil cases, because the grand total was about 130,000 cases pending in 1915, and criminal business was only 8 per cent of that total, whereas in 1921 we have a total of 40 per cent as criminal business.

Of the total cases pending, only 8 per cent is attributable to prohibition; and it shows that even if you eliminated the prohibition altogether, you would still have 35 per cent of the cases pending due to criminal business, in 1921.

Exhibit "H" as filed with the Senate Judiciary Committee is as follows:

EXHIBIT "H."

The total number of cases pending July 1, 1921, was 142,402, of which number 57,112 are criminal, or 40 per cent. The number of criminal prohibition was 10,365, or 18 per cent of the total criminal. If the prohibition cases pending were entirely eliminated from the 1921 figures the proportion of criminal business would still be 35 per cent, showing that prohibition alone is not responsible for the congested condition, but has only aggravated an already alarming condition. A comparison with 1915 shows that the criminal cases pending were only 8 per cent of the total, and that even if the prohibition cases pending for 1921 were added to the criminal business of 1915 the total criminal would only be 16 per cent. These figures indicate that even if prohibition were eliminated there would yet be such an increase in civil and criminal business as to require an immediate increase of Federal judges. The figures for 1921 do not represent the high tide of civil business, because the war discouraged litigation and the abnormal prices and prosperity relieved the civil docket, but indications are that the tide of civil business is rapidly mounting and that the report for 1922 will show this increase.

The foregoing statements by representatives of the Government after a careful study of the situation to determine the nature and causes of the congestion upon the dockets of our Federal courts, as well as the statistics compiled from official records, show that the conditions are not attributable solely to the Volstead Act. It is a condition resulting from many causes, including the growth of business due to increase of population, the multiplication of instances in which Federal courts have jurisdiction owing to the more complex character of advancing civilization, litigation attendant upon or growing out of the war, and the gradual extension of Federal jurisdiction by legislation, such as the white slave law, the Harrison narcotic law, the migratory bird law, antitrust laws, and the Volstead Act.

According to the press of this morning, it is reported that a representative of the Justice Department who appeared before the Appropriations Committee, at the request of Mr. TINKHAM, submitted a report which indicated that the national prohibition act is causing about 90 per cent of the increase in the business of the Federal courts. There are some strange inconsistencies between this statement and the statements made by the Attorney General of the United States, the Chief Justice of the Supreme Court of the United States, and the special commission of United States judges and district attorneys who made a careful survey of this question at the request of the Attorney General.

Emphasis is laid upon the fact that there has been a decrease in the amount of fines collected for prohibition violations from $2,418,000 in 1921 to $2,377,000 in 1922, from which fact the inference is apparently drawn that the law is not being as efficiently enforced in 1922 as it was the year preceding.

This is apparently a mistake, as the figures which were furnished me by the Treasury Department indicate that the amount of Federal fines collected for violations of the prohibition act during the fiscal year ended June 30, 1922, were $2,824,685.01; amounts paid in compromise, $1,739,622.80; amounts collected in taxes and penalties, not including taxes on legal manufacture and legal sale of intoxicating liquors, $239,964.14; making an aggregate received during the year of $4,084,271.95.

Furthermore, attention is called to the fact that the statistics here given do not include the figures from the Territory of Alaska, although the appropriation which was made for enforcement also covered this Territory. The mere difference in the amount of fines collected is no criterion by which to determine this question. Everyone knows that a concerted effort has been made to secure the imposition of jail sentences upon violators of the prohibition law, rather than the imposition of a mere fine, as it was realized that a nominal fine to the man engaged in this business was less than a license and that such offenders can only be deterred by being deprived of their liberty. Furthermore, a large number of the States are cooperating through the enforcement of their State laws, and in many instances the prosecutions are being brought in the State courts, which tends to reduce the number of convictions in the Federal courts.

The latest information from the Department of Justice for the year ending June 30, 1922, is as follows:

Fines collected for violations of the Federal prohibition laws, $2,468,863.38.

While this is somewhat different from the figures presented formally by one of the agents of the Department of Justice and from the figures given by the Treasury Department, these figures are the official figures from the Department of Justice.

In addition to this I am informed that the Justice Department has insisted upon utilizing the provisions of the national prohibition act which provide for the abatement of nuisances by injunction, rather than through repeated prosecutions of the same offenders through the criminal machinery of the courts. While it is true that in many instances there is congestion upon the dockets and there are large numbers of prohibition cases which should be disposed of, this condition could be speedily remedied if the United States attorneys and United States judges in these districts would avail themselves of the method provided in the Volstead Act for proceedings in equity to abate places where the law is being violated as a nuisance.

This provision in the national prohibition act is similar to the one which we have in the Iowa prohibition law. It gives the court the right to enjoin a place where liquor is sold as a public nuisance, and also the individual bootlegger. If they continue to sell after that time, they may be punished for contempt of court. This provision in the law is based upon our statutes relating to abatement proceedings which have been in effect since the beginning of the Government. If a district attorney and a United States judge and comparatively few industrious Federal agents will use this section of the law in New York, Chicago, or any other great city where there is now trouble with law enforcement, it can be stopped. It is not a question as to whether or not it can be done; it is simply a question as to whether or not the Federal judges and United States district attorneys will use the authority now in the law to bring about its enforcement.

COST OF PROHIBITION ENFORCEMENT.

The cost of prohibition enforcement through the Prohibition Bureau amounts to about $9,000,000. The total appropriation of $9,250,000 covers the enforcement of the law against narcotics as well as intoxicating liquor. The returns to the Government through penalties, seized property, and so forth, is shown by the following report for the fiscal year ending June 30, 1922:

Court fines, exclusive of Alaska	$2,824,685.01
Taxes and penalties for illegal manufacture and sale of	239,964.14
Amounts paid in compromise	1,739,682.80
Total	4,804,271.95

Action has been taken on the forfeiture of bonds of $3,000,000.

Over $130,000,000 of special assessed taxes have been placed on the tax list, a considerable portion of which will be collected.

As a matter of fact, it is costing the Government practically nothing to enforce prohibition. Bootleggers, rum runners, and illicit dealers are paying for their lawlessness through these fines and penalties. Even if $5,000,000 more were added, if the internal-revenue collectors and other Federal officers would use the power they have to impose penalties upon these illicit dealers, it would bring back in dollars to the Government twice as much as it costs. If the income-tax division and the revenue collectors would do their whole duty, the Government would collect $5 for every $1 it costs to enforce the law, even though the alleged added amount spent by the Justice Department were all counted in. In Ohio the State prohibition commissioner, under the State law, made his report for 22 months, showing that with 1 commissioner and 22 assistants it cost the State $216,000 to enforce prohibition. There was returned to the State, county, and local treasuries $2,600,000 which bootleggers and rum runners paid for their experiment in lawlessness.

But even if there were no compensation and the Government did not get one dollar back, it would furnish no good reason why the law should not be enforced. To spend $9,000,000 to enforce prohibition for 110,000,000 people means about 8 cents per head.

For an average family of five this is 40 cents.

Proper reply was made to the recent address of President Butler in an editorial of the Philadelphia North American, as follows:

Many Americans who believe in and practice law observance were surprised a few days ago when President Nicholas Murray Butler, of Columbia University, in a public speech assailed the eighteenth constitutional amendment and the Volstead Act, and offered a casuistical defense of violators of those enactments. Doctor Butler has been known as a political supporter of the liquor traffic; when he was a candidate for the Republican presidential nomination, one of his

principal assets was his strength with the wet forces in the party. But it was not generally expected that he, the head of a great university the majority of whose students are of foreign extraction, would make a calculated effort to justify and incite defiance of the laws of the United States.

Doubtless it was in part because the doctor has become habituated to the use of textbooks prepared by others that he merely transmitted in his address arguments that have been worn threadbare by the bootleggers and their lawless patrons. In fact, his utterance embodied so little that was new or weighty that if it had been delivered by a citizen of less prominence it would have attracted no attention. Incidentally, one must marvel at his hardihood in selecting a session of the Ohio Bar Association as the scene of his oratorical exploit. It was the judicial section of the American Bar Association that declared that "those who scoff at this law are aiding the cause of anarchy and promoting mob violence." And it was Ohio which last fall voted by a great majority for strict enforcement.

Naturally, Doctor Butler affirmed with unction that he and other advocates of nullification are "opposed to the saloon" and thoroughly approve its banishment. Here he makes two interesting admissions—first, that there is a dry sentiment throughout the Nation so strong that it has outlawed the saloon, and, second, that he is now against that agency of "personal liberty." But in adopting the canned arguments of the liquor advocates he lent his name and influence to the most dishonest proposition in the whole wretched propaganda of booze. While professing to abhor the saloon, he knows, as one familiar with law and legislation, that if the demanded modifications of the Volstead Act were to be made, so as to legalize the sale of "light" intoxicants, restoration of the saloon would be a matter of course and necessity. The places where the intoxicants were sold would have to be licensed, regulated, and taxed.

But if his condemnation of the saloon lacks candor, his implication that the sale of "light" intoxicants would eliminate lawlessness lacks logic. He might as well argue that the way to stop wholesale thefts would be to legalize petty larcency. The "light" intoxicants are obtainable now, in unlimited quantities, by anyone who has the price and is willing to participate in a criminal traffic; yet that does not diminish the demand for hard liquor, but rather stimulates it.

Like every glib-tongued apologist for the bootlegger and his patrons, Doctor Butler seeks justification for defiance of the eighteenth amendment in the fact that several of the Southern States disregarded the fifteenth amendment. These, he says, are "two important influences which are now making for lawlessness in American life." Coming from an obscure or uneducated person this absurd argument might be ignored. But it is worth examination, we think, when offered by a scholar who holds the degrees of A. B., A. M., and Ph. D. from Columbia, is a doctor of letters by grant from Oxford, and has been dubbed doctor of laws by Syracuse, Tulane, Johns Hopkins, Princeton, Pennsylvania, Yale, Chicago, St. Andrews, Manchester, Cambridge, Wesleyan, Williams, Harvard, Dartmouth, Breslau, Brown, Toronto, Strasburg, Prague, Nancy, Paris, and Louvain Universities.

It would be unjust to the abilities of an expert with 22 LL. D. degrees to ignore the fact that Doctor Butler enriched his excuses for law defiance with some striking epigrammatic phrases. Thus he held it an "illusion" that "enactments duly made by a legislature and upheld by a competent court are part of the law." They are such, he explained, "only if general public opinion supports and upholds them," if they are ratified by "a silent referendum in the hearts and minds of men." We hope the law schools and the courts will take due note of what should be known in American jurisprudence as the Butler referendum, as distinguished from the species provided by our imperfect constitution.

But even more characteristic is his definition of those for whom he particularly pleads. We have read affecting arguments for the right of the worker, of the alien-born citizen, and of the "poor man" to "personal liberty," as embodied in booze, but Doctor Butler is concerned for a very different class. The law, he says, is "not obeyed by large numbers of highly intelligent and morally sensitive people"; he perceives "nation-wide revolt" among "men and women of intelligence and moral sensitiveness"; he grows emotional over "lawlessness which arises from the resistance of intelligent and high-minded people."

In this plea the surpassingly literate doctor is true to his traditions. He has frequently shown that he deplores legislative interference with the business interests and personal desires of the "highly intelligent and morally sensitive" among the population; he would remove from them hampering statutory prohibitions, and trust to the common law. This is a familiar doctrine; it has been invoked by the Butlers every time an exploited public has undertaken to curb rapacity, stamp out crimes of cunning against society, and promote social and industrial justice. When laws were passed against secret railroad rebates, food adulteration, the exploitation of women and children in industry, the plundering of natural resources, the wasting of life through refusal to safeguard workers, always the cry was raised that these enactments were needless restrictions upon business, and that the common law provided all needed remedies.

As we have frequently shown in these columns, the reactionary of the Butler type is the complement of the reddest of radicals. Their essential doctrines are alike. Both are antidemocratic; both are for the rule of a minority—the Bolshevist for government by manual workers, the Butlers for government by the "highly intelligent and morally sensitive."

Nor must anyone assume that the eminent educator's solicitude for the class he champions is a mere ebullition of platform sentiment. A harrowing scene in a New York courtroom last Friday showed how precious is his reasoning to "highly intelligent and morally sensitive" violators of the law. Four brothers, prominent members of New York clubs and society, pleaded guilty to bootlegging, an official stating that their operations amounted to $2,000,000 a year. All four had been indicted for selling liquor without prescribed permits, three for illegally possessing liquor withdrawn on forged permits. Lawyers as distinguished as Doctor Butler himself pleaded for them and actually quoted in their behalf his ingenious argument that defiance of an unpopular law is an act justifiable and even virtuous. In spite, however, of their high intelligence, moral sensitiveness, and Butlerian immunization they were sentenced to jail. The court must have preferred to the Butler philosophy that of Edmund Burke:

"Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their appetites; in proportion as their love of justice is above their rapacity; in proportion as the soundness and sobriety of their undertaking is above their vanity and presumption; in proportion as they are more disposed to listen to the counsels of the wise and the good in preference to the flattery of knaves."

It might even have called as a witness an exponent of many of Doctor Butler's reactionary views, but one who draws the line at countenancing criminality by the cultured. Thus says Justice Taft, of the United States Supreme Court:

"This is a democratic government, and the voice of the people, expressed through the machinery provided by the Constitution, is supreme. Every loyal citizen must obey. This is the fundamental principle of free government. * * * It is dangerous doctrine for any citizen to attempt to excuse lawlessness. It is doubly dangerous when done by men in prominent positions."

While we would not deprive Doctor Butler of a single one of the degrees that give luster to his name, we must pronounce the opinion that for a highly intelligent and morally sensitive LL. D. he makes deplorable use of his honorary distinctions.

Trend of the times is shown in a recent article in Collier's Weekly:

A RING AROUND THE ROSY.

The great Mid-West is joining hands with the far West and the South in the movement to make America bone dry. The eighteenth amendment is an accepted fact almost everywhere west of the Allegheny Mountains. Iowa, Nebraska, Kansas, the Dakotas, Wisconsin, Minnesota, Oklahoma, Arkansas, Tennessee, and other States that I visited in the last few months are dry—the sentiment is dry, and there is a growing respect for the Volstead Act. None of these States is bone dry as yet, but they are on their way.

I was loath to admit it even to myself, but there is an abundance of evidence that a great "dry wave" is rolling eastward, slowly but surely grinding down opposition to prohibition. And riding the crest of this wave are the clean, substantial citizens of the Nation—the John Smiths and the Tom Browns—and, always, their wives and sisters and mothers are riding at their sides.

Some day we wets are going to awaken to find that an overwhelming majority of the people of the United States are weary of bootleggers and dry-law violators. Some day, and that day is not far distant, these people are going to rid the country of the bootlegger and the rum runner just as the vigilantes of the fifties rid the California mining camps of undesirable gamblers, gunmen, and prostitutes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. CRAMTON]. [Applause.]

Mr. CRAMTON. Mr. Chairman, after hearing for 50 minutes to-day the villification of the enforcement of law in this country and the villification of those agencies that stand most prominently for law and order, I wish that I could have more than two minutes. The gentleman from Massachusetts [Mr. GALLIVAN] in his attack first tried to besmirch every Member of this House by claiming that the Anti-Saloon League was trying to have every Member of Congress followed and searched out as to his habits of drink, charging it to the Anti-Saloon League and stating it was in the Washington Times.

I hold in my hand the article in the Washington Times. The gentleman from Massachusetts [Mr. GALLIVAN] is in the front seat; I challenge him to find one word in that relating to the Anti-Saloon League; one word saying that the charges are to be directed against dry Members of Congress. [Applause.] It is all a part of an attempt to besmirch and besmudge; it is a case where truth does not matter; facts do not handicap. It is only to put on here a good vaudeville stunt. It is all right here, where we know this sort of performance.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. No; I can not.

It is a question that the country takes more seriously. I wish the gentleman from Massachusetts would put in some facts about prohibition that are nearer home. I wish he would tell you what it accomplishes, as well as how much it costs. We are going to have the eighteenth amendment enforced, and if to get enforcement in this country it is necessary to spend more than $14,000,000, we are going to do it. [Applause.]

We are going to have enforcement, and Massachusetts will be the happier when we get it. In the United States the death rate in the years before prohibition rule was never below 13.6 to the thousand per annum, and in the three years since prohibition it has never been that high. In 1921 it went down to 11.6. Five hundred thousand lives have been saved in three years. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GALLIVAN. Give him some more time.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

Mr. GALLIVAN. I object.

Mr. MADDEN. Mr. Chairman, I yield to the gentleman one additional minute.

Mr. CRAMTON. Thank God, I have been able to say in two minutes something——

Mr. GALLIVAN. No; you can not——

Mr. CRAMTON. That will answer the statements of men who have spent 50 minutes; that I can state enough facts to put to shame men who for 50 minutes have besmirched law and order in this country and who do not dare to let me put more facts in the RECORD. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. UPSHAW].

The CHAIRMAN. The gentleman from Georgia is recognized for five minutes.

Mr. UPSHAW. Mr. Chairman and gentlemen of the committee, first of all I wish to pay my respects to the statement of the gentleman from Massachusetts [Mr. GALLIVAN], who said that "the gentleman from Georgia" recently made the statement that half the Members of the House drink. Mr. GALLIVAN'S declaration is not borne out by the facts; the gentleman is either ignorantly or maliciously mistaken; this thing that is not a fact is absolutely false. Of course the gentleman does not wish to make an untrue statement. Listen, and I will read you the exact language from my recent speech:

Some of these governors—most of them, let us hope—are men of sobriety and positive patriotism, and most of the Congressmen and Senators, I am glad to believe, practice the prohibition which their votes profess. But there are enough who do not to cast an ominous cloud on the official sky.

Mr. HILL. Mr. Chairman, will the gentleman yield? In Resolution 479——

Mr. UPSHAW. I do not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. UPSHAW. I want to say another thing, that even prize-fighters make themselves agreeable to certain amenities. It is not a brave thing for the gentleman from Massachusetts to stand here for 50 minutes with his vaudeville antics and innuendoes and plead the cause of the discredited liquor interests of this country and then to deny to the gentleman from Michigan [Mr. CRAMTON], who only spoke three minutes, the opportunity to extend his remarks. No brave man will do a thing like that. [Applause.]

I remind you that liquor was outlawed because it poisoned and debauched American citizenship. Real patriotism will abide by the American verdict. If what we have just seen and heard from the gentleman from Massachusetts [Mr. GALLIVAN] is Democracy, then I am not a Democrat. His utterances do not spell Democracy—they are the creed of "boozeocracy." Prohibitionized Democracy drove the saloon out of the South, and a prohibitionized Americanism will keep that devilish institution out of America.

The gentleman from Boston made much of the fact that dry States are spending more time on the enforcement of our prohibition law than the State of Massachusetts. No wonder, with such "wet" leadership as GALLIVAN, TINKHAM, and company! I say to you that this fact, which was emphasized by Mr. GALLIVAN, simply shows that the ideals of sobriety in the dry States, which long ago outlawed the liquor traffic, are far higher than in the wet States like Massachusetts, where wet Boston rules the roost. [Applause.]

And I say to you again that such loyal, wholesome efforts as are being put forth by the dry States for the enforcement of this law are only struggling against the depraved tastes and the low, lawbreaking ideals and appetites that were begotten in the dry States by the darling saloon, which the gentleman from Massachusetts has advocated so long. [Applause.] And God knows, if I were as smart as Mr. GALLIVAN is supposed to be [laughter], and if I had the ability to really entertain people like he can do, I would not prostitute my eloquence, my learning, my time, and my high official position by defending the debauching liquor traffic—that saloon, that was so long the legalized breeder of idleness and crime, the trysting place of anarchy, the companion of the brothel, and the gateway of hell. [Applause.]

Mr. GALLIVAN. I might say to the gentleman that he would not get paid for it.

A STRIKING, PITIFUL CONTRAST.

Mr. UPSHAW. To-day's labored diatribe of the gentleman from Massachusetts [Mr. TINKHAM] against the Anti-Saloon League is only one of the many from the same apostle of Boston "wetness" which we have heard on this floor. It is another illustration of the way in which "wet" leaders tell only one side of the story. He throws up his hands in holy horror because the Anti-Saloon League, which came into being for the express purpose of fighting liquor at the polls and in halls of legislation, has lived up to its contract with the American people. With the friends of prohibition long divided and getting nowhere toward the legal destruction of the saloon, the Anti-Saloon League was born in the brain and heart of Dr. Howard Lee Russell, an honored and beloved Congregational minister, for the great purpose of bringing together Republicans and Democrats, Protestants and Catholics, Jews and gentiles—all who loved the American home better than the protected American saloon. Thus presenting a solid front to the organized liquor traffic, the legal overthrow of the devilish thing was accomplished. Supported by the voluntary contributions of the friends of the cause, these same friends have determined that the league shall not go out of business as long as some three dozen liquor organizations continue in business for the express purpose of nullifying our prohibition law. What foolish fools the "dry" forces would be if, having taken the first-line trenches, they should go off and leave the field to the enemy. I know the princely man, Wayne B. Wheeler, on whom aspersions have been cast, as a keen, clean patriot and statesman. I have known all these leaders many years, and I thank God they have justified my fullest faith in their unselfish, patriotic integrity. And look at the other side. I give here a crushing, pulverizing array of evidence concerning the corrupt practices of brewers, distillers, and saloon keepers. It comes from the official record, and it should be enough to make every friend of the outlawed liquor traffic hang his head in shame.

LEST WE FORGET.

The disloyal, vicious, and criminal activities of the brewery and liquor interests, whom some would recall to their corrupt power, is established upon the evidence presented to a subcommittee of the Committee of the Judiciary of the Senate, which was unanimously approved by the whole committee and accepted by the Senate, condemning these organizations and their partisans in unmeasured terms. The following extract from the committee decision, published in the CONGRESSIONAL RECORD, September 5, 1919, page 5187, says:

The allegations and charges made in said Resolution No. 307, hereinbefore set out, in regard to the brewing and liquor activities, were substantially sustained, as will appear from the printed record, volumes 1 and 2, herewith transmitted.

Your committee in entering upon the investigation directed by said Resolution No. 307 interpreted that resolution as requiring an inquiry into two subjects, to wit:

1. The conduct and activities of the brewing and liquor interests, political and otherwise, was specifically demanded; and

2. A general inquiry into pro-German propaganda and activities was required. The testimony taken having been printed, a review thereof is deemed unnecessary. Complying, however, with the mandate of the resolution requiring a report of the results established by the investigation, the following findings are herewith submitted for the information and attention of the Senate:

I.

With regard to the conduct and activities of the brewing and liquor interests, the committee is of the opinion that the record clearly establishes the following facts:

(a) That they have furnished large sums of money for the purpose of secretly controlling newspapers and periodicals.

(b) That they have undertaken to and have frequently succeeded in controlling primaries, elections, and political organizations.

(c) That they have contributed enormous sums of money to political campaigns, in violation of the Federal statutes and the statutes of several of the States.

(d) That they have exacted pledges from candidates for public office prior to the election.

(e) That for the purpose of influencing public opinion they have attempted and partly succeeded in subsidizing the public press.

(f) That to suppress and coerce persons hostile to and to compel support for them they have resorted to an extensive system of boycotting unfriendly American manufacturers and mercantile concerns.

(g) That they have created their own political organization in many States and in smaller political units for the purpose of carrying into effect their own political will, and have financed the same with large contributions and assessments.

(h) That with a view of using it for their own political purposes they contributed large sums of money to the German-American Alliance, many of the membership of which were disloyal and unpatriotic.

(i) That they organized clubs, leagues, and corporations of various kinds for the purpose of secretly carrying on their political activities without having their interest known to the public.

(j) That they improperly treated the funds expended for political purposes as a proper expenditure of their business and consequently failed to return the same for taxation under the revenue laws of the United States.

(k) That they undertook through a cunningly conceived plan of advertising and subsidization to control and dominate the foreign-language press of the United States.

(l) That they have subsidized authors of recognized standing in literary circles to write articles of their selection for many standard periodicals.

(m) That for many years a working agreement existed between the brewing and distilling interests of the country by the terms of which the brewing interests contributed two-thirds and the distilling interests one-third of the political expenditures made by the joint interests.

The American people have not forgotten that these disloyal and criminal interests camouflaged their activities behind names that sounded innocent to their ear and that breathed of liberty. In the published report of the investigation made by Congress of the activities of the German-American Alliance, the list of these "civil liberty" leagues, "manufacturers and business men's associations," "liberty and independence leagues" is given on pages 833 to 838:

John Koren was retained by the United States Brewers' Association for $5,000 a year (58, 87) to furnish statistical advice. Mr. Koren furnished data for the answer to the article by W. A. White in the Saturday Evening Post (111) and wrote articles for the Atlantic Monthly (87). Charles Nagel, Secretary of Commerce and Labor; Ira Bennett, of Washington; and L. B. Namier were paid contributors of the American Leader (577). Mr. Nagel received $125 an artcile (579).

Michael Mouchaeu was paid for special writing and for articles in his own pamphlet, Phoenix (103, 7).

Senator NELSON asked Mr. Feigenspan, president of the United States Brewers' Association, whether they had employed Mr. Koren. Following is the evidence:

"Senator NELSON. Did you hire editorial writers to write articles for the magazines?

"Mr. FEIGENSPAN. Not editorial writers, but we hired writers to write up certain subjects.

"Senator NELSON. Did you employ John Koren to write articles in the Atlantic Monthly?

"Mr. FEIGENSPAN. Mr. Koren was not engaged by me, but was employed by the association while I was chairman. He was engaged as statistician. * * * I did not know who originally retained him. But he was retained by the United States Brewers' Association while I was chairman of the publication committee.

"Senator OVERMAN. How much was he paid?

"Mr. FEIGENSPAN. I think it was $5,000 a year. I would not be positive as to that amount, but that is my recollection."

When Mr. Koren's articles were used extensively as the original investigations of a great authority and independent research specialist he had the indorsement of influential educators and prominent men; all this time he was simply the paid agent of the liquor interests at $5,000 per year.

TRYING TO POISON LABOR.

Labor was to be controlled through members or officers of labor organizations who were on the pay roll of the brewers' association (pp. 85, 411, 829).

The brewers' association supplied funds to the German-American Alliance, joining the forces of disloyalty to America and the liquor interests in a partnership of traitorous activity never before paralleled. On pages 329, 330, and elsewhere is the evidence of the financing of the German-American Alliance by the brewing interests. Of this alliance, thus financed, the House Judiciary Committee, in making its report recommending the repeal of its charter, said:

There is no place in this country, certainly in this day, for a strongly organized agency, where those of any foreign blood who are unwilling to become whole-hearted Americans can carry on their campaign to injure this country. We have probably been too tolerant in the past toward those agencies that have endeavored to tear down or undermine our institutions. They have abused the liberty which our Government has given them. Since there is abundant evidence that the German-American Alliance have abused the privileges granted to them in this charter, we should withdraw those privileges and immediately repeal the congressional act.

Hon. A. Mitchell Palmer, Alien Property Custodian at the time of the investigation, and later Attorney General of the United States, said:

That the organized liquor traffic of the country is a vicious interest because it has been unpatriotic, because it has been pro-German in its sympathies and its conduct. Why, you and I know perfectly well that it is around these great brewery organizations owned by rich men, almost all of them German by birth and sympathy, at least before we entered the war, that has grown up the societies, all the organizations of this country intended to keep young German immigrants from becoming real American citizens. It is around the saengerfests and the saengerbunds and organizations of that kind, generally financed by the rich brewers, that the young Germans who have come to America are taught first the fatherland and second America (p. 10).

LIQUOR'S TRAIL OF CRIME.

You have to almost hold your nose as you read these official revelations of the devilish activities of the allied brewery and saloon interests which these gay Bostonians would recall to legal guardianship in America. Go get the camphor bottle and then read some more:

The National Association of Commerce and Labor was formed by the United States Brewers' Association October 3, 1913, to unite industries whose business was largely dependent upon breweries. It was through this association that the brewers plied their insidious stamp tax, compelling these allied industries to help support their fraudulent political campaigns. (95, 369-400.)

The organization bureau was formed November 1, 1907, by the United States Brewers' Association, with John A. McDermott as manager (839-9). It employed speakers and "took an active part during the last two years in State and local campaigns throughout the country." It gave personal service in 46 States and Territories and won substantial victories in 26 State campaigns in 1910 (789-809). Mr. Gardiner estimated that from 1911 to 1914 this bureau had expended $500,000 (329).

The Interstate Conference Committee and the Interstate Executive Association were formed by the United States Brewers' Association to unite and coordinate breweries and local organizations throughout the United States (798-808).

The American Hotel Protective Association, a national organization, was financed in part by the United States Brewers' Association for purposes shrewdly defined.

"Major HUMES. Have you assisted in financing these activities?

"Mr. FOX. Yes. That is, we entered into an arrangement with Mr. Gehring to try—well, there were two things. One was to try to interest hotel people in an organization of their own, and the other was to try to convert hotel people to the beer and light-wine idea." (317.)

"The National Investors' Protective League," Mr. Fox says, "was rather an ambitious personal scheme of a certain attorney who was interested in some breweries around New York to try to form a sort of organization of the stockholders in breweries." (314.)

The German-American Alliance was used as a camouflage and extensively financed by the United States Brewers' Association, Mr. Andrea devoting much time and money to organization of local branches for political purposes, as explained elsewhere in this digest.

Labor's Peace Council, an organization maintained by the German Government to keep us out of the war (194), Labor's Emergency League, and the American-Hungarian Liberty League (9650, 711, 731) were also encouraged.

Doubtless many of the 40 organizations with high-sounding names, like "Self-Determination League," "Molly Pitcher Club," and so forth, are in the same class.

In politics, they sought by complete surveys of candidates to obtain all the information which would enable them to bring pressure upon leaders in public and private life. Here is a copy of one such survey, as given on page 1263 of the report:

1. Full name and address? George F. Burgess, Gonzales County.
2. Age? Fifty-five.
3. Married or single? Married.
4. If married, does wife exercise any undue influence in regard to his business or political affairs? No.
5. Politics? Democrat.
6. Is he popular or unpopular in his community? Very popular.
7. Schooling? High school.
8. Business? No other business outside politics.
9. Financial standing? Good; worth about $30,000.
10. Where is his banking business, commercial and private, transacted? Dilworth Bank of Gonzales.
11. What position does the bank (or banks) assume on the wet and dry questions? Wet.
12. Is candidate known as a liberal or dry man? Liberal.
13. Was he ever a candidate for any political office? Yes; county attorney and Congressman. Was elected to both offices without opposition. He can probably be Congressman as long as he wishes to hold the office.
14. Elected or defeated? Elected.
15. Elected by how many? Without opposition.
16. Defeated by how many?
17. Number of votes in the city? Eight hundred and fifty.
18. Number of votes in the county? Three thousand.
19. Religion? He is a member of no church. Was put out of Baptist Church.
20. To what fraternal organizations does he belong? Masonic; Knight Templar.
21. Recreation? Nothing in particular. Congress occupies his time.
22. Name some of his closest associates. C. S. Dilworth, Dilworth Bank, Gonzales; John H. Garner, Congressman; W. T. Bagby, Hallettsville; W. J. Rainboldt, Gonzales.

George A. Burgess was elected from the old tenth district. At that time it included Galveston. It was represented by a Republican previous to his election. He took his seat in 1900, serving his seventh term now, and will run again. He will have no opposition. He used to be "one of the boys," played cards, and drank a little. His health failed, but he is still popular "with the boys." This report was taken from his most intimate friend, W. J. Fainboldt. (1263.)

HOW ORGANIZED LIQUOR CAPTURES CANDIDATES.

Let those "wet triplets," Messrs. TINKHAM, GALLIVAN, and HILL, who indict the Anti-Saloon League for political activities in behalf of dry candidates, read the pledge sought from candidates. It is illustrated by a sample, signed by William H. Thomson, mayor of Chicago, and received by Anton J. Cermak, recently elected to the county board in Cook County:

The undersigned respectfully represents that he is a candidate for the office of mayor on the Republican ticket of the city of Chicago at the election to be held on Tuesday, April 6, A. D. 1915.

That he favors and will promote in every way the objects for which the United Societies for Local Self-Government were organized, namely: Personal liberty, home rule, and equal taxation.

That he believes every citizen should be protected in the full enjoyment of all the personal rights and liberties guaranteed him by the Constitution of the United States and the State of Illinois.

And that if elected mayor of the city of Chicago he will use all honorable means to promote such objects:

1. That he will oppose all laws known as "blue laws," and that he especially declares that he is opposed to a closed Sunday, believing that the State law referring to Sunday closing is obsolete and should not be enforced by the city administration. And that he is opposed to all ordinances tending to curtail the citizens of Chicago in the enjoyment of their liberties on the weekly day of rest.

2. That he is in favor of "special bar permits" until 3 o'clock a. m. being issued by the city of Chicago to reputable societies or organizations for the purpose of permitting such societies to hold their customary entertainments.

3. That as mayor he will use his veto power to prevent the enactment of any ordinance which aims at the abridgment of the rights of personal liberty or is intended to repeal any liberal ordinance now enacted, especially one repealing or amending the "special bar permit" ordinance now in force.

4. That he will oppose the further extension of the prohibition territory within the city limits, unless such extension is demanded by a majority of the residents in a district in which at least two-thirds of the building lots are improved with dwelling houses.

5. That he is unalterably opposed to having the antisaloon territory law extended to the city of Chicago.

6. I hereby declare that I have not signed the pledge of the Anti-Saloon League or any other so-called "reform organization," and have not given any pledge to any newspaper.

Chicago, March —, A. D. 1915.

Name: Wm. H. Thompson.

Address: 3200 Sheridan Road.

Received and placed on file March 20, 1915.

ANTON J. CERMAK,
Secretary of the United Societies for Local Self-Government and the Liberty League.

Before high heaven, I ask: What name can one give to a movement which pledges public officials to violate their oaths of office? How many of the minority here who are endeavoring to nullify the Constitution and are fighting for beer and liquor to-day have signed such a pledge? Or, more likely, perhaps, we may suppose that the Baltimore and Boston "triplets" do not have to "sign up"—for their fundamental and habitual "wetness" is too well known to require a pledge. By boycott

of unfriendly business interests they sought to compel the silence, if not the aid, of influential men. Through the subsidizing of the press they attempted to poison our channels of public information at the source. Millions of dollars were expended by them for these purposes. In Pennsylvania alone the brewers' association had $1,400,000 on deposit in a single year (p. 424):

Major HUMES. This is the Pennsylvania State association. The bank accounts of the United States Brewers' Association were offered yesterday showing that the highest deposit in any one year was $1,400,000.
Senator OVERMAN. This is the Pennsylvania State association?
Major HUMES. This is the Pennsylvania association summary showing the amount raised within the State alone. That was outside of and, of course, in addition to, the money that went into the treasury of the United States Brewers' Association.

These huge sums were obtained by deductions of the amounts given by members of the association from their tax returns, thus stealing from the Government to use the stolen funds to corrupt the political life of the Nation (p. 1077). The statement of the Pennsylvania Brewery Association to the Commissioner of Internal Revenue is as follows:

The association has been advised that under the rulings of the department that such contributions are not proper deductions of such contributions in making their reports, and that while the association is unable to give the information asked in respect to contributions of its members for the reason above set forth, it will immediately advise all of its members to make amended returns in respect to such contributions to the association as have been deducted in previous returns and upon which an excise or income tax has not already been paid, and it will advise its members to pay without delay such taxes as may be properly assessed in respect to the same without protest or claim for abatement or refunds or to execute such waivers as may be deemed necessary or desirable by the department.

THE TRAGEDY OF LIQUOR PAPERS.

Remembering the measureless opportunities and responsibilities of newspapers in creating public sentiment and molding character for good or ill, what an unspeakable tragedy it is to contemplate the surrender of so many leading dailies to the blandishments of liquor money!

The leading newspapers and magazines of the country were induced to publish as unbiased and authoritative studies articles which were propaganda furnished through the brewers' association (pp. 60, 61, 62). Other newspapers were bought outright with brewery money and used to support the twin causes, liquor and Germany, in the war (pp. 11, 754–755, 940–941, 38–50, 70–73).

Chautauquas, centers of light and inspiration to many of our people, were to be made centers for the brewers' spokesmen, who sought entrance into Chautauqua meetings and in churches, colleges, lyceums, etc. (p. 1082).

The foreign-speaking press was controlled in large degree by the brewers' association, who secured the publication by papers with a circulation of 7,500,000 of articles on "personal liberty," poisoning the minds of the foreign-speaking people of the country against the ideals of America and making them dupes of the liquor traffic (p. 456) and making them increasingly dangerous to our American civilization.

In the report of the hearings we find this:

Major HUMES. I call your attention to the confidential report of the publication committee that was in executive session in 1915, that comes from the office of the United States Brewers' Association, as follows:
"During the past year a large number of articles have been published in many of the leading newspapers and magazines which have either been suggested by us or have been based on our investigations, and from the medical viewpoint articles and editorials have been published in the Medical Record, in the Journal of the Medical Association, and in the British Journal of Inebriety.
"Articles have been published in the Survey, Outlook, American Underwriter, and the Journal of the American Statistical Association, and the American Food Journal, and the National Municipal Review." (Pp. 60, 61, 62.)
The evidence that followed showed the use they made of the moving picture called "Liquid Bread."
Your publicity department early in July established a weekly news service, which is being sent to the weekly and semiweekly newspapers throughout the United States, and from which excellent results have followed, showing that in the few months during which this news service has been in operation, 614 weekly newspapers published in 32 States have accepted the service and have published 1,308 special articles emphasizing the liberal side of the temperance question. Another phase of general publicity is the monthly magazine issued through your publicity department, which goes to 150,000 bona fide subscribers in the various States of the Union. This magazine is one devoted to topics of interest to both men and women and in every issue carries an article favorable to the liberal cause * * *.

And yet, and yet, and yet! The "wet" crowd, with consummate gall (I can think of no other word to express it) "virtuously" cries out against the organization and political activities of the "drys."

May the Lord forgive their guilty, inconsistent souls.

A DEVILISH, DANGEROUS DEFIANCE.

This is the history of the brewery and liquor organizations in the past. I submit it to you lest we forget the kind of enemy with whom we have to deal. It has violated every regulative, restrictive, or prohibitory law that has ever been placed on the statute books. It has corrupted politics, debauched its patrons, and defied the Government. Why should any special privileges be extended to the brewers in the face of this kind of record? Have they reformed? Most of those who have continued as cereal beverage dealers have been violating the law.

The logical successor of such organizations is the Association Against the Prohibition Amendment. Like some of the other organizations referred to heretofore, it assumes respectability by claiming that it is in no way connected with the brewers. Murder will out. Following the recent S O S appeal by the Association Against the Prohibition Amendment for a war chest of $7,000,000 for their campaign to elect a wet Congress and a wet President in 1924—witness this letter from their office here in Washington—evidence has accumulated that this organization is simply the tool of the old brewery and liquor crowd which has defied law in the past and is violating the Constitution today, and using this camouflage organization to hamstring law enforcement and finally to repeal the eighteenth amendment itself. In view of the pious representations and the repudiations of the brewers and liquor dealers by the Association Against the Prohibition Amendment, the following documents and letters sent out by these master organizations are interesting and conclusive as to their connection with the liquor trade.

This claim of the Association Against the Prohibition Amendment that it has no connection with liquor manufacturers or dealers and that it depends upon the $1 per member annual dues is disproved by the following letter from the Wisconsin Malters' Club to its members:

MILWAUKEE, WIS., *October 6, 1922.*

GENTLEMEN: In view of the fact that the "Wisconsin Division of the Association Against the Prohibition Amendment" has done such wonderful work during the last primaries, having been positively instrumental in securing 8 "wets" out of the 10 congressional candidates, and all of which facts and results were praised and confirmed by Mr. Dietrichs, of Chicago, at our meeting held yesterday, it was unanimously decided to give them further financial aid in order that the association might be able to complete the work they have set out to do.
To this end we permitted ourselves to become assessed for half of the amount contributed at our previous meeting, namely, at the rate of 5 cents per 1,000 bushels of steeping capacity.
In as far as the money is needed now, will you not be kind enough to forward immediately to the undersigned your check for $———?
We are sorry, indeed, that some of the malters found themselves unable to attend the meeting, as Mr. Dietrichs gave us such an excellent exposition of facts and conditions as exist all over the entire country at the present time.
Very truly yours,

WISCONSIN MALTERS' CLUB,
Per WALTER A. ZINN,
P. O. Box No. 47.

P. S.—It is expected that a meeting of the old malsters' bureau of statistics will be called shortly, and in as far as matters of both importance and interest to the malting trade will be discussed, it is hoped everybody will be able to be present.
(Copy of blue ticket inclosed:)

No money for our soldiers
Unless you
Bring
Back
Beer!
Moonshine pays no taxes.

The use of figureheads—persons whose names are widely known—copied from the activities of the United States Brewers' Association and the German-American Alliance, is indicated in the following letter from the Wisconsin Anti-Prohibition Association, which later changed its name to Wisconsin Division, Association Against the Prohibition Amendment:

MILWAUKEE, WIS.

Dr. C. W. COLLVER,
President Citizens' Bank, Clinton, Wis.

DEAR SIR: The Wisconsin Anti-Prohibition Association is planning to organize your county. We are writing you to ask if you will not suggest to us the names of five prominent citizens in your county, not connected with the liquor interests nor actively engaged in politics, who are in sympathy with our movement and are qualified to serve on your county executive committee.
We need men who are not only leaders in the county but are also boosters for the cause.
If for any reason you do not feel at liberty to suggest such names may we ask you to advise us of the name of some one in your county who would be qualified to recommend prospective committee members?
To acquaint you with the aims and purposes of our association we inclose a copy of our circular letter setting forth these matters.
Please accept our thanks in advance for your courtesy.
Yours very truly,

THE WISCONSIN ANTI-PROHIBITION ASSOCIATION,
J. J. SEELMAN, *President.*

USING "A LIQUOR LIE" TO STIR UP PREJUDICE.

In face of the fact that all religious denominations have backed the Anti-Saloon League from the beginning, just read this bold, bare-faced prevarication:

The first of the "General rules of the association" reads as follows: "The association is nonpartisan and nonsectarian." Attributing to one single Protestant church practical control of the Anti-Saloon League,

the association in the following letter attempts to organize religious jealousy and church antagonisms to further its cause:

MILWAUKEE, WIS., *August 22, 1922.*

Rev. WM. C. HAYES,
Milwaukee, Wis.

REVEREND SIR: It it generally understood that the nomination of candidates by the committee of 44 was dictated by the Anti-Saloon League. This league is also actively engaged in securing the election of State senators and assemblymen who are in sympathy with their cause.

The Anti-Saloon League is essentially a religious organization; in fact, all of its activities are carried on through the Methodist Church.

The integrity of the fundamental principle of religious freedom is dependent upon all religious denominations respecting the dictum that the church should be kept out of politics and politics out of the church.

When, then, a portion of a certain religious denomination, even though it be under the cloak of the Anti-Saloon League, makes an attempt to control the politics of the State, does it not become incumbent upon other religious denominations to enter the political arena and enforce a proper respect for the sanctity of our institutions?

Many of the tenets of the Anti-Saloon League's church are fundamentally at variance with those of other churches. What may these churches expect if the Anti-Saloon League succeeds in its brazen attempt to capture the executive and legislative offices of the State? Will they be satisfied when they have been successful in enforcing that one tenet of their religion, the total abstinence of alcohol, or will they then select another of their restrictive doctrines and proceed to secure its enforcement by law?

The chief source of the Anti-Saloon League's strength lies in the support it receives from radical Methodist churches. In justice to these churches it should be said that many fair-minded Methodists resent this unwarranted activity.

But the fact remains that a portion of the Methodist churches, through the Anti-Saloon League, are attempting to obtain political control of the State. What are you going to do about it?

We have a plan. We will with your assistance beat them at their own game. We are going to try to enlist the support of all fair-minded heads of churches throughout the State in our movement against radical prohibition and for sane temperance.

We are therefore inclosing herewith a blank which we will ask you to fill out and return to us. With a large number of these blanks in our files we will be able to neutralize the fear which the Anti-Saloon League, through its church backing, has been able to instill into the minds of politicians and legislators.

Our plan has the indorsement of prominent members of the local clergy.

Will you not help us by filling out and returning your blank at once?

Very truly yours,

WISCONSIN DIVISION, ASSOCIATION AGAINST THE PROHIBITION AMENDMENT.
J. J. SELLMAN, *President.*

Gentlemen of the Congress, never in all my acquaintance with political propaganda have I read such an unmitigated, unfumigated lie. I am a Baptist myself of the old-fashioned deep-water kind—the kind who just love to "play up and down Jordan's banks"—but I have long been an active member of the Anti-Saloon League and an honorary member of that great forward-looking company of the handmaidens of God, the Woman's Christian Temperance Union, and I know that I have had priceless fellowship with the leaders of all religious denominations who have united on one platform: "Up with the home—Down with the saloon."

This attempt to make it appear that prohibition was adopted by the Anti-Saloon League, which got its chief source of support from radical Methodist churches, is a sample of the unreliability of practically everything that this wet organization says. Anyone who is familiar with the history of the Anti-Saloon League knows that its founder was a Congregational minister, that two of the great denominational leaders who helped to plan its work were Bishop Kynett, of the Methodist Church, and Archbishop Ireland, of the Catholic Church. It is a source of power to that organization that it has now the consecrated backing of the churches. It is fundamental to its organization that it is controlled by representatives chosen by the representatives of the various denominations themselves. A few of the denominations do not elect delegates or representatives upon the Anti-Saloon League boards of control, but leaders of those denominations are on those boards.

THE FELLOWSHIP OF A COMMON PURPOSE.

Some of the denominations which have affiliated with and helped to control this organization, or which have leaders of the denomination on the boards, are as follows: Congregational, United Brethren, Methodist Episcopal, English Lutheran, United Presbyterian, Presbyterian, Baptist, Church of God, Evangelical, Disciples, and Friends. Leading Catholics, Episcopalians, and Mormons, and prominent men in various other denominations have taken an active part in the Anti-Saloon League movement—uniting their efforts on the things of common interest and not on the things that divide.

But Congress did not submit the national prohibition amendment nor did the States ratify it simply because the Anti-Saloon League was for it. It was because that organization represented the dominant public sentiment of the Nation concerning this criminal traffic that its leadership has been so successful and its leaders so maligned by "wet" papers and "wet" politicians. Men and women inside and outside of the churches helped to win the victory. If any wet organization thinks any one church denomination brought about the adoption of national prohibition they will realize their groundless, foolish mistake when they attempt to muster the votes to elect a Congress and State legislatures to repeal it.

The gentleman from Massachusetts [Mr. GALLIVAN] declared that the patriotism of those who would repeal the eighteenth amendment or modify the Volstead law has been assailed by dry leaders. Not a word of it. The wets have never been denied the right of peaceful efforts to repeal. But the drys do protest that such incendiary utterances as we often hear, as we have heard to-day on the floor of this House, are utterly unfair to a new-born law, and we further protest that they are being made nine cases out of ten by the lifelong arch enemies of prohibition, who have never shown the spirit of real democracy by accepting for a day the well-earned verdict of a consecrated constitutional majority.

The gentleman from Massachusetts talks with great anxiety about the money that is being taken from the pockets of the people for the enforcement of this law—$9,000,000 in a year, if you please; and he said it is nearly doubled by the amount spent in the Department of Justice. The fact that liquor violators almost pay for their own condemnation through the income from the confiscated property of bootleggers, who are encouraged by every speech like that of the gentleman from Massachusetts, or those of the two gentlemen from Massachusetts [Mr. GALLIVAN and Mr. TINKHAM], if you please, brings an indictment of criminality against the illicit-liquor seller which no other criminal "enjoys." But never mind if it were twenty millions or fifty millions or even a hundred millions a year until this mighty task is completed. Remember that the drink bill of America, liquor and beer sold over the counter, was two billion five hundred millions a year under the saloon régime, to say nothing of the terrible cost of prisons and asylums, almshouses, and shattered homes, in addition to the millions of men and women whose earning capacity was tragically depleted by their contact with liquor. The cost, the cost, the cost!

God save our country completely and forever from the greatest highway bandit that ever robbed the American people. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield three minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause].

Mr. QUIN. Mr. Chairman, it is a matter of extreme regret to me that the Members of this House have been compelled to listen to such utterances as the gentleman from Massachusetts [Mr. GALLIVAN] made on this floor to-day. Is it possible, after the people of the United States have passed judgment on this great question, not only a majority of the people but three-fourths of them through their constituted authorities, have amended the organic law of this Republic and then placed enforcement legislation on top of that—is it possible that the gentleman, representing what used to be considered the hub of intelligence and patriotism of the United States, the city of Boston, would on this floor humiliate the American people, the God-fearing, law-abiding, liberty-loving men and women of the United States by such utterances as he has made on this floor to-day? [Applause.] He need not be uneasy about any waste of money by the people of the United States in enforcing prohibition legislation. What we have to be uneasy about is such as he, clothed by the vote of the people with authority to stand in a high place, who villify those who respect the law, and that he should do his utmost to make his sort have a contempt not only for the law and the right-thinking people of these United States but to have a contempt for the Constitution itself. [Applause.]

In my judgment, it is reprehensible for a man occupying such an exalted position as that of a United States Congressman to endeavor to degrade the position that he holds by such utterances. [Applause.]

Mr. MADDEN. I yield 10 minutes to the gentleman from Nebraska [Mr. THORPE].

Mr. THORPE. Mr. Chairman, I would not take up the valuable time of this House to-day if it were not for the fact that I wish to warn my Republican colleagues of impending disaster [applause]—just a little premature, gentlemen—and also wish to refer my Democratic friends to their own inglorious history. [Applause and laughter.] During the last days of the old year which has just passed away the news was published in the leading Washington papers and the report was sent by the Associated Press to the four corners of the earth that the Democratic National Committee would begin immediately after the first of the New Year a relentless warfare on the Republican Party; that there would be a mighty gathering of the unterrified to

agree on the "new paramount issue." Reference was made to the fact that the party chiefs had not fully agreed as to whether the League of Nations would be resurrected from the scrap heap of political oblivion, where it was consigned by over 7,000,000 voters in November, 1920, and made the battle cry again, or whether a new shibboleth would be manufactured by the hungry horde of disgruntled self-styled politicians who turned this Government over to its true friends—the Republican Party—a little over two years ago, crushed, bleeding, and almost bankrupt, with national honor at its lowest ebb and wreck and ruin facing the people of this fair land of ours on every hand.

So I have scanned every line in every newspaper published in Washington for several days for the message that would strike terror into the hearts of the Republicans, and on January 9 the battle cry was sounded. "The new paramount" issue was proclaimed, and in order that there may be no dispute about its authorship I will read a telegraphic message published in the News, a Washington, D. C., newspaper, and request that it be inserted in the CONGRESSIONAL RECORD as a part of my address.

BRYAN'S HAT IS IN.

CHICAGO, ILL.—William Jennings Bryan served notice to-day that he is still in the political running.

The commoner denied he had given up politics for preaching. He predicted a Democrat would capture the White House in 1924, and indicated he was once again prepared to lead the forces of "Progressive Democracy."

"The country is getting dryer every day through more efficient enforcement" he said, "And as a political issue prohibition is playing out." Darwinism just now is the "acute" question, Bryan added.

Now, Mr. Speaker, I am personally acquainted with this man Bryan, and I presume that most of you have heard of him before. He and I formerly lived in the same city, and it perhaps is not good manners to speak of my former townsman in the way I am forced to do. I realize that my remarks may be viewed by many as ridiculous, but I am sure they are no more ridiculous than many of the positions assumed by my friend Bryan on many public questions in the past.

Mr. Bryan ran a paramount issue factory in Lincoln, Nebr., for many years. He was the sole manager and reaped enormous profits from his enterprise, but never paid any cash dividends to the stockholders, who were the Democratic Party. [Laughter.] The first district of Nebraska sent Mr. Bryan to Congress; likewise the first district of Nebraska sent me here. Many years ago we were both known as "boy orators"—he as the "boy orator of the Platte," while I was known as the "boy tramp orator." [Laughter.] And the Democratic Party brought us both into political notoriety—he as a prophet of populistic propaganda and I as a defender of the Republican faith. I never admired my political creators very much, although I have never denied the soubriquet which I acquired in the troublesome times of the Cleveland administration.

Mr. Bryan's first "paramount issue" was the "robber tariff." His old constituents and many others in various parts of the country well remember his chief weapons of defense, a tin cup, a butcher knife, and his most eloquent tongue, and I am also sure that there are many present here to-day who well remember that the voters of this country listened to these false prophets. Then came Grover Cleveland's administration, the Wilson-Gorman tariff bill, Coxey's army, closed factories and work shops. Banks breaking everywhere. Business of all kinds paralyzed and 4,000,000 tramps roaming the country who formerly, under the McKinley tariff law, were well employed. It may seem rather strange to this august body of men to hear me say that I was one of this motley herd who was turned out during this reign of terror. I remember many nights that I had nothing but the earth as a pillow and nothing but the dark mantle of night as a cover, the stars of heaven shining as the only ray of hope to a benighted pilgrim that some day the tides of fate might turn the tables of despair into a happy return to an honorable place amongst my fellow men and that the infamous rule of the iniquitous Democratic Party might end. But all at once this same Bryan manufactured and decreed another paramount issue from the "Lincoln factory," "No crown of thorns," "No cross of gold," "Free and unlimited coinage of silver at the ratio of 16 to 1," but a distressed and ruined citizenship revolted and prosperity returned through the election of the martyred President, William McKinley, the wheels of industry moved, factories opened, the sound of the loom and the spin of the wheel were heard, the farmers awakened from their lethargy, and prosperity reigned on every hand. A new tariff law, the "Dingley bill," was written. The national debt was reduced, and peace reigned throughout this land of ours, but, Mr. Speaker, it would take days and weeks for me to recite the glorious history of the Republican Party, and time will not permit. I believe the majority of the people of this country are Republicans. They ought to be, at least. It is with pride that a Republican speaker can refer to Abraham Lincoln, Ulysses S. Grant, James A. Garfield, Benjamin Harrison, William McKinley, Theodore Roosevelt, William H. Taft, and Warren G. Harding. [Applause.] Dare any Democratic Member stand here in the face of their history of waste and ruin and defend the administration of Grover Cleveland and Woodrow Wilson? If they dare attempt it, the history of these 16 years of misrule will rise up to condemn them.

The only real abiding place the Democratic Party has is in the Southland, and I want to say right here that I have no malice in my heart for my Democratic friends who come from south of the Mason and Dixon line. I do not believe in waving the bloody shirt. The Civil War settled all questions of national unity between the States. I have traveled the South for years. I have friends by the thousands down in Dixie. I love them, but I would like to see them awaken from their hypnotic dream and take their place in the onward march of an enlightened civilization. The Southland is near and dear to me. My mother and my mother's people were southerners, and so in material construction I am about 50–50. But the South has had many tribulations cast upon it in the last 60 years and the toll has been heavy; it has been visited and controlled by three dangerous and deadly diseases. First, the smallpox, which took thousands of its citizens at an enormous expense; second, the yellow fever, most deadly in its work; and last of all the most terrible disease, the Democratic Party. Now, I am aware that many of you who are present will challenge my statement that the Democratic Party is a disease. I agree with you that the statement sounds rather ridiculous, but I am sure that political parties are supposed to have life and action; they are supposed to be concrete bodies who will function for the good of mankind and bring about results in governmental affairs that will make men and women and children happier and more prosperous. Can this be said of the Democratic Party? No, Mr. Speaker. I pronounce it a deadly cancer which has four times fastened its fangs deeply into our national life since 1860. The Democratic Party is not a constructive party; it never has been. It is the party of negation; it is the party of obstruction to national progress. Its chief asset is opposition to every great principle that the Republican Party advocates. It slumbers like a venomous serpent, ready at all times to strike its blow, but never offers any solution of impending evils, going back to its self-praised history. It believed in the divine right of slavery.

It stood aloof on the question of State rights and for years and years advocated a fiat and unsound system of currency. It has eternally fought the principles of a protective tariff, and whenever an opportunity has been given since the dark days of 1861 to 1865 it has lowered the great American standard, the Star-Spangled Banner, with a policy of "watchful waiting" or "He kept us out of war."

Mr. Chairman, I have never believed that Mr. Bryan or any of his family have descended from the monkey, although he has taken years on the platform trying to deny it and again says it is the most acute question of the times. I, however, do know that for more than 20 years he has made a monkey out of the Democratic Party with his paramount issues and acute questions, and also that for 16 years under Grover Cleveland and Woodrow Wilson the Democratic Party made monkeys out of the American people, so sometimes I am constrained to believe that there is some relationship between the Democratic Party and Darwinism; so perhaps for once Mr. Bryan may be right on a paramount issue or acute question and yet give to the world the true origin of our national enemy, the Democratic Party.

But soon after Mr. Bryan's declaration was made Gov. Al Smith, of New York, Senator EDWARDS, of New Jersey, and the silver-tongued, silver-haired veteran statesman, the Hon. W. BOURKE COCKRAN, of New York, served notice to the country that the next battle would be fought over the eighteenth amendment to the Constitution. Shortly thereafter Bainbridge Colby, ex-Justice Clarke, and the late-defeated James Cox, of Ohio, sent forth the call to rally round the old standard, "The League of Nations."

So now, my Republican colleagues, the battle cries have been sounded for 1924—Bryan and Darwinism, Colby, Clarke, Cox and Wilsonism, Smith, Edwards, Cockran and alcoholism, and, William G. McAdoo, with pure and undefiled McAdooism. And now, my Democratic friends, I am going to let you rest here in peace. I hold no malice against any of you. I only hope for a peaceful end for each of you and that the people of this country shall ever in the future be saved from the waste and ruin that has ever attended your attempts to run this Government.

For 26 years I dreamed of the day that I could take my seat in this historic Hall and be a Member of the American Congress,

It had been my life's ambition, and on last November 7 my dream came true. Although I only have the privilege of serving my district a bare four months, I have formed some associations here that I shall cherish as long as I live. I have met many old friends in this House whom I have known for years. I have met others whose records I have watched for years. It is my priviledge to form an opinion of Congress and its workings, and it is my privilege to express that opinion even though I may be criticized for it by the Members on both sides of this House, but I am aware of the critical condition that prevails in many parts of our country, and I would be untrue to my constituency if I did not raise my voice in protest at the lethargy shown here. On December 8 President Harding made a masterful address from this rostrum. He emphasized the pressing needs of the 29,000,000 farmers who have daily had their eyes on this House looking for some legislation that might give them a ray of hope. He spoke plainly on the great question of transportation, and yet weeks have passed and no relief is yet in sight. Ancient history tells us that Nero fiddled while Rome was burning. I declare here that the American Congress fiddles while millions in this country are suffering for relief that the leaders of this House could easily bring about.

I have seen hours and days wasted here between distinguished Members on both sides as to whether the right word to use was tweedledum or tweedledee while legislation representing millions and billions of dollars to the farmers and stock growers was tied up in committees in order that a $30,000 bridge might be built over Podunk or Pogues Run.

Now, I can hear some of you call me a notoriety seeker; but I am not. I had the notoriety before I ever came here. You may call me a radical, an alarmist, a progressive, a farm bloc, or a blockhead and it matters not to me. I have been a Republican all my life. I believe in the grand old Republican Party. It is the best instrument of government the American people have ever had. But now is the crisis. Oh, men of the party of Lincoln, Garfield, McKinley, and Roosevelt awaken to your duty and victory will be ours in 1924. Remember, Nero fiddled while Rome burned. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the remainder of my time to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] is recognized for three minutes.

Mr. BLANTON. Mr. Chairman, if I had to be one or the other of the two I would rather be a wet Congressman voting a dry ticket than a dry Congressman voting liquor on other people. [Applause.] If it were not for three Members of the House, the two gentlemen from Massachusetts and the distinguished rider of the great white charger from Baltimore [laughter] this House practically would be unanimously dry. They are the only real wets I know of in the House of Representatives.

I do not believe that you can find in the whole United States in any one class of men 96 who are more sober than the Members of the United States Senate. I do not believe that in the whole United States you can find in any one class of citizens 435 men more sober than the membership of this great body. [Applause.] Then why all this noise against the Constitution? I have heard it before. I hear it every time a bill comes up that involves prohibition. To listen to the noise you would think there would not be a dry vote in this House, but when the roll is called you hear only once in a while a wet vote, but there is always an overwhelming dry majority.

Let me state that my three friends now sitting there together are three of a kind. [Laughter.] And you could draw to that three from now until eternity and you will never fill your hand. [Laughter.] They have to sit together for company.

Mr. HILL. Will the gentleman yield?

Mr. UPSHAW. Will the gentleman yield?

Mr. BLANTON. I have only three minutes, but I will first yield to the gentleman from Georgia.

Mr. UPSHAW. Does not the gentleman from Texas think that it comes with poor grace from these "wet" triplets [laughter] here to reflect on the Anti-Saloon League as the active representative of the prohibition forces——

Mr. BLANTON. You have to have the three together to make one. [Laughter.]

Mr. UPSHAW (continuing). To reflect on the money-raising measures of the dry forces for legitimate purposes when I hold in my hand a letter from the Association Against Prohibition trying to raise $7,000,000 to dynamite the Constitution and nullify our duly constituted law? [Applause.]

Mr. BLANTON. I can not yield for a letter. Now I will yield to my friend the distinguished gentleman from Maryland.

Mr. HILL. I simply wanted to say to my distinguished friend that we expect to draw a full house to our three in the next Congress.

Mr. BLANTON. Your grandchildren will all be 80 years old before you do that. [Laughter.]

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired, and the Clerk will read the bill.

The Clerk read as follows:

For payment to Stanley H. Kunz for expenses incurred as contestee in the contested-election case of Parrillo *v.* Kunz, audited and recommended by the Committee on Elections No. 1, $2,000, to be disbursed by the Clerk of the House.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 20: "For payment to Dan Parrillo for expenses incurred as contestant in the contested election case of Parrillo *v.* Kunz, audited by the Committee on Elections No. 1, $2,000, to be disbursed by the Clerk of the House."

The amendment was agreed to.

The Clerk read as follows:

For the employment of competent persons to assist in continuing the work of compiling, codifying, and revising the laws and treaties of the United States, $4,000, to be expended under the direction of the Member-elect to the Sixty-eighth Congress who was chairman of the Committee on the Revision of the Laws of the House of Representatives during the Sixty-seventh Congress, and to remain available until June 30, 1924.

Mr. BLANTON. Mr. Chairman, I make the point of order against this section for the reason that it is legislation on an appropriation bill and unauthorized by law.

Mr. MADDEN. The Sixty-sixth Congress passed an act authorizing this work and continuing it until it was completed. We have acted under that act.

Mr. BLANTON. I am sure when the gentleman reflects on this he will concede that it is out of order. If the Chair will refer to the act authorizing this work to be done, he will see that it made provision for certain expenses that have already been appropriated for. The work has been done. It has been completed for nearly two years. That bill was passed in this House without objection—a bill containing hundreds of pages without even being read. The House passed it nearly two years ago, and it has been slumbering in a pigeon hole at the other end of the Capitol for two years.

I am not now complaining about the additional appropriations which run up into large sums in various bills last year and this. They might have been necessary, but this is an additional sum that runs on until June 30, 1924, and is unnecessary. I want to submit that it is not a deficiency, it is not paying for something that could be spent under the authorization of the original act. It is clearly unauthorized by law, and I hope the gentleman will not insist on this provision in the bill. There is not a man here who is a closer friend of Colonel LITTLE than I am. I like and admire him as much as anybody does, and I would like to do anything I could for him personally, but when it comes to taking money out of the Federal Treasury that is not needed, when the bill has been passed and completed for two years and would have become a law if it were not for the action of another body, we ought not to make this appropriation of $4,000 when it is not needed.

Mr. MADDEN. The act authorizing this work was passed in the Sixty-sixth Congress. It provided that this work should be done and continued to be done until it was completed. The work so far done has only been brought up to the Sixty-sixth Congress. This appropriation is to continue under the act. It is a work in progress. There is nothing for us to do except to provide the means to carry out the law. We are not violating the law, we are not appropriating money to accommodate Colonel LITTLE. We have no interest in Colonel LITTLE. We are performing our duty under the law. Here is what the law says:

Resolved, etc., That the Committee on Revision of the Laws in the House of Representatives is hereby authorized to print additions and amendments to H. R. 9389, or other bills covering the same subject, if in its judgment necessary, in the style and form in which said bill is now printed, with such variations thereof as the said committee deems in the interests of efficiency and economy, and to so continue until final enactment thereof in both Houses of the Congress of the United States.

Mr. STAFFORD. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. STAFFORD. I remember when the act of this Congress was passed authorizing a clerk to the Committee on the Revision of the Laws at $4,000 it was seriously contested by our friends on the other side. I understood that under that resolution the authorization for that clerk was to expire with this Congress. The purpose now is to continue the provision that we passed in the early part of this Congress, which was so seriously contested by the Democratic side.

Mr. MADDEN. They have used only $100 of the money then appropriated.

Mr. STAFFORD. That was for the authorization of an additional person, with a salary of $4,000.

Mr. MADDEN. Yes; but they have used only $100 of it.

Mr. BLANTON. Then there is $3,900 still available?

Mr. MADDEN. But that lapses.

Mr. STAFFORD. What were the provisions of that authorization?

Mr. MADDEN. The work has to be gone on with under this act. The gentleman in charge of the work is ready to go on with it now. It is a continuing work, and I think there is no question about it.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. The gentleman is for economy, I know.

Mr. MADDEN. Yes.

Mr. BLANTON. Suppose the Senate passes that bill tomorrow or the next day. I understand that it is passing bills over there now at the rate of about one a minute. In that case what would be the use of appropriating this $4,000?

Mr. MADDEN. The work still would have to be continued and carried down.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MONDELL. There is no danger of the Senate passing that bill. The Senate has had the bill for a year and a half. So far as those of us who have made anxious inquiry have been able to discover, practically nothing has been done in the Senate in respect to that bill. Very recently, however, in answer to inquiries they have insisted that there were quite a number of errors in the measure as it passed the House. They have not pointed them out specifically and definitely, but they insist that they exist. They use that statement as an excuse for not passing the bill. They have notified all those who have made inquiry that nothing more will be done with the measure in the Senate this session. It will be necessary in the next Congress to take up this bill anew, reexamine it with a view to determining whether the errors that have been referred to in the Senate actually exist, and to correct them if they do.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman will recall that the distinguished chairman of the Committee on Revision of the Laws, Mr. LITTLE of Kansas, stated that the bill now pending in the Senate brought the revision down only to March 4, 1919, and that with this appropriation he could entirely complete the work by December 1 and bring it down to date from March 4.

Mr. MADDEN. Yes.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MOORE of Virginia. Mr. Chairman, I happened to be a member of the Committee on Revision of Laws soon after coming here and cooperated with the then chairman of the committee, who is still the chairman of the committee, in making the compilation which embraces the laws in effect on the 4th of March, 1919. That compilation is included in a single bill, to which the gentleman has been referring and to which the gentleman from Wyoming [Mr. MONDELL] just now referred. That bill has been pending in the Senate for a long time. I take advantage of this opportunity to again say that I do not think there has been any sufficient explanation given of the failure of the other body to act. There have been some very general and vague assertions that there are defects in the bill, but those defects have never been specified. If there are defects, it was the business of the Senate committee in charge of the bill to indicate them and give opportunity for a hearing, and that has never been done up to this good hour.

I have become so hopeless of any action in the Senate at this session and so doubtful about future action that I have taken the liberty of suggesting to the president of the American Bar Association that he refer this matter to a committee of his organization for the purpose of examining the bill and seeing whether there is any ground whatever for the statement that the bill is in any material way defective, and I hope very much that before we meet here again we may have a report from the bar association on that subject, because it is really of great importance that there should be a codification, not only for the use of the administrative officials of the Government, but for the use of the courts and for the use of the public generally.

Mr. BLANTON. Mr. Chairman, by reason of the fact that our friend Colonel LITTLE is about a half Democrat, I withdraw the point of order.

Mr. ALMON. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. The gentleman from Kansas [Mr. LITTLE] has been congratulated, but the work was so well done that I think he and those who work with him should be congratulated again. If I caught the statement of the gentleman from Wyoming [Mr. MONDELL] correctly, the bill will die in the Senate although we sent it over there about a year and a half ago. If that is the case, I would like to have the chairman of this committee, who is up on all these matters, state about how much it will cost to have this work republished, reprinted at the next session of Congress?

Mr. MADDEN. It is already published.

Mr. SEARS. But the bill will have to be reintroduced, and rereferred to the committee and it will have to be reprinted.

Mr. BLANTON. It will cost $12,000.

Mr. MADDEN. I do not know how much it will cost.

Mr. SEARS. If the majority leader is correct in his statement that the Senate will not pass the bill at this session, I think when we pass it at the next session the Senate should refer the bill to another committee and not put this expense upon the taxpayers. The bill has been over there a year and a half and it certainly could have been reported out and some action taken in that time. If the chairman of that committee has failed to act during all these months we may expect no action will be taken if the bill should again be referred to his committee.

Mr. MADDEN. I have not any idea how much it will cost.

Mr. CHINDBLOM. Mr. Chairman, I rise in opposition to the pro forma amendment for the purpose of making this one statement: There was assembled in Washington yesterday a group of the leading jurists, lawyers, and judges of the United States, all of whom are interested in the subject of a better codification of the laws of the United States.

It is proposed to organize an American law institute, with headquarters in the National Capital. It is to be hoped that this organization after its completion will have sufficient influence to help to secure the final passage of the work for which this House has provided up to the present moment. If that is done, it will not be necessary to continue this expenditure any longer.

One of the main purposes of the American law institute will be to simplify and clarify the law and to seek to obtain uniformity of legislation and judicial interpretation throughout the country. A first necessary step in a movement of so great scope and importance is the proper assembling of all the statutes passed by Congress, which are now in force, into a publication which is reliable and accessible to all. Its authenticity will be guaranteed by its enactment by Congress as an entirety—not merely a compilation by authors, however able, whose work would not itself have the force of law.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

To continue the employment, under the direction of the Clerk of the House, of the person named in the resolution of February 13, 1923, from March 4, 1923, to June 30, 1924, inclusive, $3,305.56.

Mr. MADDEN. Mr. Chairman, I offer the following amendment——

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the paragraph. May I ask what employee that is?

Mr. MADDEN. Which one?

Mr. BLANTON. Lines 15 to 18.

Mr. MADDEN. That is Mrs. Donnelly, former secretary of the late James R. Mann.

Mr. BLANTON. That is all right. I ask unanimous consent that the distinguished gentleman from Michigan [Mr. CRAMTON] have consent to revise and extend his remarks made a while ago.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Michigan have consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. CRAMTON. Under the leave granted me by the House at the request of the gentleman from Texas [Mr. BLANTON] I insert the following:

The gentleman from Massachusetts [Mr. GALLIVAN] is concerned about the cost of law enforcement. Whatever its cost, a democracy can not afford not to enforce its fundamental law.

But America can well afford to enforce the eighteenth amendment. Enforcement of prohibition will bring to our country greater prosperity, greater happiness, greater progress than ever known before. Even under uncertain conditions of these first years of dry rule prohibition is daily proving its case.

VERDICT OF THE WORLD UPON ALCOHOL.

Dr. Albert Bushnell Hart recently said that one of the good reasons for the Volstead Act "is the enormous harm that has been done by drink." Such was the world-wide verdict upon the liquor traffic after terribly costly experience throughout recorded history and ages before—drink has done the world enormous harm. How much was most eloquently, as most succinctly, stated a dozen years ago by one T. M. Gilmore, then publisher of Bonfort's Wine and Spirit Circular, a champion of the distillery interests, and president of the National Model License League. In an exchange of letters on the question of prohibition with the late Dr. Lyman Abbott, published in the Outlook Magazine, March 19, 1910, Gilmore said:

The people in the country consume 114,000,000 gallons of distilled spirits every year for beverage purposes * * * and this does not include imported brandies, Scotch whiskies, etc. * * * The people in this country consume per capita 1.30 gallons of distilled liquors and 22 gallons of fermented liquors a year.

Doctor Abbott answered:

If the distilled liquors are used to the extent that your figures indicate, and I must assume their accuracy, that use would go far to account for the disease, the poverty, and the crime, which are three of the great burdens which the Nation is carrying.

And Gilmore said:

I agree with physicians that the excessive use of alcohol is a prolific cause of disease; with sociologists that it is a prolific cause of poverty; with penologists that it is a prolific cause of crime.

Thus was summed up by a friend and champion of the liquor business the essence of the world's verdict after thousands of years of sad experience. With this before them the people of the United States three years ago entered upon a tremendous experiment, entered upon it in the most solemn and formal way possible and with full notice to all the world—an effort of this great democracy, created as it was to secure for all its people their fullest welfare and happiness, an effort to rid its hundred million people of that which has been proven such a prolific cause of crime, poverty, and disease. This effort is written in our fundamental law, the Constitution of the United States, and before all the world this people is committed to it. Throughout the drink-crazed, crime-fettered, poverty-stricken, disease-burdened world, populations are looking to the success or failure of this great experiment. Success for prohibition in America means the world-wide doom of the liquor traffic. Failure here would be rewelding the fetters of crime, poverty, and disease on all humankind.

WORLD-WIDE DRIVE AGAINST ALCOHOL.

The President of France and the King of Italy are teetotalers. Sections of industrial Germany are declaring against liquor. England and Scotland are watching America. The two Americas are alive to the importance of the experiment.

The program for the Fifth International Conference of American States soon to convene in Chile carries for the first time this topic:

XVIII.

Consideration of measures adapted to secure the progressive diminution in the consumption of alcoholic beverages.

In connection with this the statement carried in the handbook prepared by the Pan American Union shows that prohibition measures are pending in the Argentine National Congress and in the Colombian National Congress; that the State of Sonora, in Mexico, went dry in 1915, and certain zones of temperance in Paraguay in 1919, and in Uruguay the navy and the army are ordered on the water wagon; that the supreme health council of Salvador is urging relief from the evils of increasing consumption of alcohol; that prohibition has been decreed in certain industrial sections of Chile and Honduras; that prohibition agitation is rife in Bolivia and Chile; and that more stringent regulation of the traffic or restriction thereof is in effect in Chile, the Dominican Republic, the State of Oaxaca in Mexico, Peru, and Uruguay, and is proposed in Costa Rica.

GIVE PROHIBITION A FAIR TRIAL.

The success or failure of prohibition will take time for its full exemplification. For every thousand years of the world's recorded experience with the curse of liquor we should allow at least a year of experience with prohibition.

The Detroit News in its leading editorial a few days ago said:

The period of trial has been too short and the verdict entirely too indecisive to warrant any supposition that the country has changed its mind completely in a little more than three years. Ten years would appear to be a fairer test. That would permit a more solid growth of sentiment on the subject. * * * This is prohibition's probation period. * * * Prohibition will try its own case if given time.

It is too early to ask a full account from the eighteenth amendment. Prohibition is carrying heavy burdens cast upon it from liquor days—appetites enslaved, habits dominated, and souls mortgaged.

The eighteenth amendment is founded upon experience. It is not visionary idealism. It is practical idealism founded upon our own experience. Here a town, there a county, here a State, and there another—so were the people experimenting until the sentiment of the Nation, fortified by experience, inaugurated the great experiment. A bare three years of the nation-wide experiment has now elapsed. Comprehensive statistics are not available even for that period, but a partial report can be made. In a general way the results sought are realized. The millennium has not arrived, enforcement has not approximated the desired degree, and crime, poverty, and disease still have Alcohol in their service. But we can report progress, and most encouraging and convincing progress.

Whether prohibition is proving a failure or a success, we can reach the right conclusion only by facts rather than prejudice and propaganda. I have gathered such facts as are now available from official sources concerning the result of this new policy of government and I believe it will be of value to the Members of this House to know that national prohibition, which originated with the vote of more than two-thirds of the Members of this House for submission of the eighteenth amendment, later ratified by 46 out of the 48 States of the Union, is a success.

THE SALOON GONE FOREVER.

Nobody loves the saloon any more. It has not a friend in the world who will say a kind word in public for it. Not even the bartenders' union has come out to say, "He was a good fellow when he had it." From advocates of personal liberty, brewers' propagandists, wine interests, from the whole group of outlawed liquor interests, there comes one word and one only, "Beer and light wines now; the saloon, never."

It all seems curious to the onlooker, for the old-time saloon was frequently a place well lighted, comfortably warmed in winter, nicely cooled in summer, equipped with comfortable chairs, convenient tables, doors that would swing to and fro at a touch, with even a rail placed at just the height best fitted to rest a weary foot. It had its attendants ready to gratify the whim of workingman or plutocrat alike. It was better furnished and more attractive by far than the homes of many of those who were its most prodigal customers.

But there was always this to be said about the old-time saloon: It was a place where they sold beverages which intoxicated, including wine and beer. Not the polished mahogany bar, not the glittering mirror nor the oil paintings which suggested how closely Bacchus and Venus are allied—none of these things made a room into a saloon. It took the beverages they sold there to do that. In Webster's words a saloon is "a place where intoxicating liquors are sold and drunk; a grogshop."

When the eighteenth amendment became effective 33 States were already dry; out of 3,032 counties in the United States 2,338 were dry; over 90 per cent of the area of the Nation forbade saloons, over 60 per cent of our total population lived in such arid area. And yet the eighteenth amendment outlawed 177,790 of these places. Time was, before prohibition got under way, the total number of saloons in the United States was over half a million. But the grand finale closed 177,790 of them.

We were warned it would injure business. If the undertakers, gravediggers, monument makers, and allied trades are not allowed to speak, no legitimate business has been injured. As to these, their business would have been increased by 500,000 more funerals if the death rate of 1917—using the last completely wet year's figure as a basis for our estimate—had continued through the three years of prohibition. If the policemen, court officers, jailors, and drivers of patrol wagons are not allowed to speak of work reduced many per cent in handling drunken men and women, brawlers, and the host of offenders who constituted over 50 per cent of the cases booked on blotters in police stations; if detectives, lawyers, court officers, hangmen, or penitentiary guards keep silent about the decrease in their work because the drop in the homicide rate for the country with the coming of prohibition has meant 634 fewer murders per year for the three years prohibition has been in effect; if pawnbrokers, loan sharks, lessors of property to brothels, or disreputable cheap hotels offer no word about the clients who now have no need of them; if social-welfare workers volunteer no explanation of the burdens they are no longer called upon to carry for the destitute wife or mother and children; if all these hold their peace, then none can speak of any legitimate business or tasks performed by man which have decreased with the closing of the old-time saloon.

The saloon was not only a place to supply the demand for intoxicating liquors, but was also a place to create and increase the demand for such liquors. It is universally admitted now to have been an ulcer on society, or, as Governor Osborne of Michigan once called it, a "social saprophyte," destructive of

that which was best physically and morally. It was also the worst enemy of good government, being everywhere the resort of criminals and the center of political corruption. Never a political machine anywhere that was not in alliance with and controlled by the saloons.

Tammany and Tammany's governor do not like prohibition. There is a reason. Without the saloon there never would have been any Tammany. With enforcement of prohibition New York will learn to govern itself without any Tammany. The metamorphosis is under way inside Tammany itself.

The New York Times of February 25 carries this story:

That stirring Tammany leadership fights have passed never to return was indicated a few days ago when Charles H. Hussey was elected Democratic leader of the north end of the third assembly district, on the lower west side. * * *

No disorder marked Hussey's campaign or that of his opponent.

Hussey's victory revealed that henceforth leadership contests will be conducted without the expenditure of anywhere from $30,000 to $75,000. This was not unusual over a period of more than 30 years.

Men familiar with the inner workings of Tammany explained that the elimination of the saloon under the Volstead Act was the reason for the changed conditions. In the old days, they explained, contests for Tammany leaderships were financed almost exclusively by saloon keepers, with sums varying from $250 to $2,500 each, according to the interest of the individual saloon keeper in a particular contest.

* * * * * * *

While the followers of the rival candidates attached the old importance to the leadership, they openly expressed the view that "the day for the rough stuff had passed, and it was a case of let the best man win." * * *

DISEASE.

The public health has so increased that the Census Bureau issued August 7, 1922, a report on the increased expectancy of human life, from 50.23 years in 1910 to 53.98 in 1920 for males and from 53.62 to 56.33 for females. Kansas, long dry, still holds the record: 59.73 for white males and 60.89 for white females.

We may expect to live longer than our fathers because the plague spot of the saloon no longer breeds contagion to the world. The last year for which mortality data has been compiled in 1921, when the death rate for the entire country, which began its drop with the coming of prohibition, reached what the Census Bureau termed "the lowest rate recorded in any year since the beginning of the annual compilations"; 1921's rate was 11.6 per 1,000 of the population. This was a marked reduction from the previous year whose rate was 13.1. But 1920 was below the rate of 14 per 1,000 in 1916 or 14.4 in 1917, both wet years. The influenza epidemic makes 1918 unfair for comparison.

This decline in the death rate which has paralleled the development of prohibition has not been entirely due to the prohibition law, but the decline was so sudden and so striking, especially in such great cities as Chicago and Philadelphia, as to indicate a direct and startling effect of the dry policy.

The death rate in the United States for various years before and after prohibition, which went into effect July 1, 1919, is as follows:

Death rate, all causes, per 1,000 population in registration area.

1910	15.0	1916	14.0
1911	14.2	1917	14.3
1912	13.9	1918	18.1
1913	14.1	1919	12.9
1914	13.6	1920	13.1
1915	13.6	1921	11.6

These figures are from the Department of Vital Statistics, Bureau of the Census. The figures are, of course, only for the registration area.

The death rate in six leading cities of the United States for the years 1917 to 1921, inclusive, indicates the general city situation very accurately and is of particular interest.

Death rate per 1,000 in leading cities which were wet in 1917.

	1917	1918	1919	1920	1921
Chicago, Ill.	14.8	16.9	12.5	12.8	11.1
Baltimore, Md.	18.5	25.7	15.7	15.4	13.8
New York, N. Y.	14.6	17.9	13.3	13.0	11.2
Philadelphia, Pa.	16.9	24.1	14.3	14.4	12.7
Pittsburgh, Pa.	18.6	26.8	16.1	16.4	14.1
Boston, Mass.	17.4	23.6	15.7	15.4	13.5

I commend to the attention of the gentlemen from Massachusetts [Mr. GALLIVAN and Mr. TINKHAM] the figures for their own city of Boston. The lowered death rate for 1921 as against 1917 means 1,000 fewer deaths in 1921 in each of the two districts represented by them. The per capita cost of Federal enforcement of prohibition, even if there were no return to the Treasury from fines and forfeitures, would be less than 15 cents per capita each year, or about $37,500 for Mr. GALLIVAN'S district. I trust the lives of 1,000 of his constituents are worth $37.50 each, had the cost been so great and had no other good been accomplished.

We have similar cause for appreciation of prohibition in Michigan.

Dr. W. F. Deacon, head of the Bureau of Vital Statistics of Michigan, says:

Prohibition is to be credited with reducing the death rate from tuberculosis from 93.1 per 100,000 in 1917 to 71.6 in 1921.

The doctor also said:

With the agitation over death from alcoholic poisoning to-day it should be remembered that a few years ago legitimate beverages caused more deaths and that more children died from malnutrition and tuberculosis than at present.

Insanity commitments in three principal institutions in New Jersey show average decrease 50 per cent in three dry years as compared with last three wet years and commitments in all State institutions decrease 18 per cent.

Prohibition went into effect in Montana December 30, 1918. Four years have thus elapsed since its adoption. Montana: Deaths from diseases commonly associated with excessive use of alcoholic liquors are as follows:

	1916	1917	1918	1919	1920	1921
Bright's disease	73.8	71.7	61.7	49.1	48.9	49.5
Tuberculosis	113.4	102.8	90.9	90.3	56.6	61.8
Alcoholism	86.0	124.0	60.0	10.0	10.0	22.0
Heart disease	94.4	94.6	93.3	83.0	76.7	.....

Upon an estimated population of 600,000 there died in Montana during the last three wet years from alcoholism 1,520 persons; during the first three dry years 252 died of alcoholism. Prohibition thus saved the lives of 1,268 persons in three years. From 1915 to 1918, 98 more murders were committed than from 1919 to 1921.

Of interest are the figures showing the rate of deaths from alcoholism. I give these figures for the years 1910 to 1921, inclusive. It will be noticed that the rate is practically uniform until 1918, in which year the war restrictions on alcoholic liquors and the absence of many men affected it. With the coming of prohibition it declined remarkably and is at present a very low figure.

(Rate per 100,000 population.)

1910	5.4	1916	5.8
1911	4.9	1917	5.2
1912	5.3	1918	2.7
1913	5.9	1919	1.6
1914	4.9	1920	1.0
1915	4.4	1921	1.8

The death registration area in 1921, on which above figures are based (exclusive of the Territory of Hawaii), comprised 34 States, the District of Columbia, and 16 cities in nonregistration States, with a total estimated population on July 1, 1921, of 88,667,602, or 82.2 per cent of the estimated population of the United States.

In California deaths from alcoholism in the two years immediately following the beginning of prohibition averaged 53 a year, while in the five years preceding the average was 205.

In Michigan such deaths were, in 1917, 247 and in 1921 only 94.

The following table shows the total deaths from alcoholism in 14 great American cities under the two license years, 1916–17, and the two dry years, 1920–21:

Alcoholism, chronic and acute.

City.	1916	1917	1920	1921	Average.	
					1916–17	1920–21
New York	687	560	98	119	623.5	108.5
Chicago	345	187	46	99	216.0	72.5
Philadelphia	187	217	11	18	202.0	14.5
Boston	161	166	31	70	163.5	50.0
Detroit	120	137	27	28	128.5	27.5
Pittsburgh	85	103	17	26	94.0	21.5
Cleveland	80	77	11	42	78.5	26.5
St. Louis	36	73	8	11	54.5	9.5
San Francisco	55	39	4	5	47.0	4.5
Cincinnati	45	37	4	7	40.0	5.5
Baltimore	28	37	4	15	32.5	9.5
Washington, D. C.	28	21	3	3	24.5	3.0
Milwaukee	25	10	5	5	17.5	5.0
New Orleans	19	16	7	7	17.5	7.0
Total	.....	.....	19.7	32.4	124.2	26.0

DECREASE, 78.9 PER CENT.

The average number of deaths from alcoholism in 14 great American cities in 1916–17 was 124.2, over six times the figure in 1920—19.7.

The years 1916 and 1917 were compared with 1920 and 1921 because the influenza epidemic made mortality statistics of 1918 abnormal; 1919 was neither license nor prohibition for the entire year.

In New York the admissions to the alcoholic wards of Bellevue Hospital in 1917 numbered 6,443 men and 1,767 women, a total of 8,210. In 1921 they numbered 1,931 men and 450 women, a total of 2,381. Deaths from alcoholism in Bellevue averaged 237 per year in the last 9 wet years. In 1920 there were only 10 and in 1921 just 8. New York City did not ever have less than 560 deaths yearly from alcoholism in the last 9 wet years. In 1921 there were 141.

Counting in wood alcohol and alcohol poisoning deaths, the yearly average in New York City was 634 for the last 7 wet years and 134 for the first 2 dry years. In the nation at large, according to the figures in the Census Bureau, the number of deaths from wood alcohol poisoning in 1920 were 0.4 per 100,000 and 0.2 in 1921. Even adding these to the total deaths from alcoholism in the country at large would not bring 1921's figures anywhere near one-half the ratio for the wet year 1917.

Better home conditions, sober parents, elimination of beer from the diet of nursing mothers, these with a multitude of other beneficial factors cut the death rate for infants to the low-record mark of 76 per 1,000 living births. Until this rate was recently announced by the Census Bureau, we felt that 1920's rate of 86 per 1,000 was good. Alcohol was the arch-Herod, slayer of the innocents.

DRUNKENNESS.

Arrests of women for drunkenness has been reduced one-half. The brothel is rapidly disappearing. Arrests for offenses against chastity show by their decline the close relationship between the social evil and the saloon. The drop in the number of cases of venereal diseases reported to the board of health in State after State reveals the beginning of the end of a dread plague. The death rate from syphilis in the registration area, according to the Department of Vital Statistics, Bureau of the Census, fell from 10.4 per 100,000 of population in 1917 to 9.1 in 1920, and if the States whose reports have been compiled for 1921 are a fair average, it fell lower yet in 1921. The saloon and the brothel have dovetailed in the past. Wherever statisticians have charted a city's police statistics, the drunkenness curve, the curve of arrests for offenses against chastity and, in the later years since reports of venereal diseases have been made compulsory, the curve representing such diseases have all three been parallel. With the outlawing of the saloon the brothel is disappearing and venereal disease is lessening.

Why should Massachusetts complain of a little money spent in behalf of prohibition in view of the blessings she in return is enjoying? That State has been surveyed, and her official reports for the first three dry years compared with the seven last wet years. Comparison of annual averages for these periods show the following reductions:

	Per cent decrease.
For the city of Boston:	
Arrests for all causes	22
Arrests for drunkenness	49
Arrests of women	66
For the entire State:	
Arrests for drunkenness	46
Commitments to institutions:	
To woman's reformatory—	
Total committed	48
For drunkenness	84
Reformatory for men—	
Total committed	31
For drunkenness	69
State farm—	
Total committed	78
For drunkenness	80

Warren F. Spaulding, assistant secretary of the Massachusetts Prison Association, in a study of women offenders and drunk, just published in the Scientific Temperance Journal, says:

"In the 32 years from 1885 to 1917, the population (female) had increased nearly 90 per cent; the arrests of women for all offenses had increased not quite 79 per cent, and the arrests for drunkenness only about 73 per cent. In other words, all the forces that were working for the reduction of crime, and especially to abolish public drunkenness among women, had only succeeded in slightly improving conditions, so that crime and drunkenness were a little less prevalent in proportion to the population than they were in 1885. Actually, there were 8,207 women arrested for drunkenness in 1917, the largest number ever known in the State, a startling fact for Massachusetts to consider.

"The downward pull of the forces of evil had almost overcome the forces or righteousness.

"In the next 18 months there was some decrease in crime and drunkenness, but no important improvement was made until Federal prohibition began to produce its results.

"Then came, practically in a moment, a great change in conditions—almost a revolution. There are no monthly statistics of arrests of women in towns, but for cities they are complete. In June, 1919, 424 women were arrested in them for drunkenness, a little less than the average (472) for the previous year. In July the number dropped immediately to 112, and the next twelve months the average was but 129 per month. In the next February and March there were only 60 and 67 arrests of women for drunkenness in this great State, containing nearly 2,000,000 women. The saloons had closed and the bootleggers organized, there was a slight increase to about 200 per month. Yet in the year ending September 30, 1921, there were in cities and towns but 2,634 arrests of women for drunkenness, compared with 8,207 in 1917, with a smaller population.

"In 1917, when crime among women was at its maximum, there were 14,726 arrests of women in Massachusetts. There is every reason for believing that the proportion of children to arrested women is substantially the same as the proportion of all the children of the State to all the married women of the State.

"If that be true, nearly 17,000 Massachusetts children had mothers who were arrested during the year; 9,500 of them had mothers who were arrested for being drunk in public.

"The picture of 1917 is a dark one—17,000 Massachusetts children under 15 whose mothers were arrested in one year. But since that record was made there has been a steady improvement. The 14,726 women arrested for crime have decreased to 8,725 in 1921; the arrests of women for drunkenness have decreased from 8,207 in 1917 to 2,634 in 1921.

"That the influence of the homes has not been overestimated is seen in the fact that there has been a decrease in juvenile delinquency with the decrease of drunkenness among women. The number of delinquent children committed to the State Board in 1918, when the homes were worst, was 191. In 1920, with fewer arrests of mothers and few bad homes, the number of delinquent children put in the care of the State Board fell to 141, and in 1921 to only 98."

In Connecticut 14 cities show a decrease of 33 per cent in the number of arrests for drunkenness in 1922 compared with 1918, the last wet year.

In New Jersey, in 40 cities answering questionnaires, arrests for drunkenness show a decrease of 21 per cent the past three years, as compared with the three years before prohibition, and for vagrancy the decrease is 33 per cent.

In New York, comparing the annual average of the first two dry years with the last eight wet years, these decreases are found:

	Per cent decrease.
Arrests for drunkenness	67
Women in court for drunkenness	81
Assaults, misdemeanors	55
Penal commitments	33

Philadelphia had 37 per cent fewer arrests for drunkenness in the average of the first two dry years than the last two wet years, 51 per cent fewer cases in disorderly conduct, 76 per cent fewer arrests for prostitution.

Rhode Island's six cities, containing 71 per cent of the population of the State, had 37 per cent fewer persons arrested for drunkenness or for offenses connected with drunkenness in the average of the first two dry years than the average of the last four wet years. One might cite State after State to the same effect.

The average number of arrests for drunkenness in California declined from an average of 27,308 in the three years prior to 14,485 in the three years subsequent to prohibition. (Report of State Prohibition Director S. F. Rutter.)

In Baltimore (from official reports of police commissioner to governor), eight wet years, 1912–1919, arrests of drunks averaged 12½ per cent of total arrests; three dry years, 1920–1922, 6⅛ per cent.

Michigan, located upon the Canadian border, has its own problems, but its officials have very generally sought to meet their responsibilities. Detroit, fourth in population among all American cities with 993,739, and one of the world's great industrial centers, presents the following.

Arrests for drunkenness 1917, the last year Detroit had saloons, and 1922:

	Number of arrests.
1917	18,488
1922	9,168

The table of arrests for drunkenness in Grand Rapids, Michigan's second city, for the same years follow:

	Number of arrests.
1917	1,900
1922	1,388

Grand Rapids had a population of 137,634 in 1920.

In 90 cities of Ohio for the fiscal year ending June 30, 1918, the total arrests for drunkenness were 33,800; for the fiscal year ended June 30, 1922, the total arrests for drunkenness were 17,655.

In considering these figures it should not be overlooked that in the days of the saloon a man had to be totally helpless or making a nuisance of himself before he was taken on a drunk charge, whereas an arrest for drunkenness is now made if a man shows signs of intoxication.

CRIME.

Since the war there has been a world-wide tendency toward the more serious crimes, such as always follow as a part of the aftermath of war. That America has not suffered from this as other countries is due in large part to prohibition.

In a recent issue of the Northwestern Christian Advocate, Judge William M. Gemmill, for 16 years judge of the Municipal Court of Chicago, speaks with the authority of his position in regard to the effect of prohibition on juvenile and adult crime:

"Twenty per cent of the jails of the United States have been without prisoners since prohibition went into effect," says Judge Gemmill, and he continues: "I have collected the prison statistics for the last seven years in several of the leading States, and everywhere the number of prisoners had been decreased since prohibition. In New York the total number of prisoners in 1915 was 6,939; 1916, 6,685; 1917, 5,356; 1918, 5,264; 1919, 4,903; 1920, 4,783; 1921, 5,129. In Indiana, total number convicted and imprisoned in county jails: 1914, 18,130; 1915, 14,644; 1918, 4,641; 1919, 3,555; 1920, 2,192; 1921, 3,596. In all prisons: 1914, 19,207; 1915, 17,380; 1918, 6,745; 1919, 5,609; 1920, 3,991; 1921, 6,597. In Massachusetts, prisoners in all prisons: 1915, 6,663; 1918 3,701; 1919, 2,896; 1920, 2,352; 1921, 3,252. Total arrests for drunkenness in Massachusetts: 1917, 129,455; 1920, 37,160; 1921, 59,585. In Wisconsin, total prison population: 1917, 1,299; 1919, 998; 1921, 957. Population Chicago Bridewell, January 1, each year: 1917, 1,818; 1918, 1,888; 1919, 1,214; 1920, 717; 1921, 1,087. In Iowa, Fort Madison, total prisoners: 1917, 600; 1919, 465; 1920, 465. In California, total in State prisons: 1917, 3,631; 1920, 2,898.

"I have not found a single State or a single prison where there was not a marked decrease in the prison population in 1919 and 1920. In most of the States there was an increase in 1921 over the year 1920, but with that increase the prison population is still from 20 per cent to 25 per cent less than it was before the war. From the last year before the prohibitory act went into effect to the first year following its enactment, the population of the Chicago Bridewell decreased over 50 per cent. During the year previous to the enactment of the prohibitory law 169 persons died in the hospital at the Bridewell from alcoholism. Last year one person died in the same hospital of the same cause."

In conclusion Judge Gemmill says:

Never before were American citizens as clean and law-abiding as they are to-day.

Juvenile offenses have decreased; the population of reformatories, State farms, almshouses, jails, and prisons have decreased materially. In California the average for the first two dry years compared with the average for the last four wet years showed a decrease of 45 per cent in all arrests in San Francisco. The penal population of the State was 20½ per cent less in 1922 than in 1917. The average number of commitments to prison in Connecticut was 18 per cent less for the three dry years than for the last three wet years. Cook County, Illinois, including Chicago, sent 19 per cent fewer persons to jail and 31 per cent fewer to the house of correction in dry 1922 than in wet 1917. Indiana has been dry for five years. Comparing the average of these years with the averages of the five preceding wet years, she notes these decreases in commitments to her various institutions: Jails, 44 per cent; prisons, 30 per cent; woman's prison, 57 per cent; boys' school, 4 per cent; girls' school, 39 per cent; or, to all institutions, 42 per cent.

The 1922 report of the District of Columbia workhouse at Occoquan is interesting. It shows the daily average number of prisoners (petty criminals sentenced for terms of one year or less) to have been as follows: 1910, 435; 1911, 448; 1912, 534; 1913, 620; 1914, 644; 1915, 622; 1916, 634; 1917, 631; 1918, 373; 1919, 433; 1920, 334; 1921, 208; 1922, 269.

The population of the District in 1910 was 331,069, and in 1920, 437,571, making the decrease in petty crime the more striking. The Board of Charities and Corrections say of this in their annual report for 1922:

No special significance should be attached to such an increase or decrease for a single year, but it is a significant fact that for five years now successively the average population of the workhouse has been just about one-half what it was prior to 1918. The drop in population followed immediately the enactment of the prohibition law, which became effective November 1, 1917. The board has expressed its opinion that the enactment of the prohibition law and the increased demand for labor of all kinds attendant upon the war were the factors most largely responsible for the decrease in the number of prisoners sent to the workhouse. Now that four years have elapsed since the armistice was signed and we have passed through a period of a general increase of unemployment without any noticeable increase in the number of prisoners, it would seem almost certain that the enactment of prohibition was the potent factor in lessening the number of petty criminals who were sent to the workhouse. The experience of the District of Columbia in this regard has been paralleled by that of other communities generally throughout the country so far as we are advised.

In Ohio the number of men sent to the workhouse was 10,000 less than that of the last year during the open saloon.

Prohibition Director Rutter, of California, said recently the effect of prohibition enforcement in California, based on his survey of juvenile court statistics and testimony of prohibition officers, divorce courts, judges, and welfare commissioners "is most apparent in that broad region between private domestic happiness and public prisons rather than in the records of more serious crime."

The Bureau of the Census has completed an enumeration of prisoners in the penal institutions of the United States as of July 1, 1922, and 1917. This enumeration covers a period before and after the United States went into the war and the period before and after the establishment of national prohibition.

Mr. Hastings S. Hart, president of the American Prison Congress for 1922, and director of the department of child helping of the Russell Sage Foundation, has commented upon the advance sheets of the summary of this enumeration in a statement which is illuminating as to the real situation:

The summary shows (omitting a small number of prisoners for whom the returns are uncertain) for 1922, 150,131 prisoners and for 1917, 140,186 prisoners, an increase of 7.1 per cent. The foregoing includes United States prisoners; omitting these, we have a total of 144,591 for 1922 and 137,163 for 1917, an increase of 5.4 per cent.

Two opposite forces have operated to increase and decrease the prison population. War always breeds crime by loosening moral restraints, by disturbing social relations, and by cheapening human life. It is difficult to measure this influence in the present case because it is obscured by the opposing influence, but as we shall see, its influence is plainly apparent in the case of certain States of the Union. Prohibition has manifestly operated to diminish petty crimes and misdemeanors, but there is no evidence in the returns that it has diminished the number of felons sentenced for high crime to State prisons.

Fifteen out of 46 States show a decrease in the population of the State prisons, but only six, as distinguished from jails and workhouses of these, show a decrease of more than 17.5 per cent and on the whole there is an increase of 10.1 per cent. Some people have imagined that in some mysterious way prohibition would change the character of criminals so that he who stole would steal no more. On the contrary, sobriety increases the efficiency of a burglar, a forger, or an automobile thief. But prohibition does diminish mightily such petty crimes as vagrancy, assault and battery, drunkenness and disorderly conduct, with a corresponding diminution of the population of workhouses, county jails, and police stations.

The effect of the war in increasing crime is seen in 20 States which adopted State prohibition before July 1, 1917. These States are Alabama, Arizona, Arkansas, Colorado, Georgia, Idaho, Iowa, Kansas, Maine, Mississippi, Nebraska, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Virginia, Washington, and West Virginia. They had already reaped the advantage of prohibition in diminishing the number of petty criminals before national prohibition was adopted. Every one of these 20 States except Arizona shows a large increase of the prison population. The total number of prisoners in the 20 States was 33,230 in 1917 and 44,025 in 1922, an increase of 10,795, or 32.2 per cent. This increase shows the effect of the war in these States.

On the other hand, the majority of the 28 States which did not have prohibition before 1917 show a marked decrease in 1922, the net decrease for the 28 States being 3.2 per cent. I note the following examples:

State.	1922	1917	Decrease.	Per cent.
Connecticut	1,657	2,494	837	33.6
Illinois	8,286	8,775	489	5.6
Massachusetts	4,447	6,438	1,991	30.9
Missouri	3,958	4,505	547	12.1
New York	14,903	17,494	2,591	14.8
Total, 5 States	33,251	39,706	6,455	16.3

The State prison population of these 5 States was 17,723 in 1922 and 17,801 in 1917, showing a difference of only 78 prisoners. The decrease of 6,455, therefore, occurred entirely in the county and city prisons, and was due chiefly to the effect of prohibition.

If it had not been for prohibition, these 28 States, like the 20 prohibition States, would doubtless have shown a very large increase in consequence of the war.

The extremists who believed that prohibition would do away with nine-tenths of the crime will have to revise their expectations in the light of actual facts; and the extremists who have maintained that prohibition had no effect whatever in reducing crime will have to revise their opinion in view of the manifest reduction in the number of petty criminals in many wet States.

Incidentally, these figures do not sustain the popular impression of an extensive crime wave. The report of the Census Bureau shows that there were 72.4 convicts in State prisons out of every 100,000 population in 1917, and 74.5 in 1922, an increase in the ratio of less than 3 per cent.

CRIME COST TO SOCIETY.

Each person committed to prison, jail, house of correction, or reformatory is a double charge upon society. His productive force is canceled and his earning power blotted from the sum total of human effort. The Nation's balance in industry is reduced by the removal of workers from their looms, machines, engines, tools. These prisoners had economic value. It may have been slight in each individual, but multiply the individual by the grand total of commitments to our penal and correctional institutions in the days of licensed saloons and this drain upon the industrial and productive power of the Nation is tremendous. Behind bars and walls these prisoners are not only nonproductive, they become a charge upon society. The average per capita cost of prisoners is generally in excess of the earning power of these same prisoners when free. Our crime ratio had been increasing through the

wet years. It was growing more rapidly than the population increase throughout the country. We were building prisons and jails and workhouses as well as enlarging those already in use but overcrowding was common. To-day in many States there are jails entirely unoccupied, many more with only a small fraction of their former population. We have removed from the red-ink side of our industrial ledger a liability to industry and the public wealth and a growing factor in taxes to the income and productive side of that same ledger.

INDUSTRIAL EFFICIENCY.

Another leak in our resources—not so large as that caused by our imprisonment of those who might be productive elements in our national life but none the less a leak of considerable dimensions—was closed with the saloon doors; the lowered efficiency of the worker on Monday and Tuesday, following the visit on Saturday and, too frequently, on Sunday also to the corner saloon. We have eliminated also the most fruitful source of industrial accidents, the drunken or drink-sodden worker who places his own or his fellow's life or limb in jeopardy.

Concrete evidence upon this is furnished by the United Pocahontas Coal Co., who state that—

Our mines are in West Virginia, and we have had prohibition there for about five years. We have had better service from the men than ever before, and, better than anything else, the accidents have been only about one-third as many. And when you think that the deaths by accident are but one out of three to what we had before prohibition, it seems to me that anyone who loves his fellow men will favor the cause of prohibition.

The president of the Gulf States Steel Co. has written ("The Prohibition Question," Manufacturers Record Publishing Co., 1922) that accidents in the plants of that company have been reduced since prohibition went into effect by at least 75 per cent.

The industrial folly of drink, including beer, was long ago urged by a great apostle of efficiency and thrift and his views are now widely accepted. Two centuries ago a young American was engaged as a printer with Watts in London, and in his autobiography written for his son appears this pioneer body blow for "beer and wine," from Franklin:

At my first admission into this printing house I took to working at press, imagining I felt a want of the bodily exercise I had been used to in America, where presswork is mixed with composing. I drank only water; the other workmen, nearly 50 in number, were great guzzlers of beer. On occasion, I carried up and down stairs a large form of types in each hand, when others carried but one in both hands. They wondered to see, from this and several instances, that the "water American," as they called me, was stronger than themselves, who drank strong beer. We had an alehouse boy who attended always in the house to supply the workmen. My companion at the press drank every day a pint before breakfast, a pint at breakfast with his bread and cheese, a pint between breakfast and dinner, a pint at dinner, a pint in the afternoon about 6 o'clock, and another when he had done his day's work. I thought it a detestable custom; but it was necessary, he supposed, to drink strong beer that he might be strong to labor. I endeavored to convince him that the bodily strength afforded by beer could only be in proportion to the grain or flour of the barley dissolved in the water of which it was made; that there was more flour in a pennyworth of bread; and, therefore, if he would eat that with a pint of water it would give him more strength than a quart of beer. He drank on, however, and had 4 or 5 shillings to pay out of his wages every Saturday night for that muddling liquor; an expense I was free from. And thus these poor devils keep themselves always under.

ECONOMIC CONDITIONS.

We have passed through one of the most dangerous periods of adjustment after a war and after a period of boom prices without disaster, in large part, because the saloon was not open to drain the national wealth through its sewer. In the last fiscal year alone we have added in the United States to our bank deposits $2,117,423,000. The Michigan State commissioner of banking shows in his reports the following striking figures:

	Number of depositors.	Amount of deposits.	Average to each depositor.
1917	1,944,936	$752,426,363.15	$386.86
1921	2,543,107	1,084,187,417.88	589.88

We have increased the amount of insurance in force in 1922 over the last wet year in the States named by these percentages: Colorado, 172 per cent; Connecticut, 47 per cent; Delaware, 51 per cent; Michigan, 84 per cent; Minnesota, 35 per cent. These are the only States whose 1922 reports have been received as yet. Add to the immense sums received by the insurance companies in premiums during the past dry period, the millions that remained in their treasuries available for use in promoting legitimate enterprises, because a falling death rate cut 500,000 from the death roll of the three dry years, and it will not be difficult to understand why America was the only great Nation to reduce its war debt during the past year. We had the money invested constructively, rather than spent destructively in drink.

In New Jersey resources of State and savings banks, trust companies, and building and loan associations have increased 216 per cent in the three years of prohibition as compared with the last three wet years.

Prohibition has stimulated a nation-wide spirit of thrift, according to statements of prominent Chicago bankers recently received. Savings accounts have been steadily increasing in size and in number ever since the enactment of the Volstead Act, according to the bankers, who attribute the increase in a large measure to the dry law. "Bank deposits have steadily increased ever since prohibition became the law of the land," declared James B. Forgan, chairman of the board of the First National Bank of Chicago. "The absence of the saloons is largely responsible for this growth," he said. John J. Abbott, of the Continental and Commercial Bank, declared the savings in this bank alone had increased 30 per cent since prohibition, and that he believed the increase had been general throughout the country.

The economic importance of prohibition in its broadest phase was emphasized by Sir George Paish, the noted British economist, in a statement in the New Times, October 25, 1922, in part as follows:

Prohibition is an economic question. There are two reasons for this. First, we must admit that the working classes will command, from now on, a greater share of the world's goods than they have been getting before. Secondly, the difficulty of securing capital from the classes that formerly supplied capital will be exceedingly difficult because of taxes and fear of the future. Therefore unless the working people make savings and provide capital, world business will be at a standstill. They can only make savings by denying themselves pleasures, which include drink. In England to-day they spend from £400,000,000 to £500,000,000 on drink. If half that amount were saved in England and elsewhere among the nations, the problems of the world would be solved. As an economist I consider prohibition is necessary and inevitable.

He added that if the eighteenth amendment proved successful here, Great Britain would have prohibition in a few years. He said that if such a law were passed in England it would be obeyed, as the British stand for law above everything.

Even from New York City, the great prohibition skeptic, comes most surprised testimony of economic benefits. In the Real Estate Record and Builders Guide of New York for November 8, 1922, we find Wm. D. Kilpatrick, one of the best known real estate experts of the metropolis, writes:

The immense material benefits flowing out of the results of State or local prohibition elsewhere in the United States, which advantages undoubtedly helped to bring about national prohibition, were seemingly unknown in New York, and the big outstanding results of the closing of the New York saloons on Sundays only by Theodore Roosevelt, of revered memory, as police commissioner, were apparently forgotten.

The obvious is frequently overlooked, and certainly nothing was more obvious than the fact that, if the sale of liquor were stopped, a goodly portion of the $700,000,000 spent annually in New York for liquid refreshments would find its way into other and more useful channels. * * * Large gobs of dense realty gloom surrounded the advent of prohibition. Even such an ordinarily astute far-seeing body as the Real Estate Board of New York virtually joined in the lamentations of dire disaster.

Perhaps it is as well that the realty prophecies anent the effects of prohibition were painted in such somber, funereal tints, for the actual, tangible results of prohibition have been so startlingly salutary and profitable to real estate that the inspired character of the antiprohibition realty prediction has been clearly revealed.

Prohibition is here, and although it is anything but honestly enforced, its benefits to realty have been enormous. In the increased rents of retail stores in every part of the city it is worth untold millions to property owners. The money which formerly found its way into the saloon cash register is now devoted to the buying of wearing apparel, shoes, hats, furniture, food, and other necessities of life, as well as luxuries. Former saloons renting for $1,800 are now renting for $4,800 for other lines, and $40 stores are producing $125. Despite these higher rents, retail dealers are at last making profits which put them in the realty purchasing class. They are buying on all the avenues for occupancy, and likewise for investment.

The big depression following the wild days of 1919 and 1920 was certainly not reflected in the retail store situation. The benefits of prohibition to the wholesale merchant, jobber, and manufacturer were reflected in the rentability of lofts, warehouses, and factories. Other lines of business, professions and trades, transportation, etc., were likewise indirectly benefited. The change in the collection of tenement rents, in spite of the rent laws (the vicious effects of which latter will be felt in the community for years to come), is most marked, rents being paid, as a rule, very promptly. Instead of the old worn-out excuses and subterfuges, the collector gets real coin. Little Jimmie is no longer sent by his mother to the corner saloon on Saturday night to tell his father that "the agent is waiting for the rent." Nor does he run back from the saloon with the insolent message, "Pop says tell the agent to go to hell." The wife and mother now has the money to pay the rent, and she has the money to clothe and feed her family, and thereby heavily increase the business of the retailer, so that he in turn can readily pay a very much higher rent. By the same token, the wife and mother can now save money and, since prohibition came, the deposits in savings banks have most heavily increased, which deposits were placed in mortgage loans at the time when they were most sorely needed. To what extent prohibition is responsible for these increased deposits and conse-

quent mortgage money can not be determined, but certainly it was a most important factor.

* * * * — * * *

Any change in the prohibition law, except more drastic enforcement, would be a body blow to the prosperity of New York real estate and to the assessed valuation. When New York can go through a serious business depression following a period of wild inflation without a host of vacant retail stores and, in addition, the rental values of which were greatly enhanced, such abnormal but excellent condition speaks in thunder tones of the marvelous value of that most unjustly maligned national life saver, national prohibition.

Realty men should be foremost in the field to uphold the eighteenth amendment from purely selfish motives, and they will be supported by the great body of the people as it begins to be realized more and more that the staggeringly big sums uselessly and harmfully handed over to the saloon keepers to enrich a chosen few are now distributed among the people at large, so that millions benefit not only financially but in every possible good and useful manner.

The abolition of slavery has heretofore been the shining star of the United States of America, but that star now has a rival in the luster and glowing radiance of the star of national prohibition.

New York ranks lowest among all American cities in percentage of home owners, only 12 per cent of the population living in their own homes. But prohibition and restricted immigration bid fair to Americanize New York.

And while Governor Smith, elected on an antiprohibition platform with an avowed campaign expenditure of over a million dollars, sends to Congress an idle plea for "beer and wine," there are others than real estate men in that metropolis who oppose return of booze. The Associated Press reported February 2:

Opposition to proposals for repeal of the State prohibition enforcement law and modification by Congress of the Volstead Act was expressed in a resolution adopted by the New York City Federation of Women's Clubs at their annual convention. The vote was approximately 1,300 to 100.

POVERTY.

Public charity formerly expected that from 50 to 90 per cent of its cases of need—the rate depending on the thoroughness of the saturation of a city in the beverage-liquor traffic—would come from drink. To-day city after city reports that in 1921 and in 1922 keen-eyed and trained investigators find either no cases or else only a small decimal portion of the appeals for help are traceable to drink. Welfare workers, instead of repairing the damage done to families by the saloon—paying rent, buying coal or food or clothing—are to-day using their funds for fresh-air work, dental work for children, medical attendance and supervision, prenatal care of expectant mothers, in a score of constructive activities which replace the old-time repair work for the saloon's by-product.

The Boston Welfare Society reports cases in which intemperance is a factor for the past six years to have been as follows:

1917 (wet)	984
1918 (wet)	627
1922 (dry)	174

The annual report of the Massachusetts S. P. C. C. for 1921 shows a diminution of 47.7 per cent in cases in which intemperance is a factor, compared with 1916. As a side light is the statement that in 144 selected families, in which there were 216 known alcoholics in 1916, there were only 94 in 1921.

Under date of February 8, 1923, Mr. Lawson Purdy, secretary of the Charity Organization Society of New York City, writes in response to my inquiry:

Our statistics show the number of families presenting the "problem of intemperance." These figures for certain years are as follows:

	Per cent.		Per cent.
1916	20	1921	8
1920	9	1922	7

Dr. Thomas J. Riley, general secretary of the Brooklyn Bureau of Charities, says that prohibition is justifying the expectation of its supporters that it would do much to relieve the burdens of the poor. Regarding the definite results among the poor families helped by the bureau, Doctor Riley said very recently:

Of the families that come to the Bureau of Charities for aid, the percentage in which drunkenness is a cause of their need has declined from 12 per cent in 1916 to 4 per cent in 1922. In other words, 12 out of 100 families that came to us for help in 1916 had drunkenness in some member of the family to such a degree as to constitute a disability in that family, whereas last year there were only 4 out of 100; in 1920 the percentage was 6 and in 1921 it was 5.

Drunkenness as a disability that brings people to the family welfare society has shown a similar decrease in other places, as the following figures for 1919, when national prohibition went into effect, and 1921 will show: In Cleveland the percentage dropped from 11.15 in 1919 to 2.61 in 1921; in Boston from 10.63 to 2.28; in St. Louis from 6.03 to 0.70; in Milwaukee from 9.64 to 3.45; in New Haven, Conn., from 13 to 0.3; and in Rochester, N. Y., from 15.3 to 3.8. A similar reduction is shown in 29 cities for which the figures have been compiled recently.

These figures are all the more significant when we realize that 10 or 15 years ago disabling intemperance was listed in one-fourth or one-third of all the families that came to the charitable societies of the country. This decline is coincident with the spread of State and National prohibition and one who works with families can not escape the conviction that it is chiefly, if not wholly, due to the enforcement of prohibition, however faulty it may have been. These figures tend to confirm what Commander Evangeline Booth, of the Salvation Army, said almost a year ago, that since the enactment of the Volstead Act drunkenness among the poor has almost entirely disappeared.

In Newark and Paterson, N. J., the decrease in charity cases due to intemperance averages 83 per cent for the three years of prohibition as compared with the three preceding wet years.

In considering the results of the first years of prohibition an important item for consideration is the increase or decrease in the number of public charges. One of the charges against the saloon was that it made paupers, that it brought the burden of support of hundreds on the taxpayers of the State. The following report is from records of the State of Michigan, filed by superintendents of the poor of the State. Figures are for 1917, the last year of the saloons in Michigan, and the last available compiled report, that of 1920. The figures show a substantial decrease in the number which the poor superintendents of the State find necessary to assist with the taxpayers' money:

	1917	1920
Number maintained in infirmaries	9,209	6,870
Number given temporary relief	43,727	29,758
Permanent indigent maintained outside of infirmaries	4,102	3,496
Whole number receiving assistance in any form	58,464	41,553

There was a decrease of 20 per cent in the amount of orphan children sent to State homes in Ohio in 1922, as compared with the last wet year.

HUMAN BETTERMENT.

The agencies which make for human betterment have felt the pulse of prohibition. In our public schools the attendance in the two extremes, the kindergarten and the high school, register the change in the Nation's economic and social life. Improved home conditions, resurgent ambition, funds now available for properly clothing and caring for the younger children, have made possible phenomenal increases in attendance in kindergarten schools. Equally, diversion of the wage earner's money from the bartender's till to the home has enabled children who formerly would have been compelled to leave school at the lowest age permitted by law, in order to add their mite to the family's income, to remain in school and fit themselves for fuller lives and a higher standard of living. Our colleges can not care for the throngs who seek their advantages to-day.

Church membership has grown amazingly. The 1921 report shows an increase of 1,200,000, the greatest increase made in years.

Michigan has the cash, and the desire to spend it, for better schools and educational facilities now than it had during the reign of John Barleycorn in Michigan. More money is being spent in salaries for teachers, with the result that more capable people are being attracted to the profession and the children of Michigan are profiting thereby.

NATION'S AMUSEMENTS.

Even the Nation's amusements register the improvement in conditions. Not even education, savings banks deposits, insurance increases, or industry's gains absorb the productive dollars which once the brewer and distiller abstracted. Instead of drinking alone or with other topers in a saloon, men with their families are seen thronging our amusement places. A revival of common interests in families where father seldom found his diversion in former days with his wife and children is reported by welfare societies everywhere. The receipts of the moving-picture houses of America for 1921, the last year the compilation has been complete, show an increase of $633,000,000 over the last wet year, 1918. And those receipts are taxed; taxed twice in some places, by the State as well as by the Federal Government.

"Prohibition has been the greatest blessing baseball ever enjoyed," according to Thomas J. Hickey, president of the American Baseball Association, in a speech delivered a few weeks ago in Detroit. To prohibition he attributes the increased attendance at the games last season. "The season was a record breaker," said Mr. Hickey. "The passing of the saloon increased our patronage wonderfully. Regardless of the merit of the eighteenth amendment it was a great business booster for us."

BOOTLEGGING NO NOVELTY.

Against all these advantages we hear of the ravages of the kind of beverage sold by the bootlegger to-day. The bootlegger is the best advertised factor in our American life. He exists. He always has existed since laws were first devised to control the ungovernable traffics in intoxicants. Compare the official reports showing the number of Federal liquor licenses held in any community with the number of local—State or city—

licenses and you will find the reason why "bootlegger" and "speak-easy" are not new terms invented since the eighteenth amendment was ratified but are ancient if not honorable terms. Besides these who secured themselves against Federal interference while they sold liquor without a local license, there were uncounted numbers who held no license at all but sold seven days a week.

When there were 1,600 licensed saloons in Detroit there were more than that number of "blind pigs" paying Federal license.

In Massachusetts, in the year 1910—a year uncomplicated by war, panic, or prohibition—there was one bootlegger or speak-easy holding a Federal license but having no local license for each 1,479 of the population of license towns and cities; and one for each 3,557 of the population in no-license towns and cities. Twice as many per capita where liquor was licensed as where it was not. The bootlegger is like the buffalo, a historic but vanishing feature of our American scenery.

The toll of deaths from bootleg booze is inconsiderable, compared with the record of the licensed liquor business. These are the official figures from the United States Census Bureau: Deaths from alcoholism in 1917 were 5.2 per 100,000 of our population. Then came the influenza year. The alcoholics were carried off like flies in that year, but a kindlier diagnosis covered a multitude of sins and made comparisons impossible. But war-time prohibition cut the 1919 rate to 1.6 and 1920 dropped to 1 per 100,000. That means that if the wet year ratio of 5.2 had prevailed in 1920, 44,424 more persons would have died of alcoholism than did die of that disease. The reports from the few establishments still surviving to care for alcoholics indicate that 1921 and 1922 will show alcoholism reduced to the vanishing point as a cause of death. Bootleg whisky is dangerous; it is fatal in the long run; but where it slays its hundreds, the regular bar whisky of the wet and license era slew its many thousands.

ENFORCEMENT OF PROHIBITION.

Enforcement of prohibition is not 100 per cent efficient. Nothing that depends on human agencies is, has been, or ever will be. But its efficiency is surprising when we consider the effort expended. In the Federal enforcement there are only 2,000 field agents at work. The total staff, including stenographers, clerks, etc., is only 3,000. With these 2,000 men in the field, marvels have been accomplished. Philadelphia alone with 4,000 policemen never was able to curb the lawless although licensed saloon keeper as her court records evidence. We are policing a nation with half as many men.

Two thousand years in jail; more than $5,000,000 in fines! These are the collective penalties paid by violators of the national prohibition law on convictions in the Federal courts for the entire United States since July, 1921.

There have been 58,862 cases in the 18-months' period reported to the 88 Department of Justice offices in the United States. United States attorneys, acting for the Department of Justice, have secured 27,301 convictions with jail sentences aggregating 2,045 years 11 months and 24 days, and fines totaling $5,220,558.02. There were pending on the dockets of the Federal courts 21,850 cases undisposed of on December 1, 1922, with over 3,000 new cases developing every month.

Attorney General Daugherty has been and is constantly directing United States attorneys throughout the country to "clean up their dockets and keep them clean." The reflex of his orders is being evidenced by the reports now being received at the Department of Justice.

The Federal courts in States that were "dry" before national prohibition laws became effective have less crowded dockets than those in former "wet" States, the detailed reports indicate. This, the Attorney General said, is due largely to the fact that most of the liquor prosecutions in the "dry" States are taken under the local State prohibition laws, and it is only in certain of the more important cases, notably those involving conspiracy, that it has been found advisable for the Federal officials to act.

The reports would seem to indicate, it was said, that the crowded condition of the Federal dockets was due for the most part to the fact that the prohibition burden was not being shared by the State courts, except in one or two States, notably Kansas and Wisconsin. It seemed possible, Government officials said, that other States could reduce the number of pending cases if they so desired.

In Kansas, where the State laws are being enforced in preference to the national prohibition act because they provide more severe penalties, the Federal courts have the cleanest dockets. The southern district of New York, which includes New York City, shows the heaviest congestion, and to Maryland the credit is due for having brought to trial and disposed of the largest percentage of prohibition cases in any Federal district. In the case of Maryland, however, it is pointed out that no prosecutions are had in the State courts and that the whole burden of enforcing the dry laws is put on the Federal courts.

The small number of Federal prosecutions in the former "dry" States, including Kentucky, does not mean that the Federal prohibition agents are not kept busy in those States. They make raids and seizures the same as elsewhere, but the cases which come as a result of their activities are usually tried in the State courts.

Wisconsin is another State in which most of the prohibition cases are prosecuted in the State courts. A notable list of conspiracy and robbery cases growing out of the prohibition laws, however, have been handled in the Federal courts. The sentences given in these cases were heavy, compared with those in other districts, the average being for each conviction a fine of $2,326 and a jail sentence of six and one-half months. The reports of the western district of Wisconsin show that over 200 cases were turned over to the State authorities and that all those instituted in the Federal courts have been practically finished.

As might be expected, the most crowded docket of all is found in the southern district of New York (including New York City). During the last fiscal year there were 64 trials with 937 convictions, showing that in most of the cases pleas of guilty were entered. The following seizures were made during the fiscal year 1922:

Distilleries, stills, worms, and fermenters seized		111, 155
Spirits seized and destroyed	gallons	127, 819. 42
Spirits seized and not destroyed	do	254, 571. 02
Malt liquor seized	do	4, 187, 625. 67
Wine, cider, mash, and pomace seized	do	4, 052, 213. 88
Automobiles seized		1, 886
Boats and launches seized		74
Value of property seized and destroyed		$2, 507, 961. 80
Value of property seized and not destroyed		$3, 364, 110. 29

During the calendar year ended December 31, 1922, approximately 85,700 basic permits of all classes were issued; 3,572 applications for permits were disapproved; and 2,185 permits were recalled and revoked.

There was a marked decrease in withdrawals of distilled spirits during the fiscal year ended June 30, 1922. In that year 2,724,363.4 proof gallons of spirits other than alcohol were taxpaid for consumption, which quantity is 6,353,782.1 proof gallons less than the amount taxpaid for consumption during the fiscal year 1921. Approximately 80,000 samples were examined during the calendar year just ended in the laboratories in the unit.

Federal fines collected, year ending June 30, 1922	$2, 824, 685. 01
Amounts paid in compromise, year ending June 30, 1922	1, 739, 622. 80
Amounts collected in taxes and penalties, exclusive of taxes on legal manufacture and sale	239, 964. 14
Total	4, 084, 271. 95

This is exclusive of Alaska, although appropriation for enforcement expenses covers Alaska.

Special taxes assessed from effective date of eighteenth amendment to October 31, 1922:

Jan. 17, 1920, to June 30, 1920	$10, 976, 648. 20
Year ended June 30, 1921	55, 900, 645. 87
Year ended June 30, 1922	53, 786, 699. 09
July 1, 1922, to Oct. 31, 1922	9, 868, 823. 73
Total	130, 532, 816. 89

DOES PROHIBITION PAY?

The gentlemen from Massachusetts [Mr. GALLIVAN and Mr. TINKHAM] might well devote their study to the experience of their own State. If happiness is better than misery, if comfort is better than poverty, if reason is better than insanity, if sobriety is better than drunkenness, if clean lives lived in freedom beside happy firesides are better than crime-burdened lives darkened by prison walls, Massachusetts should raise no voice on this floor against prohibition, should never preach nullification of the eighteenth amendment to the Federal Constitution.

Only once has any careful study been made by official authority of the relation between beer, distilled liquors, and liquors generally upon pauperism, crime, and insanity. That was in Massachusetts in 1895, when the State bureau of labor statistics, by order of the legislature, collected an enormous body of data which was published as Public Document No. 15, 1896, by Massachusetts. In the summary of this data, covering over 400 pages, are the following facts: Of the paupers cared for in the State, 74.19 per cent were addicted to the use of intoxicants, 15.63 per cent to excessive use of them. Their own intemperance had reduced 39.44 per cent to destitution. Beer and malt liquors only were used by 20 per cent, 2 per cent used only distilled liquors, while 77 per cent of the users of intoxicants used two or more kinds of liquor.

Of the prisoners in the State 65.89 per cent had been committed for drunkenness and 2.46 per cent additional for drunkenness joined to some other offense; 81.97 per cent had been drunk at the time the crime was committed and 43.13 per cent were drunk when it was planned, in cases where drunkenness was not the charge on which they were sentenced. Their own intemperance was the cause of 84.41 per cent of these prisoners falling into crime. Of the total number of prisoners, 57.89 per cent had intemperate fathers and 20.49 per cent had intemperate mothers. Seventeen per cent of the users of intoxicants among the prisoners used beer and malt liquors only, 3 per cent used distilled liquors only, while 80 per cent used two or more kinds of liquor.

Of the insane in Massachusetts, 37 per cent were users of alcoholic drinks, 16.94 per cent drinking to excess. Of the cases where the cause of insanity had been determined, 25.43 per cent were due to alcohol. Of the cases where the family history was known, 68.67 per cent had an intemperate parent or parents. Where history of the grandparents was known, 51.98 per cent of the cases showed that intemperance of the grandparents had led to insanity in the case considered. Of the insane in the State, 18 per cent used only beer and wine or malt liquors, 5 per cent used distilled liquors only, while 75 per cent used two or more kinds of drink.

New Jersey has protested prohibition more loudly than perhaps any other State, and yet her suffering is not intense. A study has just been made by J. Edward Tompkins, of Rahway, N. J., for the New Jersey Temperance Society, showing startling accomplishments by prohibition even where enforcement is most lax. The summaries follow:

Police department records, 1917–1919 v. 1920–1922.

	Per cent decrease.
Arrests for drunkenness:	
Newark	26.6
Trenton	29.1
Paterson	24.1
Jersey City	14.8
Disorderly conduct:	
Newark. (Methods of classification so changed under different administrations as to make comparison infeasible.)	
Trenton	32.1
Paterson	42.1
Jersey City	24.4
Vagrancy and begging:	
Newark	13.1
Trenton	28.5
Paterson	94.3
Jersey City, unchanged.	

CHARITY.

Cases caused by intemperance:	
Newark	73.1
Paterson	92.1

Trenton and Jersey City have no figures for this item.

In Atlantic City from figures obtainable for years 1917 and 1921, the comparison shows a decrease of 82 per cent in cases where "drink" was a factor contributing to need for charity.

VITAL STATISTICS (4 YEARS) 1918–19 v. 1920–21.

	Per cent decrease.
Deaths from alcoholism:	
In State	49
The four cities	16.6
Cirrhosis of liver (caused by alcohol):	
In State	22
The four cities	23.1
Pneumonia (1918 "flu epidemic" averaged, as actual figures for 1918 were so unusual that comparison would have been unfair):	
In State	18.9
The four cities	23.5
Tuberculosis:	
In State	24.7
The four cities	27.6

FINANCIAL INSTITUTIONS (4 YEARS).

Savings banks, trust companies, State banks, and building and loan associations in the State.

Total increase in resources, 1918–1921, $377,898,431, or 216.7 per cent.

PUBLIC SCHOOL EDUCATION (4 YEARS).

	Per cent decrease.
Absences because of poverty (lack of sufficient clothing and shoes):	
Newark	37
Paterson	26.5

Jersey City not tabulated, but attendance officer made statement that there is considerable less absence for this reason than before prohibition.

	Per cent decrease.
Working papers granted scholars:	
Newark	30.7
Paterson	20.6
Jersey City	15.6

INSANITY (4 YEARS).

Alcholic psychosis cases:	
Morris Plains	50
Trenton Hospital	27.4
Overbrook, Essex County	73.3

STATE INSTITUTIONS (4 YEARS).

State Home for Boys, State Home for Girls, Reformatory for Men, Reformatory for Women, and Morris Plains and Trenton Hospitals for Insane:	
Population	9.4
New commitments	78.2

New Jersey reformatory for men; special item: In the average number of new commitments since prohibition, number using liquor has decreased 33.2 per cent.

The data in this summary was gathered from the following sources: Chiefs of police in four principal cities; superintendents of organized charity societies; annual reports of the State board of health; reports from State department of banking and insurance; annual reports of State board of education, and annual reports of four city boards of education and annual reports of the State penal institutions and hospitals for the insane under direction of department of institutions and agencies.

Where it has been impossible to get figures for the past year—1922—the results for 1920 and 1921 are compared with only two years preceding prohibition, or 1918 and 1919.

Jack O'Donnell, special writer for Collier's, said in that weekly for February 10, 1923: "I am a wet; I always have been and always shall be." Sent out by Collier's to find out "if the sentiment of the people is changing in favor of modification or repeal of the Volstead Act," he sums the results of his investigation:

I was loath to admit it even to myself, but there is an abundance of evidence that a great "dry wave" is rolling eastward, slowly but surely grinding down opposition to prohibition. And, riding the crest of this wave, are the clean, substantial citizens of the Nation—the John Smiths and the Tom Browns—and always their wives and sisters and mothers are riding at their sides.

Some day we wets are going to awaken to find that an overwhelming majority of the people of the United States are weary of bootleggers and dry-law violators. Some day, and that day is not far distant, these people are going to rid the country of the bootlegger and the rum runner just as the vigilantes of the fifties rid the California mining camps of undesirable gamblers, gunmen, and prostitutes.

To secure for our people the fullest measure of blessings from prohibition, we must have enforcement. Whatever the cost we will have enforcement, and whatever the cost America will be the gainer by effective prohibition.

We have heard Massachusetts protesting the cost of prohibition, preaching nullification, attacking organizations that stand preeminently for law and order. I am glad that it was a distinguished citizen of Massachusetts, Dr. Albert Bushnell Hart, foremost living American historian, and professor of history and constitutional government in Harvard University, who recently said, speaking before the National Republican Club of New York City:

There are no more dangerous radicals than those who violate the Volstead law because they don't like it, and because they believe it infringes upon their personal liberties.

In response to country-wide call for further statement of his views, Doctor Hart gave the Boston Sunday Globe of February 25 a statement on radicalism in which he said in part:

The chief dangers at present to the peace of the United States and the success of our free institutions, appear to come from various groups who actively support all the principles of the Constitution except those disagreeable to them. For instance, the most serious and widespread opposition to the Government of the United States of America and the State governments at this moment is made up of hundreds of thousands of dangerous radicals who are opposed to the eighteenth amendment.

Most of them have been opposed to it at all its stages and long before it was made a part of the fundamental law. Having been overwhelmingly defeated in that opposition, they are now attempting to undermine the confidence of the people of the United States in the supremacy of the Federal Constitution and the principle of majority rule by assailing the formal and recorded judgment of the Nation, expressed through the process of amendment.

This body of dangerous radicals is made up of two main groups: The roaring, rampant bootleggers, and the otherwise respectable customers and defenders of the bootleggers, who insist upon the superconstitutional right to drink what, where, and when they please. Their objection to the eighteenth amendment is in essence exactly that of Lord Melbourne a century ago, when he went to church and the minister preached against a favorite vice of his lordship's. "Things have come to a pretty pass," said Melbourne, "when religion invades the sphere of private life."

According to their own account, the besiegers of the eighteenth amendment are poor, weak, and inept creatures, who find no means of preventing a minority in the two Houses of Congress and in each of the 45 ratifying State legislatures from putting over a measure to which the greater part of the people of the United States in all parts of the country were strongly opposed. You would think from their piteous cries that they were taken by a shameful surprise; that nobody had ever conceived of the idea of prohibition until discussion became warm in Congress; that the friends of free liquor were ignorant and nerveless men, who never dreamed that there could be an objection to their business.

Somebody ought to set up a school for the legal advisers of the liquor interests, which would teach them that the liquor business has been regulated by colonial, State, town, county, and city governments from the earliest days of English colonization. That the movement against the use and sale of liquor in the United States is nearly 100 years old. That the first State prohibition act was passed nearly 70 years ago. That before the national prohibition act was submitted in 1917 more than 30 States had formally denied the sacred right of personal liberty in alcohol by general or local prohibition statutes. That prohibition had made great headway both North and South, because of the conviction of employers of labor that it interfered with efficiency. That many railroads and other large corporations have for years declined to employ men who use liquor. That the restrictive idea was carried out by Congress in the national prohibition act of November 21, 1918, passed as a war measure because of the belief that strong drink weakened the Army and diminished the national resources. That several acts of Congress have backed up State prohibition by prohibiting interstate liquor

traffic under certain conditions. Never has any amendment to the Federal Constitution been so long discussed, so hotly contested, so thoroughly aired as the amendment against the sale and public use of intoxicating liquors.

One of the most dangerous of those extreme radicals is President Nicholas Murray Butler of Columbia College, who has put himself on public record with respect to the fifteenth and eighteenth amendments to the effect that "they are not obeyed by large numbers of highly intelligent and morally sensitive people" * * * "the revolt against it * * * is nation-wide," * * * "the opponents of the amendment are not likely to recognize themselves as in the minority and to obey the law at least within the lifetime of any man now living."

President Butler is an expert on dangerous radicals because during the war he detected one of his professors in the dangerous radicalism of writing private letters to Members of Congress asking them to vote for a bill then pending before Congress. Subsequently the authorities of Columbia, with whom it must be supposed that President Butler was in sympathy, restored that radical professor to his right of a retiring allowance, paying him $18,000 cash for withheld arrears.

* * * * * * *

On the other hand, to seek a change of government is one of the perogatives of freedom, and well our Revolutionary ancestors knew it. At the beginning of the Revolution, if we are to believe the positive statements of John Adams and Thomas Jefferson, the friends of the existing British Government were more numerous than those who insisted upon a recognition by Great Britain of the freedom that they had acquired.

Therefore, the conservatives of that time found the most dangerous radicalism in James Otis, and Patrick Henry, and Samuel Adams, and Peyton Randolph, and John Adams, and Benjamin Franklin, yes, and George Washington. Those were the men who were trying to make things different.

When they succeeded and had the majority, their first step was to set up definite written constitutions for the States and Nation. They expected obedience to their laws and made short work with the Tories, who insisted that you must not change old-established practices unless you could get something like unanimity. They began to ignore the old rights of property in slaves. Those patriots founded a splendid and lasting Government, because they built upon the idea that in an orderly community people must obey written laws. As one of them said: "If the majority will not yield, the minority must, or there is an end of government."

* * * * * * *

The friends of good government ought to stand together against all those throughout the country who, on whatever pretext, apply themselves to disobedience and violation of the law. Such men, however lofty their assertion of virtue, however tearful their appeal to the right of private judgment above the law, are hostile to the liberty of their country and are attempting to break down republican government. They are all dangerous radicals.

It is radicalism no less dangerous to oppose enforcement of the law as to others than to violate it one's own self. It is radicalism no less dangerous to unjustly attack, to besmirch and to besmudge those who are attempting to enforce the law, or those individuals or organizations leading in the great national struggle for law enforcement. It is radicalism no less dangerous to broadcast to the country insinuations and loose charges that give the country an unfair estimate of Congress and do gross injustice to the average Member of this House.

In a January issue of the War Cry, Commander Evangeline Booth made this eloquent appeal:

My God, Thou knowest it! Shall America go back?

Drink has drained more blood, hung more crepe, sold more homes, plunged more people into bankruptcy, armed more villains, slain more children, snapped more wedding rings, defiled more innocence, blinded more eyes, twisted more limbs, dethroned more reason, wrecked more manhood, dishonored more womanhood, broken more hearts, blasted more lives, driven more to suicide, and dug more graves than any other poisoned scourge that ever swept its death-dealing waves across the world.

Can it be that men and women are so bewildered by selfishness, and beset by appetite, that they will take again into their national life, into the bosom of their homes, this baneful, loathsome, reeking, wrecking abomination?

Shall America go back?

Let me ask you to step back to the days of the wide-swung doors of the saloon. Let me tear the film from the eyes of men who are blinded by mercenary gains and selfish appetite. Let me point the mothers and fathers of every status of life to the handwriting on the wall of the Nation, and bid you read what is written there. Such trembling strokes—such weak, shaky characters—such long spaces between the words; words ill-formed—words ill-spelled—words ill-placed. Such simple little sentences, but vastly comprehensive—such faint impress, but never to be obliterated. Whose are the fingers that have wielded the trembling pen—the thin fingers—the misshapen fingers—the twisted fingers? Whose is the writing? Why, it is the handwriting of the children—the handwriting of the children, across the wall of the Nation—stretching from sea to sea!

Ah! You can hush to silence all other voices of national and individual complaint; you may make mute every other tongue, even of mothers of destroyed sons and daughters, of wives of profligate husbands; but let the children speak—the little children, the wronged children, the crippled children, the abused children, the blind children, the imbecile children, the nameless children, the starved children, the deserted children, the beaten children, the dead children! O my God, this army of little children! Let their weak voices, faint with oppression, cold, and hunger, be heard! Let their little faces, pinched by want of gladness, be heeded! Let their challenge, though made by small forms—too mighty for estimate—be reckoned with! Let their writing upon the wall of the Nation, although by tiny fingers, as stupendous as eternity, be correctly interpreted and read, that the awful robbery of the lawful heritage of their little bodies, minds, and souls may be justly laid at the brazen gate of alcohol!

I hear the answer this afternoon coming as the voice of many waters from thousands of homes rehabilitated, from thousands of wastes reclaimed, from thousands of half-damned souls redeemed; from thousands of drunkards with manhood regained, from smoking flax and bruised reed, the chorus thrills on and on and on until it is caught up by ten thousand times ten thousand voices of faith and hope and love and liberty. Still on and on in jubilant song it wings its way. Mothers in the cottage sing it, the sick in the hospital join in it, the children on the school bench lift it, the convict in the prison cell catches it, the striplings of new character in this new day, shout it.

Still on and on it rolls in volume through garret and palace, over hill and through dale—on and on, ever onward and upward until the dear ones in Glory catch this refrain and with all the redeemed, their faces shining, join their silver tones that send their echoes along the everlasting hills, fill all Heaven with gladness and ring in the eternal jubilee.

America—America shall not go back!

Recently President Harding summed it up in this:

In every community men and women have had an opportunity now to know what prohibition means. They know that debts are more promptly paid; that men take home the wages once wasted in saloons; that families are better clothed and fed, and more money finds its way into the savings banks. The liquor traffic was destructive of much that was most precious in American life. In the face of so much evidence on that point what conscientious man would want to let his own selfish desires influence him to vote to bring it back? In another generation, I believe, liquor will have disappeared not merely from our politics but from our memories.

PLAY THE GAME OF SELF-GOVERNMENT FAIRLY.

Let me commend to the gentlemen from Massachusetts [Mr. GALLIVAN and Mr. TINKHAM], to the gentleman from Maryland [Mr. HILL], and to every opponent of prohibition who sits in high place anywhere in America, what William H. Taft said February 5, 1919, before assuming his present high post as Chief Justice of the Supreme Court of the United States:

This is a democratic Government, and the voice of the people expressed through the machinery provided by the Constitution for its expression and by constitutional majorities is supreme. Every loyal citizen must obey. This is the fundamental principle of free government. Those who oppose passage of practical measures to enforce the amendment, which itself declares the law and gives to Congress the power and duty to enforce it, promote the nonenforcement of this law and the consequent demoralization of all law. This was the evil result of the amendment prophesied, and they are thus doing all they can to vindicate their view. Such a course is unpatriotic and is not playing the game of self-government fairly.

Agitate for repeal all you please, though you know as I do that there is no prospect of repeal of the eighteenth amendment, but do not preach nullification. Neither by precept nor by example should any of us put any straw in the way of enforcement, but rather the blood of every patriot that has ever been sacrificed in war to establish and maintain the Republic and its institutions calls upon us daily to support as loyally and with the same spirit of sacrifice that same Republic and its institutions in critical days of peace, calls upon us to stand firm for the Constitution from the first of the preamble to its latest amendment. Prohibition welcomes the test of experience. It is puerile to measure dollars against the lessening of crime, poverty, and disease. It is madness to urge the liberty to get drunk and a free road to ruin for self and others innocent as more to be desired than a sober and happy Nation, freeing itself as much as may be from crime, poverty, and disease. Play the game of self-government fairly.

Mr. SEARS. Mr. Chairman, I ask to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HICKS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. HICKS. Mr. Speaker, in Washington's last message he expressed the hope that there will be established "an institution for the general diffusion of knowledge," and in his will he said, "I have long thought of a plan whereby knowledge could be spread in a systematic way through my beloved country."

To carry out the wish of that great leader of men, the statesman and patriot to whom not only our own people but all humanity owes a debt of gratitude, the George Washington Memorial Association was organized and incorporated. While the expression "diffusion of knowledge" naturally kindles visions of schools and colleges, libraries and forums, it is in the broader sense that the association intends to carry out this purpose. By national conventions and international conferences, by meetings of societies and organizations, whose deliberations on the subjects under discussion will be broadcasted, will the work of education be accomplished. Politics, economics, finance, history, art, literature, science, jurisprudence, and, indeed, every field of effort augmentative of knowledge is encompassed in the aims of the association.

Imbued with the purpose of extending knowledge, it will be reared as a monument to patriotism—an everlasting memorial to the heroic men and women of the land whose sacrifice and

service it is our privilege to honor and emulate. It will stand an enduring tribute to those whose achievements in the great war are written in eternal glory. It will perpetuate the deeds they wrought and the examples they gave to the world—an abiding inspiration to those who follow after. Consecrated to patriotism it will link the past with the future and in commemorating the fame that has been won will give the promise that the lessons taught were not taught in vain.

To visualize this great memorial let me quote from Major Hughes:

"As the curtain descends on the last act in the greatest drama of all history comes the consciousness of a demand for a fitting token in commemoration of the deeds of American men.

"The Nation's heart pumps quick with emotion at the sight of her returning heroes; it bleeds with the wounds which her manhood has suffered; it swells with justifiable pride at her thorough, decisive achievement. The whole Nation, as though actuated by a single mind, desires a perpetual tribute to those millions of her men who saved the day for self-government and brought peace to a stricken world.

"And so the George Washington Memorial Association arose to the occasion. Its project already is under way—a National Victory Memorial Building, which will link the glories of Washington and Pershing, the spirit of '17 and the spirit of '76. The mettle which endured at Valley Forge triumphed in the Argonne. The men of '76 sleep in peace!

"What, indeed, more fitting than a linking up, for all time, of these great epochs of American life? Where, indeed, a place more suitable for such acknowledgment of a Nation's debt to her men than the Nation's capital?

"Congress has granted the George Washington Memorial Association an ideal location on the Mall, in the center of the city of Washington, which formerly was occupied by the Pennsylvania Station.

"On this site will be erected immediately, according to designs which have been selected, a majestic monument—not a monument in the accepted meaning of the term, but a monument in the form of a spacious and architecturally beautiful building, to be the center of both American and world activity. This national memorial structure at Washington is to be apart from the many arches and columns and shafts to be erected in local communities. It is to be a practical monument to the memory and eternal honor of the Nation's men and women.

"The central feature of the edifice will be a national auditorium of spacious dimensions, thus giving to the Nation's Capital what, strangely enough, it now entirely lacks, a public meeting place of ample size. It will be completely canopied by an acoustical dome three times the diameter of the dome of St. Peter's. This auditorium will seat 7,000 people and will consist of a main floor of 38,500 square feet, and a gallery of 10,000 square feet. Here in the future will be held inaugural receptions, national and international conventions and conferences, concerts, public ceremonies, and celebrations.

"About the main auditorium will be grouped a number of small halls which will be used for the smaller meetings of various military, patriotic, scientific, educational, and like gatherings.

"On the ground floor, each side of the main auditorium, will be rooms set aside as museums for the archives and relics of the Nation's great struggles for liberty.

"Space will be provided for public and private documents and records relating to the war, thus furnishing a repository for the preservation and study of important papers.

"On the second floor there will be a great banquet hall, where banquets attendant upon meetings or occasions of national importance may be held in surroundings of fitting dignity. On this floor also will be rooms for the permanent national headquarters of military and other patriotic organizations, such as the Grand Army of the Republic, the American Legion, societies of veterans, of reserve officers, and so on.

"Not only will the building stand as a memorial for the Nation as a whole but a spacious room will be set apart for the exclusive use of each of the States of the Union and of the Territories of the United States.

"The fourth floor is arranged for additional offices for the use of various societies whose objects are to promote the welfare of the United States.

"To construct, equip, and endow the building in a manner commensurate with the high ideals and brave deeds which it is to commemorate will require $10,000,000.

"The George Washington Memorial Association has been authorized by Congress to raise the money with which to erect this memorial building on the site granted free by Congress.

"The association has charge of the raising of the necessary funds and also of the erection and equipment of the building. The National Society of Fine Arts has approved the plans from many submitted in competition by more than a dozen of the country's leading architects. After completion the Board of Regents of the Smithsonian Institution, of which the President of the United States is chairman ex officio, will have control of the administration of the building, and they will also be the trustees of the endowment fund. The association has already received by popular subscription over a half million dollars. Many thousands more have been pledged.

"It is intended to raise the $10,000,000 required for this worthy purpose in a brief nation-wide campaign. From the enthusiastic responses already received there is no doubt of the happy outcome of this campaign.

"A great war, nobly undertaken, bravely and victoriously fought, proving that after the lapse of nearly 150 years the hopes, principles, and aspirations of the founders of the Nation are still cherished, will thus receive adequate national memorial acknowledgment.

"What the Pantheon is to France, Westminster Abbey to Britain, such in some degree and manner the National Victory Memorial will be to America. Greatly conceived, nationally erected, dedicated to patriotism, it will stand through the generations as the national monument raised in the awful presence of the world's greatest political convulsion to commemorate the victorious feats of American democracy in arms. Hallowed by the passage of time, stored with the pictures and sculpturary that will record the achievements of the Republic and its conspicuous sons from age to age, it will become the mecca of American patriotism and an inexhaustible source of stimulation to national duty and service.

"You gave your sons, you gave your services, that democracy might live. The opportunity is now offered to perpetuate the memory of your sons' great deeds and your own sacrifices.

SERVICE-STAR PLAN.

"The service-star plan, by which the fund to erect the National Victory Memorial Building is to be raised, was submitted to many representative men and women and national organizations and numerous commercial, financial, industrial, and educational institutions, and was approved by them.

"It will be recalled that early in the war every family, business house, club, college, factory, community, or institution of any sort took up the practice of displaying flags with a star thereon for each member of the organization serving with the colors; hence the name 'service flag.' These flags were displayed as a mark of honor, respect, and gratitude to the service men and as a proud proof of the organization's representation in the war effort. To the boys themselves the thought that somewhere at home at least one service flag had a star that represented him individually had a tremendously inspiring and gratifying effect. It seemed as if a shining symbol of his sacrificial spirit had been left at home to cheer his dear ones. And mothers, fathers, brothers, sisters, and sweethearts and organizations did derive solace and pride from those stars. They also meant much of inspiration and cheer to all of us who remained behind. Wherever one went there was always before his eyes a stimulus to his own patriotic bit, whatever it was, in these reminders of how much more others were doing. These flags will remain indefinitely among the treasured relics and records of families and all manner of associations of men and women.

"The central idea of the service-star plan is to have every one of the more than 4,000,000 service stars placed in the ceiling of the Victory Memorial Building, thus in effect making a great national service flag which will for all time be a visual record and reminder of what each and all of the 'boys' did; a blue star for every survivor, a gold one for each who gave his life in the service, with the initials of every man marking his own star. Supplementing the stars will be the records of honor of the men and women who sacrificed and toiled behind the lines that victory might be ours.

"In fact, the whole great National Victory Memorial Building will be, figuratively, the Nation's service flag, thus preserving in the national recollection and consciousness what is so sacredly preserved in every home, for every brick and stone in it will proceed from the idea and the idealism of the service flags."

Three Presidents and many public men have strongly indorsed the plan.

Hon. William H. Taft:

"The memorial must be accomplished on a magnificent scale."

Hon. Woodrow Wilson:

"I have noted with genuine interest the plans of the George Washington Memorial Association for a memorial to the boys of 1917 as well as those of '76. No one could withhold approval from such plans. They undoubtedly express what the heart of the whole country approves."

THE WHITE HOUSE,
Washington, April 16, 1921.

MY DEAR MRS. DIMOCK: There are some special considerations that have appealed to me, and which I have not seen presented to the public so often as I could wish, commending the project of the George Washington Memorial Association.

You are proposing a truly national memorial to the men and women who made America's part in the World War what it was. That in itself is very much; it ought to insure the fullest measure of popular support. But, beyond this, I have been impressed that there are special reasons in this instant for the creation of such a memorial.

In a few years there will be almost no mementoes in our own country of the service of Americans in the world's greatest struggle. Its battles were fought on foreign soil and distant seas. Other skies than our will arch over the fields where our sons and brothers won glory and splendidly served mankind.

Of our other wars we have many and appealing memorials scattered throughout our country. Of this we have few, and as the years pass we will have yet fewer. Therefore it has seemed to me especially fitting that such a national memorial as your association proposes should be created here in the National Capital as a testimony and a shrine of national patriotism.

Your plan includes features which appeal both to exalted sentiment and to the thought of substantial utility, and in this regard I feel that it has a unique merit.

You have my best wishes for the completest measure of success.

Most sincerely yours,

Mrs. HENRY F. DIMOCK,
1301 Sixteenth Street NW., Washington, D. C.

WARREN G. HARDING.

The cornerstone of this great edifice was laid on November 14, 1921, with fitting ceremonies, the Hon. John W. Weeks, Secretary of War, presiding.

President Harding gave expression to these inspiring thoughts:

"There begins here to-day the fulfillment of one of the striking contemplations contained in the last will of the Father of his Country. It is an impressive fact, worthy of our especial thought, that in the century and a half since Washington became the leader, the heart and soul, of its struggle for independence and unity, this Nation has so many times found occasions to record devotion to the precepts which he laid down for its guidance. So to-day, after more than a century's delay, we are come to pay tribute to the foresight which first encouraged and endowed the institution here established—an institution which is to be alike a monument to those who sacrificed in a noble cause and a beacon to shed afar the light of useful knowledge and grateful understanding among men. For I need not remind you that Washington, in his last will and testament, first conceived the idea which we here see shaping into forms that shall combine loftiest sentiment and truest utility. He proposed and gave a bequest to found an institution to disseminate learning, culture, and a proper understanding of right principles in government. In furtherance of that purpose patriotic women and men have made possible the institution of which we are now to lay the corner. Very properly they have conceived Washington's impelling thought to have been a gathering place for Americans where American minds could meet in fruitful exchanges. We can better appraise this thought when we recall the limited publicity, the slow transportation, and the difficult process of translating public sentiment of his day.

"Mindful of this inspiration for the achievement of to-day, I have thought it might be well to direct attention to some phases of Washington's character which are not so well known as they deserve and which are wonderfully set forth in the provisions of his last will and testament.

"It has seemed to me that our studies of Washington have been too much from those public sides from which we view him as the military chief, the inspired leader of the Colonies, the statesman and guide of Constitution-making times, welding force which hammered fragments of communities into a great Nation; as the first President, and as the author of that body of domestic and foreign policies which he bequeathed in his Farewell Address. All this we know, but we have not gathered all of inspiration that waits to reward the contemplation of the virtues and ideals that made Washington, on his private and personal side, a very model of good citizenship.

"Perhaps there has never been a nation which has owed so much to one man as our Republic owes to Washington. As a youth, filled with the spirit of adventure and exploration, he came early to know the Colonies and our nearest Northwest. In the epoch of the Seven Years' War, or, as we call it, the French and Indian War, his leadership was perhaps the contribution which saved this continent to assured dominion of the English-speaking colonists. Indeed, I think it may be said that if on the one side Washington was the great personal force that wrenched apart the two chief branches of the English-speaking race, he was on the other the greatest personal factor in saving this continent to Anglo-Saxon domination, and, in doing that, he contributed very greatly to making possible the wide-flung family of English-speaking nations. If, as leader of the revolting Colonies in 1776, this time aided by France, he tore them from the grasp of England, it is equally true that two decades earlier he had saved them from the possible domination of France. I am sure that to-day our faithful friends and trusted allies of France and England alike would agree that in both cases, viewed in the light of subsequent events, he served mankind well.

"With all these things we are reasonably familiar. We know his career as organizer and leader of colonial forces in the Seven Years' War; as generalissimo of the War of Independence; as chairman of the Constitutional Convention; as first President; as author of that Farewell Address whose fund of wisdom has contributed so much to shape our national policies even to this day.

"But among the documents which attest his wisdom there is one to which little study has been given. I mean his last will and testament. On an occasion such as brings us here to-day it is not inappropriate to direct attention for a few moments to this remarkable instrument.

"Washington was not only a great soldier and a great statesman; he was also a man of great business affairs, and an eminent humanitarian. Provident and always methodical, he amassed a fortune, which has been rated by many as the greatest of his time in all the country. Had it been his desire to found a monumental estate, the vast tracts of carefully selected land of which he was possessed, and in whose future value he had the utmost confidence, would have constituted its ample foundation. But plainly it was not his belief that society is best served by the transmission from generation to generation of such imposing aggregates of wealth. Therefore his will, after devising minor and largely sentimental bequests to many relatives and friends, directed that the residuary estate should be divided into 23 equal shares, to be distributed among the heirs whom he named. Thus it comes about that an estate which, if held together and wisely administered, might have become very large, was deliberately so distributed that in a few years its entity was gone, and its portions had been absorbed into the general body of the country's wealth. If that process of disintegration and absorption involved some loss, it is probable that in the sum of results the Nation was gainer by the policy of Washington.

"Washington as a model citizen shines forth with a peculiar radiance from this last testament. The first provision is that his debts shall be paid promptly. All the world needs the example of kept obligations. The second item makes generous provision for his wife; and then comes the direction that at her death all his slaves shall be given freedom; that those who need it shall be cared for by his estate; and that they all 'are to be taught to read and write, and are to be brought up to some useful occupation.'

"Next follow devises of funds to aid education of poor or orphaned children and for the endowment of a 'university in a central part of the United States.' Another specific bequest goes to Liberty Hall Academy, now Washington and Lee University, at Lexington, Va. A list of debtors are forgiven their debts. To each of five nephews he gave one of his swords with 'an injunction not to unsheath them for the purpose of shedding blood except it be for self-defense or in defense of their country and its rights, and in the latter case to keep them unsheathed and prefer falling with them in their hands to the relinquishment thereof.' There is no selection of words wherewith more eloquently to express the full duty and obligation of a good citizen to his country! Let us be thankful that the spirit of that injunction has been borne in upon the nation he founded and animates it even to this day.

"As a charter of good citizenship and patriotic purposes this last will and testament has been an inspiration many times to me. I commend its thoughtful reading to whoever would emulate his example. Indeed, as we are gathered here, representatives of a grateful and reverent nation, to signalize the consummation of one more public beneficence inspired by him, I can think of nothing more appropriate than to urge the study of the Farewell Address and the last will and testament as complements of each other. Neither of them can be fully appreciated without the other. The Farewell Address was the final adjuration of the soldier, the statesman, the founder. The will and testament was the last word of the Christian citizen, the loving husband, the devoted kinsman—and the provident man of business. Studied together, they afford a complete key to

the exalted character of one whom all mankind has learned to revere. Beyond that I am prone to believe they contain a chart by which the captains and pilots of a world in distress, seeking harborage from battering storms and raging, unknown deeps, might well lay the course of civilization itself.

"Within a brief century and a half the American people, under Washington's inspiration, have created a great Nation, added to the dominion of liberty and of opportunity, and, we may hope, afforded a helpful example to the world. It has not been accomplished without heavy sacrifices. At fearful cost we had to wipe out an ambiguity in the Constitution and reestablish union where disunion threatened. In a conflict well-nigh as wide as the world we were called to draw the sword for humanity and the relief of oppression. Very recently we have paused to speak tribute to those who sacrificed in that struggle for civilization's preservation. We can not too often or too earnestly repeat that tribute; and we consecrate this institution as a memorial and a shrine, in reminder to all the future of the services and sacrifices of our heroes of the World War."

The President was followed by General Pershing, who said:

"Within the last few days an unknown soldier of the Republic has been mourned by a grateful people, and the sympathetic heart of the Nation has silently wept at his tomb. Throughout the impressive ceremonies we again recalled his eager preparation and training; we followed him across the sea and saw him in the trenches; we watched him enter the battle, full of confidence, at a moment more critical than has yet been told; we stood beside him when he fell.

"He is our very own. Though we can not call his name, we knew him intimately as our comrade beside whom we fought. His courage was superb, and he knew no fear. His boyish face only smiled at adversity. He gave freely of his own exalted spirit. To the war-worn allies he pointed the way to victory. The last sad rites are over. The echo of the last salvo has died away. He sleeps in beautiful Arlington, a symbol of a people's sacrifice.

"The Nation now turns to the fulfillment of its obligation to him and his comrades. At no time in history has humanity been confronted with more stupendous problems. The supreme test of the judgment of men is about to be made. If this world conference should fail, then we but hand down to posterity strife more bitter than that through which we have passed, and leave our boasted civilization well-nigh stranded.

"But we shall not fail. The hearts of our people are filled with good will toward all other peoples. The spirit of the Nation was ably voiced at the opening of the conference by our great Chief Executive and leader. A frank, clear, and open declaration of our attitude and desires was made by the distinguished Secretary of State. Without doubt, these sentiments find their full echo in the breast of all peoples who have suffered the devastating evils of war. Widows and orphans cry aloud for their adoption. The demand is universal, and the hope of success runs high. Let our faith in Him who guides and directs remain unfaltering. Only the happly culmination we pray for will justify our sacrifices. It alone will be the crowning glory of those whose valor made it possible.

"And, now, we are to erect a permanent temple of remembrance to them. It is fitting, at this time, that we should lay the corner stone of this great building, where in the years to come our people from all over our country and the world may gather with peaceful purpose. It will be a worthy memorial to the devotion and patriotism of our victorious Armies in the Great War, and let us fervently hope that it will also be a monument to that new era of international relationship and friendliness which alone will guarantee a lasting peace."

The last speaker was Admiral Coontz, whose address follows:

"I consider it a high honor to be here this afternoon as the representative of the Navy in these exercises and also in my capacity as commander general of the Military Order of Foreign Wars of the United States. Being a Mason, I am always glad to attend the laying of corner stones. On several occasions I have been present when a corner stone was opened up a hundred or more years after its first being laid and, of course, things of immeasurable value are naturally unearthed. It is a great pity that they did not begin laying corner stones previous to the time of Solomon, for if we could only go back to the ancient times in Arabia and India and China, what wonderful history we could get from them. They say the Chinese records go back 4,400 years, and we imagine what we would find in Chinese corner stones.

"It must be with a feeling of pride that Mrs. Dimock and her colaborers look upon this day, because from now on there is a practical certainty that the building will be completed and the wonderful plan carried out. The part that appeals the most to me is the plan for the stars; to think that it is possible and projected that each individual who took part in the regular forces of the Army, the Navy, and the Marine Corps can have a star placed in the building for him with his name or initials attached is wonderful to contemplate. Can you not imagine the children, the grandchildren, and the great-grandchildren of the Great War people making Washington a mecca to visit to look for their ancestor's star. I am a great believer in tradition, for it is only in the contemplation of great and noble deeds in the past that we are led to the same in the present and the future.

"We are now considering the great question of the limitation of armaments, and we ill wish this good work Godspeed, but we must not forget the teachings of history, and such armament as we have left must be fully equipped, prepared, and efficient, and we must not forget that personnel is still by far the greatest controlling factor. As a celebrated Virginian said, we desire in the United States to live in amity with all, but if the occasion should come in the future when some rash intruding foe should endeavor to take away from us any of the privileges of our sacred birthright, won by the blood of our heroes, then as multitudinous as the ocean waves the swords of our young men would flash from out their sheaths and strike in their avenging arm for freedom, home, and God, deeming their lives a paltry price for the bare privilege to fight for such a heritage."

The George Washington Memorial Association has complied with all the demands required by the law in connection with the construction of the George Washington Memorial Building on the Government land.

The plans of the building were approved by the Commission of Fine Arts on May 8, 1914. Upon the opinion of the Judge Advocate General of the Army, Colonel Sherrill authorized the George Washington Memorial Association to proceed with the necessary arrangements for the laying of the corner stone on November 14, 1921.

In a letter to Hon. John W. Weeks, Secretary of War, from the Attorney General on the construction of the law by the Department of Justice as relates to the George Washington Memorial Association relative to the site for the building, "The rights of the association must now be determined altogether by the terms of the act of October 6, 1917," which act provided that within two years after the conclusion of the existing war the land referred to shall again be reserved for the erection of the George Washington Memorial Hall. The joint resolution of Congress of March 3, 1921, states that this war ended on March 3, 1921, and this brings the date within which the building must be commenced to March 3, 1923.

Colonel Sherrill, directed by the Secretary of War, has granted the George Washington Memorial Association permission to start work on the memorial building upon condition that the work is started before March 3, 1923.

The amount in subscriptions in the treasury of the association is over $500,000. This covers the provision that the actual construction of said building shall not be undertaken until the sum of $500,000 shall have been subscribed and paid into the treasury of the George Washington Memorial Association.

It is the ambition of the earnest men and women who are carrying forward the work of the association to make the structure, and all it stands for—a true shrine of national patriotism and the center of enlightenment. It is deserving of generous, enthusiastic encouragement.

To Mrs. Dimock, its president, whose untiring zeal and generosity have been potent factors in the work thus far so splendidly accomplished, and to all who have been associated with her, is due a tribute of appreciation.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, after line 18, insert a new paragraph, as follows:

"For the amount required to pay the chief janitor of the House of Representatives the additional compensation authorized in the resolution of February 24, 1923, from March 4, 1923, to June 30, 1924, inclusive, $396.67."

Mr. MADDEN. This is in reference to the resolution passed in the House this morning.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

ARCHITECT OF THE CAPITOL.

Capitol buildings: For work at the Capitol and for general repairs thereof, including the same objects specified under this head in the act making appropriations for the legislative branch of the Government for the fiscal year 1923, $17,250.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I have never heard it stated on the floor by the chair-

man of any committee what the total cost was to the Government of maintaining the Capitol. Here we are appropriating additional funds of $17,250. What does it cost really to run the Capitol Building of the United States?

Mr. MADDEN. It is quite difficult to get at, because it is distributed among the Architect of the Capitol, the Clerk of the House, the Commission on the House Office Building, and the Senate and the Senate Office Building.

Mr. STAFFORD. How much has been appropriated for expenditures for the so-called Architect of the Capitol, formerly Superintendent of the Capitol?

Mr. MADDEN. For what period?

Mr. STAFFORD. For a year. I have been trying to get this information from different chairmen, but somehow or other the information is not to be had.

Mr. MADDEN. The total for the Architect of the Capitol for this current fiscal year was $802,024. That embraces the Office Buildings, power plant, and everything connected with it.

Mr. STAFFORD. I was trying to get some idea of the amount of the appropriation needed for the upkeep of the Capitol proper, regardless of employees; just its upkeep.

Mr. MADDEN. It is hard to give that without going into a lot of calculation. I would be glad to put it in the RECORD.

Mr. CHINDBLOM. The figures suggested did include employees, of course?

Mr. MADDEN. Everything—coal, light, heat, and everything.

Mr. STAFFORD. For what is the $17,000 to be used?

Mr. MADDEN. It has already been used. It was used for the purpose of extending the power plant of the Botanic Garden and is a deficiency——

Mr. STAFFORD. That is the item on the same page, lines 15 to 20?

Mr. MADDEN. No; this money is appropriated for putting in the new floors; changing the floors.

Mr. STAFFORD. Is there any other agency, other than the Committee on Appropriations, to supervise the accounts of the Architect of the Capitol?

Mr. MADDEN. They are audited by the General Accounting Officer—every account.

Mr. STAFFORD. I withdraw the pro forma amendment.

The Clerk read as follows:

BOTANIC GARDEN.

For repairing and reconstructing the main conservatory of the Botanic Garden, including personal services, labor, materials, and all other expenses incident to such work, fiscal years 1923 and 1924, $117,635. The foregoing work shall be performed under the supervision of the Architect of the Capitol after consultation with the Director of the Botanic Garden.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. I think the House would be interested in having an explanation of what the policy of the committee is as to the reconstruction of the conservatory of the Botanic Garden. I thought that matter was in abeyance. Why should we go ahead and reconstruct the Botanic Garden on the present site if it is going ultimately to be moved to another site under the plans of the Fine Arts Commission?

Mr. MADDEN. It probably will have to be, as the present state of the existing building is such that there is great danger of its falling down and great danger of loss of life as a result of its condition. It is over 50 years old. I believe it was built in 1856.

Mr. STAFFORD. But if it is in that condition and we plan to put the permanent Botanic Garden at some more appropriate place, why would it not be economy to raze rather than expend $117,000 on its reconstruction, which virtually means a new conservatory?

Mr. MADDEN. The Botanic Garden has been settled here as a fixed fact by act of Congress. While the hothouses exist they ought to be kept in a state of repair, and that is what this appropriation is for.

Mr. STAFFORD. This is not only for repair but for reconstruction—$117,000. That ought to be sufficient to provide a new conservatory. Is not that the purpose of it?

Mr. MADDEN. Last year Congress passed an act adding several acres to this site.

Mr. STAFFORD. The gentleman refers to the shoestring tract of land leading down through the colored district.

Mr. MADDEN. I do not know what kind of a district it leads through.

Mr. STAFFORD. It is a shoestring tract leading through the colored district to the river.

Mr. MADDEN. I went all over it, and they are building new conservatories on it, and this particular conservatory has in it plants that are said to be valued at over $1,000,000. Their care and preservation seem to be of great importance. It seems to me, unless we want to take the risk of somebody who is obliged to work there being injured, or some one of the public who enters the building being injured, that this money ought to be expended.

Now it may be that the Botanic Garden will have to be removed some of these days. It will have to be if we build the esplanade that we contemplate building in the future. When that will take place I do not know. I have no interest in the matter further than to call the attention of Congress to the importance and the necessity of spending money as wisely as we can to preserve the property that does exist, and to prevent danger to life and limb.

We have had a special examination made of the building. At my request the Architect of the Capitol made a special investigation. He called in one of the leading iron construction concerns of the country to make a special examination of it. He reports that all the cast-iron supports are eaten away, and that there is danger not only of the cupola falling in, but he says the sides may cave in and somebody may be killed. I think we would be negligent if we did not suggest the appropriation and leave it to the judgment of the House to say what should be done with it.

Mr. STAFFORD. Mr. Chairman, everyone who knew, even casually, our late lamented leader, James R. Mann, knew that he took great interest in flowers. That was his diversion. In the suburbs of Chicago he had a garden on which his interest always centered at this time of the year and in April, to give inspection to that remarkable collection of peonies which he had there, where more than 2,000 varieties were displayed. He gave attention to everything that concerned the beautification of Washington. His mind was engaged as to a fitting place for the removal of the Botanic Garden. He had doubts as to the proper site for the fountain, which is there now in the center of that garden. He could not think of any appropriate place. I have forgotten now who it was he said, in the casual conversation I had with him in connection with this matter, had donated that fountain. I think it was in connection with the Centennial Exhibition at Philadelphia. I suggested to him a place between the Capitol and the Library of Congress. He looked forward to the time when the Botanic Garden would be removed, and his hope was to have it removed to a fitting place, and not have it remain in the cramped quarters that it now occupies. He had in mind its development into a real arboretum.

But here we are going ahead, at the request of the superintendent of the Botanic Garden, and reconstructing the conservatory, and virtually having the garden fixed there, when everybody knows that with the establishment of monuments there that garden will have to be removed to some more appropriate place. I do not think it wise to expend $117,000 on it for construction purposes.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BLANTON. The gentleman said we were going to remove it. Does the gentleman know that to remove it would benefit nobody, whereas now it benefits everybody who comes to Washington?

Mr. STAFFORD. Anybody who has any real love of flowers and plants would go out to Rock Creek Park, just as they go out there to see the animals at the Zoo.

Mr. BLANTON. They have not the time.

Mr. STAFFORD. Thousands and thousands of people visit the Zoo. This place down here has outlived its location.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BEGG. If the statement of the gentleman from Illinois [Mr. MADDEN] is correct, that it is a menace to life as it is, we should either make it safe or tear it down.

Mr. STAFFORD. We should raze it. It should not be allowed to remain in the present place.

Mr. BEGG. What would you do with the plants?

Mr. STAFFORD. We have in Washington, under three different officers of the Government, several places where existing conservatories can house the plants until a new site is selected.

Mr. BLANTON. When the gentleman gets back here we will see that he has flowers furnished him. [Laughter.]

Mr. COOPER of Wisconsin. I move to strike out the last word. Mr. Chairman and gentlemen, I look upon this as a matter of extreme importance not only to the city of Washington but also to the whole country, because the city of Washington is the pride of the whole country. It is the capital of incomparably the greatest Nation the world has ever seen, and it ought to be a model municipality. This Botanic Garden ought to be moved from its present location, and with the permission of the committee I will give my reasons for that statement.

When George Washington asked L'Enfant, who had been on his staff in the Revolutionary War, to make a plan for the Capital City, he brought in a plan which is conceded to be the very finest ever afforded for the building of a city. [Applause.] Washington is the only city that before any building began had a complete plan laid out for it in a wilderness. Paris, London, Rome, Vienna, all the other great capitals of the world are the growth of centuries, and the governmental features and buildings are only incidental. Those cities were not laid out for capitals, but Washington was laid out in the very beginning for the capital of a nation. When this plan was first presented it was denounced and ridiculed in various newspapers, and several critical statesmen exclaimed, "Look at the great city of New York! It does not need nor has it such streets as are provided for the unborn Capital City." But George Washington said "That must be the plan"; and although when he had passed away its enemies continued to fight it very hard, Jefferson insisted that it must remain the plan. Since that time there have been various attempts to do away with some of its most vital features, and one of the really great features will be destroyed, as the gentleman from Wisconsin [Mr. STAFFORD] indicated in his remarks a moment ago, if this building in the Botanic Garden is reconstructed at an expense of $117,000 on that site. I ask your indulgence while I give my reasons for saying that. As you know, Mr. Chairman, the original plan provided for a beautiful mall from the Capitol to the Potomac River.

That was to be a park. It is now almost all of it a park. Along in the seventies permission was given to the Pennsylvania Railroad to run a track across the Mall at Sixth Street for the purpose of accommodating the crowds that came to attend a presidential inaugural. In that way the Pennsylvania Railroad obtained entrance to the Mall, and had the road remained there it would have forever destroyed the Mall as a park as Washington and Jefferson intended it to be. It took a long time to get that railroad and its station and tracks away from there and before this was accomplished the railroad company succeeded in getting from Congress a law which gave them 14 additional acres in the Mall on which to put more tracks and train sheds, and acres of cars and smoking locomotives. Finally, in 1901, the Fine Arts Commission succeeded, by the aid of President McKinley and Mr. Cassatt, the president of the Pennsylvania Railroad system, in removing the Pennsylvania Railroad from the Mall. A bargain was made which resulted in the location of the Pennsylvania Railroad and the Baltimore & Ohio in the Union Station, one of the most convenient and beautiful railroad stations in the world. That, in brief, is the history of the encroachment of the railroad upon the Mall and of its final removal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. I thank the committee. Now, what was that Fine Arts Commission of 1901? It was a commission comprising some of the most distinguished architects and artists in the world. One of these was Burnham, who made the plan for Chicago, which will ultimately result in the great beautification of that wonderful city. He also made the plans for various other cities in this country and for Manila. He worked for the Government of the United States for nothing, out of a pure desire to help beautify and in every way improve Washington as the National Capital. With him was associated Mr. McKim, of McKim, Meade & White, one of the foremost architects of the world. Another member of that commission was Augustus Saint Gaudens, now dead, then the first of American sculptors. He worked for the Government for nothing. Another member of that commission was Frederick Law Olmsted, recognized as the foremost landscape architect. He also worked for the Government for nothing. Why did these famous men do this? Not one of them owned an inch of real estate in this town. They did all this only from the desire to see the city made worthy to be the Capital of the Republic. Their plan was simply an extension and elaboration of the L'Enfant plan. All of the main features of the L'Enfant plan were retained. And now let me invite your attention to the great feature in this plan.

It provided for an open avenue 300 or more feet wide from the Capitol to the Potomac; and as the visitor should stand upon the terrace of the Capitol and look down that tree-bordered avenue to the river he would see within it only the towering shaft to George Washington and the magnificent memorial to Abraham Lincoln. Beyond was to be the memorial bridge to Arlington, the home of Lee, where sleep the soldier dead. The Capitol, Washington, Lincoln, the Memorial Bridge, Arlington, the home of Lee! It is a superb, glorious, conception. When carried out, as it easily can be, no other city will have, no other city in the world ever can have, an avenue that will mean so much to lovers of liberty.

Now in the Mall to-day are temporary structures which cover many acres of ground. They are flimsy and soon to be torn down. When these are taken away there will be many acres of this great 400-foot strip all leveled and ready. The Lincoln Memorial is in place. The great reflecting mirror lagoon is in place. The Washington shaft is there for countless centuries; and, to make it easy to complete the avenue, all that is necessary is to remove the Botanic Garden and make that space into what the plan contemplates, the most beautiful square of its size in the world—Union Square. That square will do more to improve this end of Pennsylvania Avenue than could any other possible improvement; and there is nothing more unworthy of the city of Washington than are the tumble-down structures now on some portions of Pennsylvania Avenue, especially the portion near the Capitol.

Mr. REED of West Virginia. Chinatown.

Mr. COOPER of Wisconsin. Why, gentlemen, you very rarely have a constituent come here who does not say to you that Pennsylvania Avenue is unworthy of this Capital City. I see bows of acquiesence by Members before me.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. I ask for five minutes more and then I am through.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. COOPER of Wisconsin. Gentleman, I again thank you for your courtesy. We passed a law not a great while ago setting aside a number of acres across the street beginning at Maryland Avenue and running south, for the express purpose of a Botanic Garden. The Government ought to have a botanical garden in keeping with botanical gardens in other parts of the world. The Botanic Garden to-day is destroyed for its legitimate purpose. It never was half large enough. The Grant Monument is there, in accordance with the plan. Who put it there? A commission consisting of Elihu Root, William H. Taft, Gen. Granville M. Dodge, an illustrious Union soldier, and other distinguished men. Pennsylvania has located the coming statue of General Meade, the hero of Gettysburg, there, and already work is under way on its foundations. But this proposed expenditure of $117,000 to reconstruct that building will absolutely destroy the vital feature of the great plan. Here will be Grant, here will be Meade, and here an enormous conservatory.

Mr. MADDEN. The conservatory is there now.

Mr. COOPER of Wisconsin. I know it; and the old structure ought to be torn down or moved across the street onto the land which has already been set aside and is being used for the Botanic Garden, running down south—30 acres of it—ample room.

Mr. Chairman and gentlemen, I ask you not to permit this reconstruction at an expense of $117,000 in that place. It will absolutely destroy the improvement called Union Square; it nue in the world. It will not cost very much to complete that avenue.

The land, as I have said, will be found leveled as soon as the temporary structures are removed. The expense will not be large. And to the millions who will come to Washington during the generations after you and I have crumbled to dust—what a lesson in patriotism it will be as they stand in that magnificent place. The Capitol, Washington, Lincoln, the Memorial Bridge, Arlington! Nothing else will so touch their love of country. You can read a hundred volumes, but that sight will make an incomparably greater impression than all the reading of a lifetime. Therefore this is a vastly important matter if you love Washington and want it to be the Capital City that it ought to be.

I sincerely hope that my good friend the chairman of this committee will not insist on the reconstruction at this great expense of that building in that place. I know him to be, as was said to-day, one of the ablest men in the House—indeed, I doubt if, in his particular field, he has had a superior since this Government was founded. [Applause.] He knows if he will stop to reflect—and he is accustomed to reflect—that that building ought not to be reconstructed in that place.

Mr. STAFFORD. Mr. Chairman, I make the point of order that the item violates the rule in being legislation on an appropriation bill unauthorized by law. In supplementing that posi-

tion I wish to call the attention of the Chair to the item when it was proposed to reconstruct the old Capitol Building by extending the east front several hundred feet according to plans, fathered and supported by that nestor of American politics who is about to retire from this Chamber after more than 42 years of service—our beloved JOSEPH G. CANNON. At that time when it was proposed to extend the east front to have it harmonize with the east fronts of the Senate and the House, it was for the reconstruction of the Capitol. That was something that had not been authorized along that plan; it was reconstruction and virtually new construction. This is for the construction of a conservatory.

This language provides for reconstructing the main conservatory. That involves a new plan, something that has not heretofore been authorized. What has been authorized heretofore is an accomplished fact in construction. If this were merely for repairs, then it might well be held that it does not violate the rule, but this is for a new project, a new public building. Suppose there is an existing public building, would anyone contend that you could provide for the reconstruction of that public building without authorization of law?

Mr. GARRETT of Tennessee. Mr. Chairman, I do not think the point of order made by the gentleman from Wisconsin [Mr. STAFFORD] is well taken, and I say that with great deference, because I know the care with which the gentleman studies the rules and parliamentary procedure. The fact is, of course, that what is proposed, and that appears from the hearings, is to reconstruct upon substantially the present foundations the large building which houses these rare tropical plants. It is absolutely necessary that that be done. Of course, that is aside from the parliamentary question and yet even in the discussion of even the parliamentary question it seems necessary to state it. It is absolutely necessary to be done if these plants are to be preserved. The words "and reconstructing" might not really be necessary, except that I assume the Committee on Appropriations wanted to deal with entire frankness with the House.

Mr. MADDEN. I will say to the gentleman that, of course, the old foundations would be used. All of the upright iron structure has rotted away. It is very dangerous. The glass, of course, will be taken down and restored, so that it would be a matter of reconstruction, but after all it would be only repairs.

Mr. GARRETT of Tennessee. It is dangerous now, as I understand it, for a person to walk through there?

Mr. LANGLEY. I would like to state, in line with what the gentleman from Illinois [Mr. MADDEN] has said, that this is not the erection of a new building at all. I am entierly familiar with the conditions there, and I know that a number of pieces of iron have fallen from the roof and side of the building, 12 or 15 of them, which have been preserved by Director Hess, any one of which would have instantly killed anyone it happened to strike, and others are likely to fall at any time. Considerable of the material in the present structure, in addition to the foundations, will be used in repairs. It is obviously not subject to a point of order.

Mr. STAFFORD. The language of the provision is "and reconstructing," and when a building has been destroyed it is not within the power of the Committee on Appropriations, under prior rulings of the Chair, to authorize a reconstruction of it.

Mr. HUSTED. In this case the repairs are simply so extensive that it amounts to a reconstruction.

Mr. STAFFORD. If it does, then the word "repairs" should be sufficient.

Mr. GARRETT of Tennessee. The construction of which the gentleman speaks will not occur except in the course of the repairs.

Mr. STAFFORD. But if it were destroyed you could not authorize on an appropriation bill an item for its reconstruction.

Mr. GARRETT of Tennessee. But it is not destroyed.

Mr. STAFFORD. Even in its present condition, whether half destroyed or 99 per cent perfect. Repairs are in order, but reconstruction is something that the Committee on Appropriations has no authority under the rules to provide for.

Mr. BLANTON. Mr. Chairman, I want to cite the Chair three authorities holding that such a proposition is not subject to a point of order. I cite the Chair to decisions made by three of the most eminent and prominent parliamentarians of this House—one the distinguished gentleman from Ohio [Mr. LONGWORTH], another the distinguished gentleman from New York [Mr. HICKS], and the other the late lamented, distinguished gentleman from Illinois [Mr. MANN]—all three of them holding that, as continuing Government work already in progress, you can even go so far as to tear down and reconstruct buildings where necessary for the public good. The latest decision was when the District appropriation bill was under consideration a few days ago, in charge of the gentleman from Michigan [Mr. CRAMTON], with the gentleman from New York [Mr. HICKS] in the chair. The Chair will remember that I made points of order to propositions where it was intended to enlarge school buildings—for instance, at the Dunbar School and at the Armstrong Manual Training School—where there was a proposal to buy additional land, with an alley in between; and the gentleman from New York [Mr. HICKS], in the chair, held that the present school being a project already provided for you could go so far as to buy additional land, even where there was an alley between, and you could go so far as to tear down a building and reconstruct it.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LANGLEY. As I understand the gentleman, his point is that the word "reconstructing" is what makes this subject to a point of order.

Mr. BLANTON. Oh, no; it makes it immune to the point of order, for it has the force and effect of "repairing." It makes it safe against the point of order, because it is a building already in existence; it is a continuing work; it is to provide repairs for something that the Congress has already provided for to maintain it. I presume the gentleman from Kentucky and myself are working to-day in double harness.

Mr. LANGLEY. Yes; for the first time.

Mr. BLANTON. This is not a matter of $360,000 free-seeds appropriation.

Mr. LANGLEY. No.

Mr. STAFFORD. Mr. Chairman, if the Chair wishes the precedent I referred to, I can give it to the Chair. In the Manual on page 362 we find this syllabus:

But appropriations for rent and repairs of buildings or Government roads and bridges have been admitted as in continuation of a work, although it is not in order as such to provide for a new building in place of one destroyed.

Citing Volume IV, Hinds' Precedents. The facts are these: On a diplomatic and consular appropriation bill there was an item as follows:

For the reerection of the American consular bulding at Tahiti, Society Islands, $5,071.45.

Mr. James R. Mann, of Illinois, made a point of order.

After debate the Chairman said:

Was this building completely destroyed and is this appropriation to rebuild the building, or was it simply damaged and is this item to repair it?

In reply it was stated that the foundation remained but the superstructure was rendered uninhabitable. On the other hand, it was urged that the language of the paragraph specified "reerection" and not repair.

The Chairman sustained the point of order.

Mr. Edwin Denby, of Michigan, then proposed this amendment:

For the repair of the American consular building at Tahiti, Society Islands, $5,071.45.

Mr. Mann made the point of order against the amendment.

The Chairman said:

The Chair will have to take the language of the amendment, and unless the gentleman from Illinois desires to be heard, the Chair is ready to rule * * *. The Chair would like to state to the gentleman that when the Chair ruled upon the point of order before he ruled according to the language, although the gentleman from New York said that the appropriation was "for repairs" and not "rebuilding" the building * * *. The Chair overrules the point of order.

That confirms what I stated in my former statement, that repairs are in order, but that reconstruction is not in order.

Why, it would be the most vicious ruling imaginable to hold that the Committee on Appropriations could come into the House and say, for the reconstruction of the post office at Milwaukee or Cleveland or any other city, $1,000,000, when the original building had been constructed, was a completed project. This is for safeguarding the rights of the legislative committees of the House.

Mr. BLANTON. Will the Chair permit one other authority? When one of the Army appropriation bills was before the committee, with the distinguished gentleman from Iowa [Mr. TOWNER] in the chair, there was up a proposition for the Government to acquire land, which afterwards became known as the Leon Springs Training Camp, as an adjunct to, but distant from Fort Sam Houston. A point of order was made against it and the distinguished gentleman from Iowa [Mr. TOWNER] then in the chair held that same was part of a continuing work, and after considering the matter for quite a long time he rendered rather a lengthy decision holding it was in order as a continuing work, and he overruled the point of order.

Mr. CRAMTON. Mr. Chairman, if the Chair will permit just a suggestion. The pending item is not to put a building in place of one that has been destroyed; that involves new construction perhaps; but here is a building that is complete and standing, and the object of the item is to take that partly to pieces, to put in new iron or steel work, then to take the same

glass and reconstruct a building that is now standing. That is nothing whatever but a repair job. The gentleman from Wisconsin [Mr. STAFFORD] admits that so long as it is for repairs the item is in order. The hearings will disclose, what is the fact, that this is to have the same foundation, is to contain the same glass and material; but because the iron portions have become insecure and unsafe it must partly be taken down and then put together again. It is clearly within the rule.

Mr. LANGLEY. If the gentleman will permit, I want to make this observation, that the main deterioration is in the roof of the building. There is considerable deterioration in the walls also, but the glass and much other material now in the structure can be used in the repair and reconstruction work.

Mr. COOPER of Wisconsin. If the Chair will permit one brief suggestion. They might use $5,000 or $10,000 of this appropriation for what might legitimately be called repairs and then use $100,000 for reconstruction, tearing down and rebuilding, using some for repairs and the balance for tearing down and putting up another building. There is no provision that it shall be the same style of building, because the provision of this item provides that it shall be under the supervision of the Architect of the Capitol after consultation with the Director of the Botanic Gardens.

Mr. LANGLEY. I want to say it would cost $800,000 to build a new building.

The CHAIRMAN. The Chair is ready to rule. The language of the paragraph contains both the words "repair" and "reconstruction." The Chair is of the opinion that the two words "repair" and "reconstruction" must be considered together. The only point in the Chair's mind that could possibly prevail in the matter stated in the point of order is whether or not this is a new building. Of course——

Mr. MADDEN. Will the Chair hear me briefly?

The CHAIRMAN. The Chair will.

Mr. MADDEN. Last year, late in the year, it was thought by the Appropriations Committee that we could really safeguard the building by investing $5,000 in repairs, and Congress appropriated that sum in the last deficiency bill. Everybody who has examined the building since the appropriation was made said it would be wasted, and if it were used it would not accomplish the purpose. We have not used the money, and a further investigation shows that a complete rebuilding of the whole Botanic Garden would cost in the neighborhood of a million dollars. Further investigation showed that to make this conservatory of the same type of building, to use the same foundation and as much of the iron work as could be used in repair and reconstruction, to take the glass down would cost $122,000. We took the $5,000 already appropriated from the $122,000, hence the $117,000 which is to constitute the repairs which we are providing for, nothing more and nothing less.

Mr. LANGLEY. Will the gentleman permit me further?

Mr. MADDEN. Yes.

Mr. LANGLEY. As I understand, the Budget Commission and the President recommend—both approved this amount. In fact I know. I have seen the documents.

The CHAIRMAN. The Chair is ready to rule. It is perfectly obvious that this appropriation is not for the construction of a new building. The language of the paragraph is quite plain. "For repairing and reconstructing" and it is quite apparent, in view of the facts that have been related and brought out in this discussion, that the reconstruction, in this instance, means nothing more than the putting in of necessary repairs. The Chair is of the opinion that this is nothing more than repairs, perhaps on a large scale, but none the less repairs in the interest of the safety of the people who may have occasion to visit this institution. The Chair, therefore, overrules the point of order.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Illinois, did I understand him to say that we had on hand $5,000 of appropriation?

Mr. MADDEN. Yes, sir.

Mr. COOPER of Wisconsin. For repairs?

Mr. MADDEN. For repairs.

Mr. COOPER of Wisconsin. When was that appropriation made?

Mr. MADDEN. On one of the deficiency bills last year.

Mr. COOPER of Wisconsin. On whose application?

Mr. MADDEN. On the application of the director.

Mr. COOPER of Wisconsin. Mr. Hess, of the Botanic Garden?

Mr. MADDEN. Yes.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to amend by striking out the words "and reconstructing" and by changing the amount of $117,000 to $25,000.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Wisconsin: Page 4, line 22, after the word "repairing," strike out the words "and reconstructing," and in line 25 on the same page strike out "$117,635" and insert in lieu thereof "$25,000."

Mr. COOPER of Wisconsin. Mr. Chairman, just a word on that amendment. With the $5,000 now on hand for repairs and $25,000 additional, making $30,000, that ought to be ample to make all the repairs necessary. If this is so dangerous, it is remarkable that the director did not ask for more than $5,000 a short time ago. It is also remarkable that he has allowed, as you could have seen at any time, scores and scores of people to walk through it and around it and under it, and I have done it myself.

Mr. GARRETT of Tennessee rose.

Mr. COOPER of Wisconsin. But I want to call the attention of the gentleman who is about to speak to this fact: That there are gentlemen who are absolutely opposed to ever taking the Botanic Garden away. There has been a bitter battle on, and the center of it is Mr. Hess. He has a good deal of influence, and I know he exercises it. But I think that $30,000 is all that ought to be expended in repairing a building which ought not to be where it is and which, if $117,000 is expended, will result in the destruction absolutely for many, many years of the splendid plan for the beautification and improvement of Washington.

Mr. GARRETT of Tennessee. Mr. Chairman, of course we might as well do nothing as to adopt the amendment offered by the gentleman from Wisconsin [Mr. COOPER]. If I understand clearly the purpose that lies behind the amendment of the gentleman from Wisconsin, it is to bring about a situation in which the Botanic Garden shall be removed from its present site. Of course, you might as well appropriate nothing as to appropriate $25,000. The matter has been carefully examined into, as I understand it, by the Committee on Appropriations. The hearings so disclose; at least, they were satisfactory to me when I went over them; and this sum, $117,000, is the sum that is necessary to put the building in the condition that it should be put in.

Now, if it is going to come down to the question of whether you are going to remove the Botanic Garden from its present site or not, the gentleman's proper amendment would be to move to strike out the paragraph.

Mr. BLANTON. Mr. Chairman, I ask for recognition. I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, I am one of those who have been fighting this propaganda that has been going on for three years—to move the Botanic Garden—and incidentally to let some people out here on the other side of nowhere unload a lot of land that is of no value on this Government at a high price.

You would hardly think that many people come here from Texas, but they do, and I rarely have had any of my constituents come here who did not want to go into this Botanic Garden. It is the first place of interest to people who love flowers. Why, just day before yesterday I took a bunch of Texas people in there to get some valuable information from Mr. Hess, and when I went in I found the gentleman from Tennessee [Mr. GARRETT] coming out. He had been there also, indicating that he had been there for such information. It is valuable information; it is information that they can not get anywhere else concerning flowers that beautify homes in every district of this land.

I am in favor of keeping the Botanic Garden right where it is. It is accessible to every tourist who comes here. It is accessible to every constituent who comes here—rich and poor alike. There are lots of people who come here who are not able to pay $4 an hour to some of these taxicab drivers to take them around. It is impossible for us to take out those who come in our automobiles. It is not convenient for them to walk or to ride in the street cars. This present Botanic Garden is accessible to them all. All of them appreciate it; all of them get benefit from it, and it ought to stay.

Now they are putting in a new heating plant there, and they have probably torn down some of this old conservatory preparatory to installing their new heating plant. What is the use of making an inadequate appropriation for this necessity? Congress is presumed to adjourn until next December. Nine months will have to pass without a chance of getting any kind of a deficiency if they need it, and I hope our distinguished friend from Wisconsin [Mr. COOPER], who usually is in behind everything that pertains to the interest of this city and the interest of the Nation, will withdraw his amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit a question?

Mr. BLANTON. Certainly.

Mr. COOPER of Wisconsin. When was it that the gentleman was down there with his constituents?

Mr. BLANTON. I think it was day before yesterday.

Mr. COOPER of Wisconsin. Did anybody warn you that it was dangerous to be there?

Mr. BLANTON. I want to say to the gentleman——

Mr. COOPER of Wisconsin. Wait a minute. Answer my question. Did anybody warn you? You said you talked with him. Did anybody warn you that it was dangerous?

Mr. BLANTON. Wait a minute.

Mr. COOPER of Wisconsin. Will the gentleman just answer that question?

Mr. BLANTON. I am going to answer the gentleman's question in my own way.

Mr. COOPER of Wisconsin. The gentleman can not answer it as it ought to be answered.

Mr. BLANTON. I am going to answer it right anyway. I took my Texas constituents down there. If Mr. Hess had been there himself he would have gone with them in person, but at that time the wife of Mr. Hess was at the point of death, and he had gone away to see her. His assistant was there and I turned the Texas people over to him and he spent two hours going through that plant with them.

Mr. COOPER of Wisconsin. And the gentleman says he knew that it was dangerous and falling down and that these things were likely to knock out their brains.

Mr. BLANTON. Does the gentleman think he would take them into a dangerous place?

Mr. COOPER of Wisconsin. What nonsense that is.

Mr. BLANTON. There are plenty of places beside this particular conservatory where he could take them.

Mr. STAFFORD. What?

Mr. BLANTON. I do not know. I left them with him, and they came back satisfied. [Applause.]

Mr. FESS. Mr. Chairman, I move to strike out the last two words. Gentlemen of the committee, I think that the gentleman from Tennessee a moment ago stated the entire situation, that if we are going to accept the amendment offered by the gentleman from Wisconsin [Mr. COOPER], we might just as well decide to do nothing, because there would be nothing to that.

I regret very deeply the general attitude of Members in apparent approval and response to what was just now suggested by my friend, the gentleman from Wisconsin [Mr. COOPER], in his statement in argument against this item, in which he sees danger of retaining the conservatory where it now is, as if the Botanic Garden, as it is now and has always been located, disturbs the value of the Mall. On the other hand, it is a distinctive value to the Mall, a value that few parks in the world possess. There is not a spot in the city of Washington that is more significant from the standpoint of intrinsic value, and as a feature of beautifying the Capitol Grounds than this garden. It was properly located near the Capitol, as a part of the Capitol Grounds, at the head of the Mall. Within a very few weeks there will be flowers within these grounds representing many climes. There is no other such collection of flowering trees, not mere shrubs, but trees, the rarest in the world. In that garden, an expansion of the Capitol Grounds, with its historic and valuable botanical specimens, are collected the most valuable selections of rare flowering plants, flowering shrubs, and especially flowering trees that can be found anywhere in the same space in the world. What single item of landscape gardening for the beautifying of the National Capitol Grounds is of greater value? When you talk about that marring the beauty of the Mall, or destroying the plan of the city beautiful, as Washington has already become, I do not understand it. [Applause.] The wealth of this spot can not be replaced by mere money. It represents a hundred years of collection and growth of development. It seems to me you would go a long distance in order to find an assemblage of botanical richness, both from the standpoint of economic and scientific values as are here in the Capitol Grounds, a collection that can not be duplicated if once it is ever destroyed.

Now, just a word about this particular conservatory, which the committee proposes to repair and for which this item is recommended. I can see that in a sense that building might mar the artistic effect of the plan which locates the grounds for different purposes from that originally planned. The Capitol Grounds proper should be free from historic monuments. This great pile of marble, housing the Government proper, should be undisturbed by other structures, it is true. Even I doubt the taste that located the monument that stands near by. The conservatory structure may be objectionable, because it would appear to be a building of some commercial value. However, it is not primarily commercial but, as in these cases, is more specifically scientific and historic. The building should be so reconstructed as to protect the rare and valuable collection that could not be replaced for a million dollars, plants that are now protected in that conservatory representing the widest range for the study of tropical flora and of immense value to the Nation. They can not be removed. There are plants there over 100 years old. They are planted not in pots but in the ground, and many are surrounded by a protection of cement. The roots necessarily have gone down in the years of growth so deeply and so intermingled that there is no possibility of removing them and at the same time preserving them. Here is a collection, I want to repeat to my colleagues, that you could not replace for a million dollars, collected in a hundred years, representing the most careful research in this particular field; and yet we speak of it lightly, as if the space is wasted, the Capitol Grounds neglected and marred, and the entire collection removed, as if you want to abate it as a nuisance. I do not understand that attitude.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. FESS. Yes.

Mr. COOPER of Wisconsin. Did the gentleman say there are plants there that have been there a hundred years? Why, the Botanic Garden is not half as old as that.

Mr. FESS. There are plants there over a hundred years old. I did not say they had been in one spot over a hundred years.

Mr. LANGLEY. I know one that is nearly 104 years old.

Mr. FESS. I am stating what I know. Some of these plants are over 100 years old. I do not want that statement questioned. You can not remove them; and my concern is the protection of what can not be replaced. To suggest that this rare, rich spot—a part of the Capitol Grounds—filled with specimens of valuable beauty brought from the ends of the earth is a blot upon the parking beauty of the Mall here is a peculiar suggestion. My hope is that nothing may be done to lessen the important value of that collection which could not be replaced under any circumstances. [Applause.] Just west of these grounds, in a space now occupied by temporary buildings, we saw valuable trees which had stood for years cut down in spite of the specific promise made us from the floor of the House that they would not be disturbed.

To-day the space is an open plot of ground. Ever since I have been in Congress agitation is on to abandon the garden space. There, where trees planted by Lincoln, by Grant, Booth, and Barrett, and other historic characters, the cedar of Lebanon from the Holy Land, the oak from the grave of Confucius—all will meet a like fate of the others. If it is a question of removing the garden, that ought to be discussed fully and we should know what we are doing. But I do not understand that that is what the chairman of the committee has in mind at all. If you should undertake to build a new conservatory, to do with the plants as we would hope to do, it would take a great deal more than $117,000. [Applause.]

I do not object to the plan of expanding the garden. We went into that matter a year ago when we enlarged the area. I am for that improvement. Neither am I committed against the proposal of the Fine Arts Commission to ultimately develop a proper arboratum. I am strongly in favor of such movement in the Capital. As to the Mount Hamilton expansion, I am open to conviction. I am not prejudiced against the proposal and am willing to go into the matter in detail. But I am uncompromisingly opposed to the plan of destroying the inestimable value of the collection within the brick walls for no other reason than here given, that growing trees, flowering and ornamental trees, rich in beauty and historic significance, plants and shrubs housed within glass structures, interferes with a plan to surround the Capitol with monuments. Whether the monuments are properly placed I do not say, but I know that a botanical collection of 100 years will not mar the beauty of the Capitol Grounds.

The glass structures are old and out of repair. We have been told that it is dangerous. Such a building, adapted to the use of the public, through which pass daily hundreds of people coming to the Capitol, must not be allowed to endanger the lives of those who enter it. That could not be excused upon any ground by this great, rich country. I am hopeful that these buildings in their repair may be put in modern condition, suitable to the importance of their contents and adapted to the place where located.

As those of us who frequently go through the garden all know that the main conservatory has two wings extending out east and west; at the end of each wing is an octagon house. The reason for this division is that plants require different temperatures.

The educational feature of the conservatory lies mainly in its collection of plants, expressed in the layout of the planting, showing their characteristics, similar to their native habitat. The growing, feeding, flowering, and pruning are carefully planned and executed, since all plants are labeled as in their geographical distribution and economical value.

Each of these houses has, as near as can be arranged, a different temperature, corresponding to the tropical and subtropical regions. Some of the plants are planted in the soil. Needs of soil to bring out a landscape effect characteristic in tropical regions require particular attention. Some are placed in pots to be rearranged periodically.

The money value of these collections could not very well be estimated; so many plants are rare and others are of such size that no commercial value could be attached.

Owing to the interest Members of the House have in these collections, I will append a list of some of the more important specimens which I had requested for another purpose.

This partial list will indicate why I am so intensely concerned when I hear careless and unguarded, if not intentional, statements of Members tending to depreciate the inestimable value of this beauty spot near the Capitol Building:

RARE AND VALUABLE PLANTS IN MAIN CONSERVATORY, BOTANIC GARDEN.

Hyophorbe amaricaulis (bottle palm).
Theophrasta imperialis.
Francisiscea latifolia (Chile jasmine).
Francisiscea eximia.
Coffea arabica (Arabian coffee).
Crescentia edulis.
Rhodostoma gardenioides.
Myroxylon tuliferium (tulu balsam tree).
Carludovica palamata (Panama hat palm).
Alpinia nutans (Alpine shell flower).
Gulielma speciosa (Amazon nut palm).
Carolina alba.
Australian pines: Araucaria bidwillii, Araucaria cunninghamii, and Araucaria glauca.
Sabal princeps.
Sabal blackburniana.
Sabal palmetto (cabbage palm).
Metrosideros chrysantha (golden myrtle).
Very fine and valuable specimens, probably 100 or more years old: Kentia (Howea) belmoreana, Keutia (Howea) fosteriana, and Kentia (Howea) McArthur.
Gastonia palmata.
Strelitzia augusta (Nicolii) bird of paradise flower.
Corypha australis (Australian saw palm).
Seaforthia elegans.
Area sapida (toddy palm).
Area lutescens.
Area baurelı.
Corn palms: Dracaena ensifolia, Dracaena fragrans, and Dracaena lindenii.
Livistona chinensis (fan palm).
Chamaerops parviflora (Chinese fan palm).
Pithecalobium dulce (Mexican sensitive tree).
Icica indica (incense tree).
Pimento officinalis (allspice tree).
Hernanda sonora (jack-in-the-box tree).
Artocarpus superbus (India bread-fruit tree).
Terminalia catappa.
Drynaria quercifolia (oak-leaved fern).
Sweitenia mahogani (mahogany tree).
Mimosa alba (sensitive plant).
Sago palms: Cycas circinalis and Cycas revoluta.
Nephelium litchii (Chinese lee chee nut).
Washingtonia filifera (California palm).
Acacia farnensiana (frangrant acacia).
Bambusa striata Chinese (straight bamboo).
Artocarpus Mexicana (star nut).
Cookia punctata (Chinese wampee tree).
Averhoa carambola (India plum).
Beaucarnea recurvata.
Laurus reinwardtii.
Aleuritis triloba (India varnish tree).
Ficus pandurata (fiddle-leaved fig).
Ficus repens (creeping fig).
Ficus ferruginea (rusty-leaved fig).
Ficus imperialis (royal or imperial fig).
Ficus hirsuta (hairy fig).
Ficus elastica (rubber plant).
Ficus macrocarpa (large-fruited fig).
Ficus macrophylla (large-leaved fig).
Ficus stipulata arborea (Chinese fig).
Siphonia elastica (Brazilian cavut chonc).
Cocos plumosoa (plume palm).
Thrinax elegans.
Thrinax argentea (cloth palm).
Arenga sacchariffera (sugar palm).
Martinezia caryotaefolia (needle palm).
Stenocarpus cunninghamii (Australian oak).
Castanospermum australe (Australian chestnut).
Dammara robusta (Dammara pine).
Rhapis flabelli formis (rattan palm).
Brownea princeps.
Astraphaea wallichii.
Justicea rosea.
Bannisteria chrysaphylla (satin-leaved plant).
Sterculia ilata.
Pinanga kuhlif.
Adenocalyma comosa.
Cibotium regale (royal fern).
Cibotium schiede.
Pandanus utilis (screw pine).
Pandanus pancherii.
Pandanus veitchii.
Posqueria longiflora.
Caryota urens (fish-tail palm).
Cocoloba pubescens (umbrella-leaf plant).
Cocoloba excoriata.
Livistona woodfordii.
Attalea excelsa.
Daemonrops palembanicus (Sumatra rope palm).
Plumeria lutea (frange panii).
Angiopteris evecta.
Parmentier cerifera (Panama candle tree).
Malvaviscus coccinea.
Piper reticulata (veined-leaved pepper).
Chamaerops elegans.
Toxicophilea spectabilis (Hottentot poison tree).

Mr. MADDEN. I move that all debate on this question do now close.

Mr. LUCE. May I speak for five minutes?

Mr. MADDEN. Then I move that all debate close in five minutes.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this amendment close in five minutes.

The motion was agreed to.

Mr. LUCE. Previous Congresses have seen fit to give the control of the Botanic Garden to the Committee on the Library. I want in all courtesy to suggest that the orderly processes of action here will be smoothed and made more harmonious if under such conditions the committee which has the official responsibility for this problem might at least have some knowledge of the proposals made by other committees. It was only by accident that I entered the door when this matter was under consideration and for the first time as a member of the Library Committee was informed of this indirect proposal to keep the Botanic Garden where it is for an indefinite time.

Mr. MADDEN. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. MADDEN. If this matter was to go to any other committee except the Committee on Appropriations, it would not be the Library Committee but to the Committee on Public Buildings and Grounds. This is a matter of construction.

Mr. LUCE. If that be the case, we have three committees with overlapping interests in the subject. I take no pride in the matter as a member of the Committee on the Library, but desire to suggest that if gentlemen do not wish to consult the Committee on the Library as to matters within its control, it might be advantageous to take away from the Committee on the Library the jurisdiction. If the Committee on Public Buildings and Grounds would better control, well and good; I doubt if I should raise any objection.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LUCE. I will.

Mr. GARRETT of Tennessee. I am in sympathy with the gentleman in maintaining the jurisdiction of committees, but only the Committee on Appropriations could have jurisdiction of this matter.

Mr. LUCE. The Committee on the Library has already been asked, since my membership of it, to consider a bill relating to a site for the Botanic Garden.

Mr. GARRETT of Tennessee. Certainly, the gentleman's committee would have jurisdiction of that, but I am speaking of appropriations.

Mr. LUCE. Technically the gentleman from Tennessee is correct, but this is a proposal to accomplish by indirection what the Committee on the Library should accomplish directly.

Mr. GARRETT of Tennessee. What does the gentleman mean—keeping the Botanical Garden where it is?

Mr. LUCE. The retention of the garden where it is, because it would be long out of the question after you had spent $125,000 here for Congress to take up the problem of a new site for the Botanical Garden.

Mr. BLANTON. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. BLANTON. We have just spent $40,000 for a heating plant there, or at least we have provided for the expenditure of that amount.

Mr. LANGLEY. And the plant is complete.

Mr. BLANTON. It is about completed for that very conservatory.

Mr. LUCE. That is in essence a question of maintenance.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask leave to withdraw my amendment.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Now, Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. CAMPBELL of Kansas having taken the chair as Speaker pro tempore, Mr. MCARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14408 and had come to no resolution thereon.

GRANT OF LANDS TO ESCAMBIA COUNTY, FLA.—CONFERENCE REPORT.

Mr. SINNOTT. Mr. Speaker, I call up the conference report on the bill (H. R. 7967) granting certain lands to Escambia County, Fla., for a public park.

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. 7967) granting certain lands to Escambia County, Fla., for a public park, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.
REED SMOOT,
I. L. LENROOT,
H. L. MYERS,
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. 7967) granting certain lands to Escambia County, Fla., for a public park submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The Senate amendment requires the payment of $1.25 per acre for the land granted. The bill as it passed the House required no payment.

N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.

Mr. GARRETT of Tennessee. Will the gentleman state what this is?

Mr. SINNOTT. The House bill provided for granting this land to Escambia County, Fla., free of charge. The Senate amendment requires the payment of $1.25 an acre. The House conferees have agreed to the Senate provision, which is satisfactory to the Member from Florida who introduced the bill.

The conference report was agreed to.

GRANT OF LANDS TO CANON CITY, COLO.—CONFERENCE REPORT.

Mr. SINNOTT. Mr. Speaker, I call up the conference report on the bill (H. R. 7053) to grant certain lands to the city of Canon City, Colo., for a public park.

The Clerk read the conference report and statement, 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. 7053) to grant certain lands to the city of Canon City, Colo., for a public park, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.
REED SMOOT,
I. L. LENROOT,
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. 7053) to grant certain lands to the city of Canon City, Colo., for a public park submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The Senate amendment requires the payment of $1.25 per acre for the land granted; the bill as it passed the House required no payment.

N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.

Mr. SINNOTT. This bill is in the same shape as the one just passed; the Senate has attached an amendment making the price $1.25 an acre.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

TAX ON STOCK OF BANKING CORPORATIONS.

Mr. MCFADDEN presented the following conference report for printing in the RECORD under the rule:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11939) to amend section 5219 of the Revised Statutes of the United States, having met, after full and free conference report as follows:

That the conferees are unable to agree.

L. T. MCFADDEN,
PORTER H. DALE,
OTIS WINGO,
Managers on the part of the House
GEO. P. MCLEAN,
GEORGE WHARTON PEPPER,
DUNCAN U. FLETCHER,
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 amendment of the Senate to the bill (H. R. 11939) to amend section 5219 of the Revised Statutes of the United States submit the following statement:

That the managers have been unable to agree.

L. T. MCFADDEN,
PORTER H. DALE,
OTIS WINGO,
Managers on the part of the House.

EXTENSION OF REMARKS.

Mr. RAMSEYER. Mr. Speaker, I renew my request made earlier this morning to extend my remarks in the RECORD upon the Supreme Court decisions.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD on decisions of the Supreme Court. Is there objection?

There was no objection.

DECISIONS OF THE UNITED STATES SUPREME COURT.

Mr. RAMSEYER. Mr. Speaker, last summer and fall there was a renewed attack on the Supreme Court of the United States from various quarters and vigorous demands for a curtailment of the powers of that tribunal. These attacks centered against this court's exercise of power to declare acts of Congress unconstitutional and void because such acts, in the opinion of a majority of the Supreme Court, were in violation of some provision of the Constitution of the United States.

That the Supreme Court had the power to declare acts of Congress unconstitutional was denied by a few of the ablest statesmen who were prominent in framing the Constitution and establishing the Republic. On the other hand, during the early days of the Republic the Supreme Court claimed this power and has exercised this power from that time to this. Although constitutional amendments have been proposed and bills have been introduced in Congress from time to time to deprive the Supreme Court of this power or to curtail the exercise of this power by the Supreme Court, none ever received serious consideration by the Congress.

A little over 10 years ago there was a widespread and vigorous campaign in this country for the enactment of legislation to give the people the right to recall judicial decisions. The life of this campaign did not survive the second sober thought of the

American people. The demand last year was to deprive the Supreme Court, by a constitutional amendment, of the power of final determination on the constitutionality of acts of Congress. The purpose of the suggested amendment was to give vitality to an act of Congress declared unconstitutional and void by the Supreme Court upon its repassage by a majority of both Houses of Congress. This proposal would make Congress the final arbiter of the constitutionality of its own acts. The Senator who suggested the amendment in a public address has to this day offered no resolution in Congress for such a change in our fundamental law.

It is evident to clothe Congress with the power to pass on the constitutionality of its own acts would require a change by amendment to the Federal Constitution. To give Congress this power would be a radical departure from our present constitutional government. In order to preserve our present system of constitutional government, the power to pass on the constitutionality of the acts of Congress must be vested in some body or tribunal outside of and independent of Congress.

It is not my purpose at this time, Mr. Speaker, to enumerate and discuss the powers conferred by the Constitution on the Federal Government and the powers and rights reserved under that Constitution to the people of the several States. The Federal Government is a government of limited and carefully defined powers, delegated to it by the Constitution, and has no powers except those so delegated. All other powers not so delegated by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Neither shall I take the time to give the reasons or the necessity, in order to preserve our present system of Federal and State Governments, for empowering the Supreme Court to declare acts of Congress unconstitutional and void, which are in violation of provisions of the Federal Constitution, and which threaten the integrity or security of either Nation or State, or both, or which violate certain fundamental and sacred rights of life or property guaranteed to the people by the Constitution.

Last summer and fall when the Supreme Court was under fire of criticism there were statements in the press calculated to lead people to believe that that tribunal kept itself busy handing down decisions declaring congressional acts to be unconstitutional. Early last fall I endeavored to get a list of all the Supreme Court cases which hold acts of Congress unconstitutional, but such a list was nowhere to be found. I called upon the legislative reference service of the Library of Congress for help, and that service put several of its experts to the task of going through all the Supreme Court reports for the decisions holding acts of Congress unconstitutional. Such a list was finally completed and furnished me on October 12, 1922, which I shall have printed in the RECORD.

This list contains 48 decisions by the Supreme Court declaring acts of Congress unconstitutional and void since the foundation of our Government, or on an average of one such decision in a little less than three years. It is only fair to observe that such decisions have been more frequent in the late years. For the first 50 years of our Government there were very few such decisions.

The real question to keep in mind is not how often the Supreme Court has declared acts of Congress unconstitutional, but how often the Congress has enacted legislation in violation of plain provisions of the Constitution. Whenever Congress exceeds its power in this regard, it is the plain duty of the Supreme Court to declare such acts unconstitutional and void. However, such a duty should be performed with great caution. The presumption in every case should be in favor of the validity of the act of Congress until the violation of the Constitution is proved beyond all reasonable doubt.

About two weeks ago this same reference service furnished me with a list of the United States Supreme Court decisions declaring acts of State legislatures unconstitutional. I shall also have this list printed in the RECORD. I am sure these lists of decisions will be of especial interest to the members of the bar of the country and to students of government generally.

5-TO-4 DECISIONS.

A number of very important decisions of the Supreme Court of the United States declaring acts of Congress unconstitutional have been by a vote of 5 to 4. There are nine Justices—five voted to declare the act unconstitutional and four against. It is this class of decisions that has been the chief cause of attacks and storms of protest against the Supreme Court.

The far-reaching effect of one vote in declaring acts of Congress unconstitutional has led to a persistent demand for legislation requiring more than a bare majority of the Supreme Court to pass on so important and vital an issue as the constitutionality of an act of Congress. To bring about this result the following bill is now pending before Congress:

A bill providing the number of judges which shall concur in holding an act of Congress unconstitutional.

Be it enacted, etc., That in all suits now pending, or which may hereafter be pending, in the Supreme Court of the United States, except cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, where is drawn in question an act of Congress on the ground of repugnancy to the Constitution of the United States, at least seven members of the court shall concur before pronouncing said law unconstitutional.

The authority for the constitutionality and validity of such legislation is based on the following constitutional provision:

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party the Supreme Court shall have original jurisdiction; in all other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

In my opinion there is some merit to the proposed legislation. No act of Congress should be declared unconstitutional and void unless it is very clear that such act is in violation of the Constitution, and such violation should be clear to the minds of more than a bare majority of the court. Such legislation would be in line with the words of Chief Justice Marshall in Fletcher *v.* Peck (6 Cranch, 87–128). He says:

The question whether a law be void for its repugnancy to the Constitution is at all times a question of much delicacy, which ought seldom, if ever, to be decided in the affirmative in a doubtful case. It is not on slight implication and vague conjecture that the legislature is to be pronounced to have transcended its powers and its acts to be considered as void.

The following are some of the well-known 5-to-4 decisions of the Supreme Court of the United States holding legislation repugnant to the Constitution:

Slaughterhouse cases (16 Wall. 36).
Virginia coupon cases (114 U. S. 269).
Pollock *v.* Farmers' Loan & Trust Co. (income-tax cases) (157 U. S. 429; 158 U. S. 601).
Fairbanks *v.* United States (181 U. S. 283).
Hammer *v.* Dagenhart (247 U. S. 251).
Eisner *v.* Macomber (252 U. S. 189).
Knickerbocker Ice Co. *v.* Stewart (253 U. S. 149).
Newberry *v.* United States (256 U. S. 232).

THE NEWBERRY CASE.

The Newberry case attracted much popular attention and criticism about a year ago, and is a striking example of a 5-to-4 decision by the Supreme Court declaring an act of Congress unconstitutional and void. The act under consideration was the Federal corrupt practices act limiting the expenditures of a candidate for Representative in Congress or for Senator of the United States in procuring his nomination. Four justices held squarely that Congress did not have the power under Article I, section 4, of the Constitution to enact such legislation as applied to a candidate for Senator of the United States. Four justices, led by Chief Justice White, held squarely that Congress had such power. The ninth justice finally tipped the scales in favor of the unconstitutionality of the act in a four-line opinion found at the end of the majority opinion and reads as follows:

Mr. Justice McKenna concurs in this opinion as applied to the statute under consideration which was enacted prior to the seventeenth amendment; but he reserves the question of the power of Congress under the amendment.

The big question in this case was: Has Congress the power under Article I, section 4, of the Constitution to enact the legislation under consideration in so far as it applied to primary elections? On this question eight justices stood 4 to 4. Mr. Justice McKenna's attitude left this question suspended in the air undecided. He voted with the majority to declare the act unconstitutional but not on the ground that Congress did not have the power under said section of the Constitution to enact the legislation under consideration. A case like this illustrates what Chief Justice Marshall seemed to have in his mind when he made the statement heretofore quoted wherein he refers to "a doubtful case" and that legislation should not be pronounced unconstitutional "on slight implication and vague conjecture."

The decision of the Supreme Court in the Newberry case was carefully reviewed in an opinion by the law committee of the National Republican congressional committee, consisting of Representatives LEATHERWOOD, of Utah, WILLIAMSON, of South Dakota, and myself, rendered March 21, 1922. On this point the opinion is worthy of a place in the CONGRESSIONAL RECORD, and I submit it here for that purpose: The opinion follows:

Hon. SIMEON D. FESS,
Chairman National Republican Congressional Committee,
Washington, D. C.

DEAR MR. FESS: The law committee of the national Republican congressional committee had submitted to it the following question: "Under existing Federal law is a candidate for Representative in

Congress at a primary election required to file sworn statements of his primary campaign expenditures with the Clerk of the House of Representatives?"

The Federal corrupt practices act (act of June 25, 1910, ch. 392, 36 Stat. 822; amended by act of August 19, 1911, ch. 33, 37 Stat. 25, 28) limits the amount of money that may be given, contributed, expended, used, or promised, or caused to be given, contributed, expended, used, or promised by a candidate for Representative in Congress or for Senator of the United States in procuring his nomination and election to a sum not in excess of the amount he may lawfully give, contribute, expend, or promise under the laws of the State of his residence, with a proviso that in the case of a candidate for Representative the amount shall not exceed $5,000, and in the case of a candidate for Senator shall not exceed $10,000 in any campaign for nomination and election. The Federal corrupt practices act, as amended, further requires the filing of sworn statements by a candidate for Representative in Congress or for Senator of the United States of expenditures incurred both in the primary election and in the general election.

If Congress has the power to enact such legislation, it is based on the following constitutional provisions:

"Article I. Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

"Section 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors of each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. * * *"

Section 3 is superseded by the seventeenth amendment, which provides:

"Article XVII. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, * * * The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. * * *

"Section 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators. * * *

"Section 5. Each House shall be the judge of the election, returns, and qualifications of its own Members. * * *"

The power of Congress to enact legislation regulating primary elections was never decided by the Supreme Court until in the case of Truman H. Newberry et al., plaintiffs in error, *v.* the United States of America. This case was decided by the Supreme Court May 2, 1921.

In the Newberry case the plaintiffs in error were found guilty of conspiracy to violate section 8 of the act of June 25, 1910, as amended by the act of August 19, 1911, in the Federal district court of Michigan.

This case was reversed by the Supreme Court of the United States on the 2d day of May, 1921, on the ground that the grant of power on Congress to regulate the "manner of holding elections" under Article I, section 4, of the Constitution did not bestow on Congress the authority to control party primaries or conventions for designating candidates. That is, the majority of the court seem to hold that the power to regulate the "manner of holding elections" is limited to general elections and that there is no power to regulate the manner of holding primary elections or party conventions.

If there were nothing to consider in this case, except the conclusion of the majority of the court, we would have no hesitancy in answering in the negative the question submitted to us. This is a five-to-four decision. Mr. Justice McReynolds wrote the opinion of the majority. In this opinion Mr. Justice McKenna concurred with a reservation as follows: "Mr. Justice McKenna concurs in this opinion as applied to the statute under consideration, which was enacted prior to the seventeenth amendment; but he reserves the question of the power of Congress under that amendment."

What would have been Mr. Justice McKenna's conclusion if the seventeenth amendment had been adopted prior to the enactment of the corrupt practices act and amendments thereto? Furthermore, the plaintiff in error—Newberry—was a candidate for the Senate and the seventeenth amendment applies only to Senators, and Mr. Justice McKenna "concurs in this opinian as applied to the statute under consideration, which was enacted prior to the seventeenth amendment."

As the seventeenth amendment applies to the Senate, so Article I, section 2, of the Constitution applies to the House of Representatives. Article I, section 2, was a part of the Constitution prior to the enactment of the corrupt practices act in question. If the plaintiff in error had been a candidate for the House of Representatives there would have been no excuse for Mr. Justice McKenna's qualified concurrence and reservation; and then, instead of having a court divided five to four against the constitutionality of the act, the result might have been five to four in favor of the constitutionality of the act. The qualified concurrence and reservation of Mr. Justice McKenna make this decision of the Supreme Court at best a fifty-fifty proposition when applied to a candidate for Representative in Congress at a primary election.

Therefore we conclude, and wisdom and prudence dictate, that a candidate for Representative in Congress at a primary election should file sworn statements of his campaign expenditures with the Clerk of the House of Representatives as required by the act of June 25, 1910, as amended by the act of August 19, 1911.

Respectfully submitted this 21st day of March, 1922.

C. W. RAMSEYER,
WM. WILLIAMSON,
E. O. LEATHERWOOD,
Law Committee.

Mr. Speaker, under leave to extend my remarks I submit for printing in the RECORD a letter from H. H. B. Meyer, chief bibliographer, in charge of the Legislative Reference Service, together with the lists of Supreme Court cases referred to in the course of my remarks:

LIBRARY OF CONGRESS,
Washington, October 12, 1922.

Hon. C. WILLIAM RAMSEYER,
Bloomfield, Iowa.

DEAR SIR: In further response to your request of September 23 for a list of all acts of Congress declared unconstitutional by the Supreme Court, I forward herewith a typewritten list of "United States Supreme Court decisions declaring Federal legislation unconstitutional." This list was prepared with great care and checked up with other existing lists, and I have every reason to believe that it is as complete as can be made excepting for the last few months, as the note at the end of the manuscript explains. We shall, however, in the future make it a point to keep this information corrected as near up to date as the published reports permit.

We are preparing a similar list covering the United States Supreme Court decisions declaring State legislation unconstitutional. Should you be interested I should be glad to send you a copy of the list when it is completed. This is a far more difficult and voluminous undertaking, and with our present limited staff it may not be completed for some time.

Very respectfully,

H. H. B. MEYER,
Chief Bibliographer,
In charge of Legislative Reference Service.

UNITED STATES SUPREME COURT DECISIONS DECLARING FEDERAL LEGISLATION UNCONSTITUTIONAL.

United States *v.* Todd. Opinion not published (see statement, 13 How. 52).

Marbury *v.* Madison (1 Cranch, 137). Act of September 24, 1789 (1 Stat. 181). Congress has no power to give original jurisdiction to the Supreme Court in other cases than those described in the Constitution.

Scott *v.* Sanford (19 How. 393). Act of March 6, 1820 (3 Stat. 548). The Constitution of the United States recognizes slaves as property and pledges the Federal Government to protect it, and Congress can not exercise any more authority over property of that description than it may constitutionally exercise over property of any other kind.

Gordon *v.* United States (2 Wall. 561; see 119 U. S. 697). Act of March 3, 1863 (12 Stat. 765). The power conferred on this court is exclusively judicial, and it can not be required or authorized to exercise any other.

Ex parte Garland (4 Wall. 333). Act of January 24, 1865 (13 Stat. 424). The admitted power of Congress to prescribe qualifications for the office of attorney and counselor in the Federal courts can not be exercised as a means for the infliction of punishment for the past conduct of such officers against the inhibition of the Constitution.

Reichart *v.* Felps (6 Wall. 160). This has been classed as a decision declaring a Federal act unconstitutional. It determined the validity of certain patents and the power of the board issuing them, but the constitutional element or congressional act involved is difficult to determine.

The *Alicia* (7 Wall. 571). Act of June 30, 1864 (13 Stat. 311). This court can not acquire jurisdiction of a cause * * * though such transfer be authorized by the express provision of an act of Congress. Such provision must be regarded as an attempt, inadvertently made, to give to this court a jurisdiction withheld by the Constitution.

Hepburn *v.* Griswald (8 Wall. 603). Acts of February 25, 1862 (12 Stat. 345) and March 3, 1863 (12 Stat. 709). The making of notes or bills of credit a legal tender in payment of preexisting debts is not a means appropriate, plainly adapted, or really calculated to carry into effect any express power vested in Congress, is inconsistent with the spirit of the Constitution, and is prohibited by the Constitution.

United States *v.* Dewitt (9 Wall. 41). Act of March 2, 1867 (14 Stat. 464). But this express grant of power to regulate commerce among the States has always been understood as limited by its terms and as a virtual denial of any power to interfere with the internal trade and business of the separate States.

The Justices *v.* Murray (9 Wall. 274). Act of March 3, 1863 (12 Stat. 755). The provision in the seventh amendment of the Constitution of the United States which declares that no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law applies to facts tried by a jury in a cause in a State court.

The Collector *v.* Day (11 Wall. 113). Act of June 30, 1864 (13 Stat. 281). It is not competent for Congress, under the Constitution of the United States, to impose a tax upon the salary of a judicial officer of a State.

United States *v.* Klein (13 Wall. 128). Act of July 12, 1870 (16 Stat. 235). Now it is clear that the legislature can not change the effect of such a pardon any more than the executive can change a law.

United States *v.* Railroad Co. (17 Wall. 322). Act of June 30, 1864 (13 Stat. 284). A municipal corporation is a portion of the sovereign power of the State and is not subject to taxation by Congress upon its municipal revenues.

United States *v.* Reese (92 U. S. 214). Act of May 31, 1870 (16 Stat. 140). The power of Congress to legislate at all upon the subject of voting at State elections rests upon this (the fifteenth) amendment and can be exercised by providing a punishment only when the wrongful refusal to receive the vote of a qualified elector at such elections is because of his race, color, or previous condition of servitude.

United States *v.* Fox (95 U. S. 670; R. S. 5132). It is competent for Congress to enforce by suitable penalties all legislation necessary or proper to the execution of the powers with which it is intrusted * * *. But it is otherwise when an act committed in a State has no relation to the execution of a power of Congress or to any matter within the jurisdiction of the United States.

Trade Mark Cases (100 U. S. 82; R. S. 4937–4947). That legislation is void for want of constitutional authority, inasmuch as it is so framed that its provisions are applicable to all commerce and can not be confined to that which is subject to the control of Congress.

United States *v.* Harris (106 U. S. 629; R. S. 5519). As, therefore, the section of the law under consideration is directed exclusively against the action of private persons without reference to the laws of the State or their administration by her officers, we are clear in the opinion that it is not warranted by any clause in the fourteenth amendment to the Constitution.

Civil Rights cases (109 U. S. 3). Act of March 1, 1875 (18 Stat. 336). The first and second sections of the civil rights act * * * are unconstitutional enactments as applied to the several States, not being authorized either by the thirteenth or fourteenth amendments of the Constitution.

Boyd *v.* United States (116 U. S. 616). Act of June 22, 1874 (18 Stat. 187). Held to be unconstitutional and void as applied to suits for penalties, or to establish a forfeiture of the party's goods as being repugnant to the fourth and fifth amendments of the Constitution.

Baldwin *v.* Franks (120 U. S. 678; R. S. 5519). Section 5519, Revised Statutes, is unconstitutional as a provision for the punishment of a conspiracy within a State to deprive an alien of rights guaranteed to him therein by a treaty of the United States.

Callan *v.* Wilson (127 U. S. 540; R. S. D. C. 1064). The provision in article 3 of the Constitution * * * is to be construed in the light of the principles which, at common law, determined whether or not a person accused of crime was entitled to a trial by jury; and thus construed it embraces not only felonies punishable in the peni-

tentiary, but also some classes of misdemeanors the punishment of which may involve the deprivation of the liberty of the citizen.

Counselman v. Hitchcock (142 U. S. 547; R. S. 860). In view of the constitutional provision, a statutory enactment, to be valid must afford absolute immunity against future prosecution for the offense to which the question relates.

Monongahela Navigation Co. v. United States (148 U. S. 312). Act of August 11, 1888 (25 Stat. 411). It does not rest with the public, taking the property, through Congress or the legislature, its representative, to say what compensation shall be paid, or even what shall be the rule of compensation.

Pollock v. Farmers' Loan & Trust Co. (157 U. S. 429). Act of August 27, 1894 (28 Stat. 553). A tax on the rents or income of real estate is a direct tax, within the meaning of that term as used in the Constitution of the United States. A tax upon income derived from the interest of bonds issued by a municipal corporation is a tax upon the power of the State and its instrumentalities to borrow money and is consequently repugnant to the Constitution of the United States.

Pollock v. Farmers' Loan and Trust Co. (Rehearing, 158 U. S. 601). Act of August 27, 1894 (28 Stat. 553). The tax imposed by * * * the act of 1894, so far as it falls on the income of real estate and of personal property, being a direct tax within the meaning of the Constitution, and therefore unconstitutional and void because not apportioned according to representation, constituting one entire scheme of taxation, are necessarily invalid.

Wong Wing v. United States (163 U. S. 228). Act of May 5, 1892 (27 Stat. 25). When Congress sees fit to further promote such a policy by subjecting the persons of such aliens to infamous punishment at hard labor or by confiscating their property, such legislation, to be valid, must provide for a judicial trial to establish the guilt of the accused.

Kirby v. United States (174 U. S. 47). Act of March 3, 1875 (18 Stat. 479). Held that that provision of the statute violates the clause of the Constitution of the United States declaring that in all criminal prosecutions the accused shall be confronted with the witnesses against him.

Fairbanks v. United States (181 U. S. 283). Act of June 13, 1898 (30 Stat. 451). A stamp tax on a foreign bill of lading is, in substance and effect, equivalent to a tax on the articles included in that bill of lading, and therefore is a tax or duty on exports and therefore in conflict with Article I, section 9, of the Constitution of the United States.

James v. Bowman (190 U. S. 127; R. S. 5507). That amendment 15 relates solely to action by the United States or by any State and does not contemplate wrongful individual acts. While Congress has ample power in respect to elections of representatives to Congress, section 5507 can not be sustained under such general power, because Congress did not act in the exercise of such power.

Matter of Heff (197 U. S. 488). Act of January 30, 1897 (29 Stat. 506). When the United States grants the privileges of citizenship to an Indian, gives to him the benefit of and requires him to be subject to the laws, both civil and criminal, of the State, it places him outside the reach of police regulations on the part of Congress.

Rassmussen v. United States (197 U. S. 516). Act of June 6, 1900 (31 Stat. 358). The Constitution is applicable to that Territory (Alaska) and under the fifth and sixth amendments Congress can not deprive one there accused of a misdemeanor of trial by a common-law jury, and that section 171 * * * in so far as it provides that in trials for misdemeanors six persons shall constitute a legal jury, is unconstitutional and void.

Hodges v. United States (203 U. S. 1; R. S. 1977). The result of the amendments to the Constitution adopted after the Civil War was to abolish slavery and to make the emancipated slaves citizens and not wards of the Nation * * *. The United States court has no jurisdiction * * * to prevent citizens of African descent * * * from making or carrying out contracts and agreements to labor.

The Employers' liability cases (207 U. S. 463). Act of June 11, 1906 (34 Stat. 232). An act addressed to all common carriers engaged in interstate commerce, and imposing a liability upon them in favor of any of their employees, without qualification or restriction as to the nature of the business at the time of the injury, of necessity includes subjects wholly outside the power of Congress under the commerce clause of the Constitution.

Adair v. United States (208 U. S. 161). Act of June 1, 1893 (30 Stat. 428). It is not within the power of Congress to make it a criminal offense against the United States for a carrier engaged in interstate commerce, or an agent or officer thereof, to discharge an employee simply because of his membership in a labor organization.

Keller v. United States (213 U. S. 138). Act of February 20, 1907 (34 Stat. 399). That portion of the act * * * which makes it a felony to harbor alien prostitutes held unconstitutional as to one harboring such prostitute without knowledge of her alienage or in connection with her coming into the United States, as a regulation of a matter within the police power reserved to the State, and not within any power delegated to Congress by the Constitution.

United States v. Evans (213 U. S. 297). Act of March 3, 1901 (31 Stat. 1341). Hearing and deciding such an appeal for the purpose of establishing a rule of observance in cases subsequently arising is not an exercise of judicial power.

Muskrat v. United States (219 U. S. 346). Act of March 1, 1907 (34 Stat. 1028). That part of the act * * * which requires of this court action in its nature not judicial within the meaning of the Constitution, exceeds the limitation of legislative authority and is unconstitutional.

Coyle v. Oklahoma (221 U. S. 559). Act of June 16, 1906 (34 Stat. 267). Congress has no power to restrict in the enabling act admitting a State to the Union its power to move its seat of government.

Butts v. Merchants Trans. Co. (230 U. S. 126). Act of March 1, 1875 (18 Stat. 335). The civil rights act is unconstitutional in its entirety and has no force in places wholly subject to Federal jurisdiction.

United States v. Hvoslef (237 U. S. 1). Act of June 13, 1898 (30 Stat. 460). A tax on charter parties on cargo from State ports to foreign countries is a tax on exports from a State and void.

Thames and Mersey Ins. Co. v. United States (237 U. S. 19). Act of June 13, 1898 (30 Stat. 461). Taxes on policies of marine insurance on exports are a tax on exports from a State and void.

Hammer v. Dagenhart (247 U. S. 251). Act of September 1, 1916. 39 Stat. 675. It [the commerce clause] was not intended as an authority to Congress to control the States in the exercise of their police power over local trade and manufacture, always existing and expressly reserved to them by the tenth amendment. (Child labor case.)

Eisner v. Macomber (252 U. S. 189). Act of September 8, 1916. 39 Stat. 756. A stock dividend * * * is a tax on capital increase and not on income, and, to be valid under the Constitution, such taxes must be apportioned according to population in the several States.

Knickerbocker Ice Co. v. Stewart (253 U. S. 149). Act of October 6, 1917. 40 Stat. 395. The attempted amendment [making State law applicable in maritime cases] is unconstitutional as being a delegation of the legislative power of Congress and as defeating the purpose of the Constitution respecting the harmony and uniformity of the maritime law.

Evans v. Gore (253 U. S. 245). Act of February 24, 1919. 40 Stat. 1062. A tax upon the net income of a United States district judge * * * operates to diminish his compensation in violation of the Constitution.

United States v. Cohen Grocery Co. (255 U. S. 81). Act of August 10, 1917. 40 Stat. 276. A provision imposing penalty for making "any unjust or unreasonable rate or charge in handling or dealing in or with any necessaries" is repugnant to the fifth and sixth amendments to the Constitution. Similarly decided in Tedrow v. Lewis & Son Co. (255 U. S. 98); Kennington v. Palmer (255 U. S. 100); Kinnane v. Detroit Creamery Co. (255 U. S. 102); Weed & Co. v. Lockwood (255 U. S. 104); Willard Co. v. Palmer (255 U. S. 106); Oglesby Grocery Co. v. United States (255 U. S. 108); Weeds (Inc.) v. United States (255 U. S. 108).

Newberry v. United States (256 U. S. 232). Act of June 25, 1910. 36 Stat. 822. Federal regulation of expenditures in election of Members of Congress is a usurpation of State rights.

NOTE.—This report covers reports to 257 U. S. 311 only. Attention is called to the opinions reported May 15, 1922, Bailey v. Drexler Furniture Co. (child labor tax case), and Hill v. Wallace, but no cases subsequent to December 12, 1921, are included, as the material is not available in form to check for omissions.

UNITED STATES SUPREME COURT DECISIONS DECLARING STATE LEGISLATION UNCONSTITUTIONAL.

Covering vols. 220–256, and vol. 257 to page 311.

For vols. 1–219 see: Moore, Blaine Free. The Supreme Court and Unconstitutional Legislation, 1913, Appendix II.

Oklahoma v. Kansas Nat. Gas Co. (221 U. S. 229; Okla. laws 1907, c. 67).

Hopkins v. Clemson College (221 U. S. 636; S. C. laws 1894, —).

Northern Pacific Ry. v. Washington (222 U. S. 370; Wash. laws 1907, c. 20).

Southern Ry. Co. v. Reid (222 U. S. 424 and 444; N. C. Rev. 1905, sec. 2131).

Louisville & Nashville R. R. v. Cook Brewing Co. (223 U. S. 70; Ky. Stat. 1909, sec. 2569a).

Atchison, Topeka & Santa Fe Ry. v. O'Connor (223 U. S. 280; Colo. laws 1907, c. 213).

Oklahoma v. Wells, Fargo Co. (223 U. S. 298; Okla. laws 1910, c. 44).

Haskell v. Kansas Natural Gas Co. (224 U. S. 217; Okla. laws 1907; see 67; laws 1909, c. 75).

St. Louis, I. M. & S. Ry. v. Wynne (224 U. S. 354; Ark. laws 1907, c. 61).

Southern Ry. Co. v. Burlington Lumber Co. (225 U. S. 99; N. C. Rev. 1905, sec. 2131).

Ohio R. R. Comm. v. Worthington (225 U. S. 101; Ohio R. R. Comm. order).

Eubank v. Richmond (226 U. S. 137; Va. laws 1908, c. 349).

Buck Stove Co. v. Vickers (226 U. S. 205; Kan. Gen. Stat. 1905, sec. 1358).

Williams v. City of Talladega (226 U. S. 404; Ala. municipal ordinance).

Chicago, R. I. Ry. v. Hardinck Elevator Co. (226 U. S. 426; Minn. laws 1907, c. 23).

Adams Express Co. v. Croninger (226 U. S. 491; Ky. —).

C. B. & Q. Ry. v. Miller (226 U. S. 513; Ia. —).

St. Paul Ry. v. Latta (226 U. S. 519; Nebr. Const.).

N. Y. Central R. R. v. Hudson County (227 U. S. 248; N. J. county ordinance).

St. Louis, I. M. & S. Ry. v. Edwards (227 U. S. 265; Ark. laws 1907, No. 193).

Home Tel. Co. v. Los Angeles (227 U. S. 278; Calif. municipal ordinance).

Crenshaw v. Arkansas (227 U. S. 389; Ark. laws 1909, No. 97).

Rogers v. Arkansas (227 U. S. 401; Ark. laws 1909, No. 97).

Hampton v. St. L., I. M. & S. Ry. (227 U. S. 456; Ark. laws 1907, No. 193).

Grand Trunk Western Ry. v. South Bend (227 U. S. 544; Ind. municipal ordinance).

Mo., Kans. & Tex. Ry. v. Harriman (227 U. S. 657; Tex. —).

McDermott v. Wisconsin (228 U. S. 115; Wis. laws 1907, c. 557).

Etter v. Tacoma (228 U. S. 148; Wash. laws 1909, c. 80).

St. Louis, I. M. & S. Ry. v. Hesterly (228 U. S. 702; Ark. —).

St. L. & San Fran. Ry. v. Seale (229 U. S. 156; Tex. —).

Owensboro v. Cumberland Tel. Co. (230 U. S. 58; Ky. municipal ordinance).

Boise Water Co. v. Boise City (230 U. S. 84; Ida. municipal ordinance).

Old Colony Trust Co. v. Omaha (230 U. S. 100; Neb. municipal ordinance).

Missouri Pac. Ry. Co. v. Tucker (230 U. S. 340; Kan. laws 1905, c. 353).

NOTE.—In view of the Supreme Court decision that when Congress acts on a subject within its power State jurisdiction is superseded, decisions have been included which hold State legislation unconstitutional because in conflict with Federal legislation on the same subject.

Kerner v. LaGrange Mills (231 U. S. 215; Ga. Const.).

Adams Express Co. v. New York (232 U. S. 14; N. Y. Municipal ordinance).

U. S. Express Co. v. N. Y. (232 U. S. 35; N. Y. Municipal ordinance).

Chi., Mil. & St. P. Ry. v. Polt (232 U. S. 165; S. D. Laws 1907, c. 215).

N. C. R. R. Co. v. Zachary, 232 U. S. 248; N. C. ———).

Harrison v. St. L. & San Fran. R. R. (232 U. S. 318; Okla. Laws 1908 ———).

Taylor v. Taylor (232 U. S. 363; N. Y. ———).

Foote v. Maryland (232 U. S. 494; Md. Laws 1910 ———).

Farmers' Bank v. Minnesota (232 U. S. 516; Minn. Laws 1907, c. 328).

Chi., Mil. & St. P. Ry. v. Kennedy (232 U. S. 626; S. D. Laws 1907, c. 215).

Stewart v. Michigan (232 U. S. 665; Mich. ———).

Boston & Me. R. R. v. Hooker (233 U. S. 97; Mass. common law rule).

Russell v. Sebastian (233 U. S. 195; Cal. Const., Art. XI, §19 as amended).
Carondelet Canal Co. v. Louisiana (233 U. S. 362).
Seaboard Air Line v. Horton (233 U. S. 492; N. C. Rev. 1905, §2646).
Smith v. Texas (233 U. S. 630; Tex. Laws 1909 ———).
Erie R. R. v. New York (233 U. S. 671; N. Y. Laws 1907, c. 627).
International Harvester Co. v. Kentucky (234 U. S. 216; Ky. Const., §198, Laws 1906, c. 117, Laws 1908, c. 8).
Sault Ste. Marie v. Int'l Transit Co. (234 U. S. 333; Mich. Munipical ordinance).
Houston & Texas Ry. v. U. S. (234 U. S. 342; Tex. ———).
Missouri Pac. Ry. v. Larabee (234 U. S. 459; Kans. ———).
West. Un. Tel. Co. v. Brown (234 U. S. 542; S. C. Civ. Code 1902, §2223).
International Harvester Co. v. Kentucky (234 U. S. 589; Ky. ———).
Collins v. Kentucky (234 U. S. 634; Ky. Const., §198, Laws 1906, c. 117, Laws 1908, c. 8).
United States v. Reynolds (235 U. S. 133; Ala. Code 1907, §6846, 7632).
McCabe v. A., T. & S. F. Ry. Co. (235 U. S. 151; Okla. Laws 1907 ———).
Louisiana Ry. & Nav. Co. v. New Orleans (235 U. S. 164; La. Municipal ordinance).
Sioux Remedy Co. v. Cope (235 U. S. 197; S. D. Rev. Code, 1903, §883–885).
Choctaw & Gulf R. R. v. Harrison (235 U. S. 292; Okla. Laws 1908, p. 640).
South Covington Ry. v. Covington (235 U. S. 537; Ky. Municipal ordinance).
Coppage v. Kansas (236 U. S. 1; Kans. Laws 1903, c. 222).
Simon v. Southern Ry. (236 U. S. 115; La. ———).
Ill. Cent. R. R. v. La. R. R. Comm. (236 U. S. 157; La. R. R. Comm. Order).
Heyman v. Hays (236 U. S. 178; Tenn. County tax).
Globe Bank v. Martin (236 U. S. 288; Ky. ———).
Southern Ry. v. R. R. Comm. Ind. (236 U. S. 439; Ind. ———).
Toledo R. R. Co. v. Slavin (236 U. S. 454; Ohio Code, §9017–9018).
Kirkmeyer v. Kansas (236 U. S. 568; Kans. ———).
Nor. Pac. Ry. v. North Dakota (236 U. S. 585; N. Dak. Laws 1907, c. 51).
Norf. & West. Ry. v. West Virginia (236 U. S. 605; W. Va. Laws 1907, c. 41).
Am. Machine Co. v. Kentucky (236 U. S. 660; Ky. Stat. §3915, 3941).
Wright v. Central of Georgia Ry. (236 U. S. 674; Ga. ———).
Wright v. Louis. & Nash. R. R. (236 U. S. 687; Ga ———).
Davis v. Virginia (236 U. S. 697; Va. ———).
Riverside Mills v. Menefee (237 U. S. 189; N. C. ———).
C., B. & Q. Ry. v. Wis. R. R. Comm. (237 U. S. 220; Wis. Laws 1911 ———).
Coe v. Armour Fertilizer Works (237 U S. 413; Fla. Gen. Stat. 1906, §2677).
Charleston Ry. v. Varnville Co. (237 U. S. 597).
Atchison & Santa Fe Ry. v. Vosburg (238 U. S. 56; Kans. Laws 1905, c. 345).
Rossi v. Pennsylvania (238 U. S. 62; Pa. Laws, 1887, p. 113).
Adams Express Co. v. Kentucky (238 U. S. 190; Ky. Stat. sec. 2569a). (It is difficult to determine whether this case should be classed as deciding a question of statutory construction or of constitutional law.)
Great Northern Ry. v. Minnesota (238 U. S. 340; Minn. R. R. Comm. order).
Guinn v. United States (238 U. S. 347; Okla. Const.).
Myers v. Anderson (238 U. S. 368; Md. Laws, 1908, c. 525).
Southern Tel. Co. v. Danaher (238 U. S. 482; Ark. Kirby's Dig., sec. 7948).
Chicago, Milwaukee & St. Paul R. R. v. Wisconsin (238 U. S. 491; Wis. Laws, 1911, c. 272).
Truax v. Raich (239 U. S. 33; Ariz. Laws, 1915, p. 12).
Provident Savings Ass'n v. Kentucky (239 U. S. 103; Ky. Stat., sec. 4226).
Johnson v. Wells Fargo Co. (239 U. S. 234; S. D. Laws, 1907, c. 64, Laws, 1909, c. 162).
Myles Salt Co. v. Iberian Drainage District (239 U. S. 478; La. ———).
Gast Realty Co. v. Schneider Granite Co. (240 U. S. 55; Mo. municipal ordinance).
Rosenberger v. Pacific Express Co. (241 U. S. 48; Tex. Laws, 1907, ———).
McFarland v. American Sugar Co. (241 U. S. 79; La. Laws, 1915, No. 10).
Wisconsin v. Philadelphia & Reading Coal Co. (241 U. S. 329; Wis. Laws, 1905, ———).
Detroit United Ry. v. Michigan (242 U. S. 238; Mich. Laws, 1905, ———, 1907, ———).
McDonald v. Mabee (243 U. S. 90; Tex., ———).
Rowland v. St. L. & S. F. R. R. Co. (244 U. S. 106; Ark. Laws, 1907, ———).
New York Central R. R. Co. v. Winfield (244 U. S. 147; N. Y., ———).
Erie R. R. Co. v. Winfield (244 U. S. 170; N. J. Laws, 1911, c. 95).
Southern Pacific Co. v. Jenson (244 U. S. 205; N. Y., ———).
Clyde Steamship Co. v. Walker (244 U. S. 255; N. Y., ———).
Seaboard Air Line Ry. v. Blackwell (244 U. S. 310; Ga. Civ. Code, 1910, secs. 2675–2677).
Saunders v. Shaw (244 U. S. 317; La., ———). (This declared a judicial ruling in enforcement of a tax law unconstitutional.)
Western Oil Refg. Co. v. Lipscomb (244 U. S. 346; Tenn. Laws, 1909, c. 479).
Mississippi R. R. Comm. v. Mobile & Ohio R. R. Co. (244 U. S. 388; Miss. R. R. Comm. order).
Greene v. Louis. & Interurban R. R. Co. (244 U. S. 499; Ky., ———).
Louis. and Nash. R. R. Co. v. Greene (244 U. S. 522; Ky., ———). (The decision in this case is difficult to determine. Included for reference.)
Adams v. Tanner (244 U. S. 590; Wash. Laws, 1915, p. 1).
American Express Co. v. Caldwell (244 U. S. 617). (This is a controversy concerning Federal and State jurisdiction in fixing express rates, and apparently the State law is held unconstitutional in part and constitutional in part.)
Buchanan v. Warley (245 U. S. 60; Ky., ———).
Looney v. Crane Co. (245 U. S. 178; Tex. Laws, 1907, ———).
Crew Levick Co. v. Pennsylvania (245 U. S. 292; Pa. Laws, 1899, p. 184).
International Paper Co. v. Massachusetts (246 U. S. 135; Mass., 1914, c. 724).
Locomobile Co. v. Massachusetts (246 U. S. 146; W. Va., ———).
Denver v. Denver Union Water Co. (246 U. S. 178; Colo. municipal ordinance).
New York Life Ins. Co. v. Dodge (246 U. S. 357; Mo. Rev. Stat. 1899, sec. 7897).
Covington v. South Covington St. Ry. Co. (246 U. S. 413; Ky. municipal ordinance).
McGinis v. California (247 U. S. 91; 247 U. S. 95; Cal. Laws, 1913, c. 342).
Western Union Tel. Co. v. Foster (247 U. S. 105; Mass. Utilities Comm. order).
Georgia v. Cincinnati So. Ry. (248 U. S. 26; Ga. Laws, 1916, No. 539).
Union Pac. R. R. Co. v. Pub. Service Comm. (248 U. S. 67; Mo., ———).
Flexner v. Farson (248 U. S. 289; Ky. Civ. Code, sec. 51).
Detroit United Ry. v. Detroit (248 U. S. 429; Mich. municipal ordinance).
Union Tank Line v. Wright (249 U. S. 275; Ga. Civ. Code, secs. 989, 990, 1031).
Standard Oil Co. v. Graves (249 U. S. 389; Wash. Laws, 1907, c. 192).
Chalker v. Birmingham & NW. Ry. Co. (249 U. S. 522; Tenn. Laws, 1909, c. 479).
New Orleans & NE. R. R. Co. v. Scarlet (249 U. S. 528; Miss. Laws, 1912, c. 215).
Yazoo & M. V. R. R. Co. v. Mullins (249 U. S. 531; Miss. ———).
Northern Pac. Ry. Co. v. North Dakota (250 U. S. 135; N. D. ———).
Dakota Cent. Tel. Co. v. South Dakota (250 U. S. 153; S. D. ———).
Kansas v. Burleson (250 U. S. 188; Kan. ———).
Burleson v. Dempsy (250 U. S. 191; Ill. ———).
MacLeod v. New England Tel. Co. (250 U. S. 195; Mass. ———).
Lincoln Gas Co. v. Lincoln (250 U. S. 256; Neb. ———).
Penna. R. R. v. Pub. Service Comm. (250 U. S. 560; Pa. Laws, 1911, p. 1053).
Postal Tel. Cable Co. v. Warren Godwin Co. (251 U. S. 27; Miss. ———).
Los Angeles v. Los Angeles Gas. Corp. (251 U. S. 32; Cal. municipal ordinance).
Peters v. Veasey (251 U. S. 121; La. Laws, 1914, No. 20).
Western Union Tel. Co. v. Boegli (251 U. S. 315; Ind. ———).
Brooks-Scanlon Co. v. R. R. Comm. (251 U. S. 396; La. R. R. Comm. order).
Travis v. Yale & Towne Mfg. Co. (252 U. S. 60; N. Y. ———).
Oklahoma Operating Co. v. Love (252 U. S. 331; Okla. Rev. Laws, 1910, sec. 8235).
Oklahoma Gin Co. v. Oklahoma (252 U. S. 339; Okla. Rev. Laws, 1910, sec. 8235).
Askren v. Continental Oil Co. (252 U. S. 444; N. M. ———).
Ward v. Love County (253 U. S. 17; Okla. ———).
Wallace v. Hines (253 U. S. 66; N. D. Laws, 1919, c. 222).
Great Northern Ry. Co. v. Cahill (253 U. S. 71; S. D. R. R. Comm. order).
Hawke v. Smith (253 U. S. 221; 253 U. S. 231; Ohio Const.).
Ohio Valley Co. v. Ben Avon Borough (253 U. S. 287; Pa. ———).
Royster Guano Co. v. Virginia (253 U. S. 412; Va. Laws, 1916, c. 472).
Pryor v. Williams (254 U. S. 43; Mo. ———).
Johnson v. Maryland (254 U. S. 51; Md. Laws, 1918, c. 85).
Turner v. Wade (254 U. S. 64; Ga. Laws, 1913, p. 123).
Vandalia R. R. Co. v. Schnull (255 U. S. 109; Ind. R. R. Comm. order).
Bank of Minden v. Clement (256 U. S. 126; La. Laws, 1914, No 189).
Bethlehem Motors Co. v. Flynt (256 U. S. 421; N. C. Laws, 1917, c. 231).
Bowman v. Continental Oil Co. (256 U. S. 642; N. M. Laws, 1919, c. 93).
Kansas City So. Ry. v. Road Imp. District No. 6 (256 U. S. 658; Ark. ———).
Eureka Pipe Line Co. v. Hallanan (257 U. S. 265; W. Va. Laws, 1919, Ex. c. 5).
United Fuel Gas. Co. v. Hallanan (257 U. S. 277; W. Va. Laws, 1919, Ex. c. 5).
Dahnke-Walker Co. v. Bondurant (257 U. S. 282; Ky. Stat. 1915, sec. 571).

NOTE.—Attention is called to the case of Truax v. Corrigan, decided December 19, 1921, declaring Arizona statute, section 1464, unconstitutional. No decisions subsequent to December 12, 1921, are listed as the material is not in available form.

MINORITY VIEWS, FISCAL RELATIONS OF THE DISTRICT OF COLUMBIA (H. DOC. NO. 603).

Mr. EVANS. Mr. Speaker, from the minority of the Special Joint Select Committee appointed under the act of June 29, 1922, on the fiscal relations of the District of Columbia and the United States, I ask unanimous consent to submit minority views and have them printed in the RECORD in 8-point type; also, in that connection, that the minutes of the meeting of January 20, 1923, together with these minority views, be also printed as a public document and distributed through the folding room, there being 1,500 extra copies so printed for the convenience of the Senate and the House.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to file minority views and have them printed in the RECORD in 8-point type, and to have them printed also as a public document together with the minutes of the meeting referred to, 1,500 extra copies being printed. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, how many copies are for the House and how many for the Senate?

Mr. EVANS. I did not make any reservation as to the distribution. I made the same request with reference to this

that was made with reference to the majority report of the committee.

Mr. JOHNSON of Washington. Does this have to be acted upon in the other body?

Mr. EVANS. No. The action will be presented by a bill, which has been reported from the Committee on the District of Columbia, and also by amendment to be presented to the District of Columbia appropriations bill.

Mr. JOHNSON of Washington. My impression is that the expenditure is limited to $500, and the distribution is in the regular way, proportionately between both branches, and it becomes a public document.

Mr. SISSON. That is true if it takes the regular course, but in view of the fact that he asks for 1,500 extra copies to be printed, I think there would be a statement as to how many are to go to the Senate and how many to the House.

Mr. JOHNSON of Washington. The experience of the committee is that after the proportionate distribution the bulk should go where the public can get them.

Mr. SISSON. I want to say that if it had not been for special request of the 1,500 I should not have made any statement about it at all, because they would have been distributed under the rule.

Mr. EVANS. Gentlemen will find on page 3051, I think, of the RECORD, exactly the same request with reference to the other report.

Mr. SISSON. Mr. Speaker, I withdraw the objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The minority views are as follows:

To the Senate and House of Representatives:

The minority views of your committee appointed pursuant to the act of Congress approved June 29, 1922, to inquire into the fiscal relations between the District of Columbia and the United States.

The undersigned is unable to agree with the findings and conclusions of the majority of the committee for the following reasons:

(1) The construction of the act raising the committee as made by the majority report is erroneous, and the same objection lies as to the construction or effect of other acts bearing upon or affecting the matter investigated by the committee.

(2) The investigation made by the committee has covered neither the period nor the extent that Congress directed.

(3) The finding by the majority of a balance or surplus of $4,438,154.92 as due to the District of Columbia is not supported by facts or law.

The language of the act under which the committee was created is clear and positive in its authorization and directions. There is, as to the points upon which the majority of the committee and the writer differ, no ambiguity in the language of the act.

The purpose Congress had in creating the joint select committee was to discover and report to Congress all facts bearing on the fiscal relations between the District of Columbia, hereinafter called the District, and the United States, hereinafter called the Government, in order that Congress might be able to determine the exact state of such fiscal relations. Such a discovery and report has not been made.

Based on the information so to be gathered, the committee was to report the surplus, if any, in favor of the District. The reason for this inquiry was a claim that there was approximately $5,500,000 held by the Government belonging to the District. This claim was questioned, and to settle this dispute and determine what, if any, surplus existed was the primary purpose in view. The alleged surplus reported by the majority of the committee is not based on such facts or information so gathered, because not all of such facts or information was gathered or searched for. In addition it was desired to have fixed accurately and authoritatively the amounts contributed by the District and the Government, respectively, for "maintaining, upbuilding, or beautifying said District, or for the purpose of conducting its governmental activities and agencies or for the furnishing of conveniences, comforts, and necessities to the people of said District." This direction of Congress has been ignored or so performed as to amount to a disregard of the congressional mandate.

I.

The construction of the act raising the committee as made by the majority is erroneous, and the same objection lies to the construction of other acts bearing upon or affecting the investigations by the committee.

The act "authorizes and directs" inquiry into all matters pertaining to the fiscal relations between the District and the Government since July 1, 1874.

First, there is no question but that the act is mandatory. It is not left to the choice or desire of the committee or a majority of the committee to determine whether it is best or proper or just to go into the subject matter presented for inquiry, and the act is equally specific as to the extent. It covers "all matters" pertaining to the fiscal relations * * * since July 1, 1874.

The proper consideration of the questions presented by the majority report and in the construction of the act of June 29, 1922, requires an inquiry into the relations existing between the District and the Government. The primary cause for the existence of the District is a seat for the National Capital. The existence of the city as a place of residence or business is purely incidental to its existence as the Capital.

The right of suffrage or the right of representation in any legislative body in the sense that it exists in a State, county, or municipality does not exist here. Congress has the power and, so far as the Capital is concerned, the right to utterly ignore such questions. Any inhabitant of the District can urge nothing of that nature with legal force, because the welfare of the Capital is above and over all, and throughout the consideration of this subject of fiscal relations this should never be lost sight of. It is a part of our Constitution and free from local control.

On April 3, 1908, the Comptroller of the Treasury decided that the Secretary of the Treasury is not authorized to open in the books of the Treasury Department general revenues accounts of the District of Columbia. (14 Comp. Dec. 646.)

The moneys collected by taxes on real estate is paid into the Treasury not as money of the District but as "miscellaneous receipts," and it can only be drawn out by an appropriation made by Congress. Taxes so paid are no more the money or fund of the District than are revenues paid into the Treasury the property of the collector. If the money is paid to the District by an individual to construct a local improvement and is passed into the Treasury and more than the cost is paid it can only be drawn out by an appropriation. Such revenues in the Treasury are impressed with no trust, and the District is a mere agent of the Nation to perform certain duties for the sovereign. (Vol. 1, S. Doc. 247, 64th Cong., 1st sess., 933-934.)

On page 945 of the same volume Commissioner Brownlow says:

"At the end of the present fiscal year, according to the best obtainable estimate, the District revenues will exceed one-half of the appropriations by $1,136,286.03. For convenience it is customary to term this balance a surplus, but, as a matter of fact, it will be a part of the moneys of the United States and will be available for any purpose whatsoever. Thus it will be seen that in so far as it works at all the half and half works against the District and not for it."

On page 320 of the same volume the conditions in the District from 1866 to 1871 and the then condition of public places in the District is set forth in so striking a manner that it is evident that the District prior to 1871 had attempted little outside of mere governmental functions. Indeed, much, if not the larger, effort and expenditure prior to 1871 had been toward making Washington so it could be lived in at all. When it is recalled that the Potomac Flats extended to Pennsylvania Avenue, the magnitude of the sanitation problem is evident.

There was, however, on the several municipalities or organizations within what is now that District quite a considerable indebtedness. In 1874 the bonded indebtedness amounted to $9,000,000, with a large floating debt. Without setting forth a detailed statement of the subsequent transaction between the District and the Government, but to which your attention is directed, it may with confidence be stated that in the maintenance of the District in every department the Nation has carried its full share, and in many departments more than its share. If this is not true, then let it be shown by the facts for which this act calls, and if it is true permit the truth to be known.

That there is a dispute on this point is very evident. This is recognized in the law we are considering. To decide that the language used therein means what the majority report claims it does is to make congressional action without force and useless.

The language of the act of June 29, 1922, relative to this committee and its duties is:

"A joint select committee, composed of three Senators to be appointed by the President of the Senate and three Representatives to be appointed by the Speaker of the House of Represent-

atives, is created and is authorized and directed to inquire into all matters pertaining to the fiscal relations between the District of Columbia and the United States since July 1, 1874, with a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District, or for the purpose of conducting its govenrnment or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities to the people of said District. Neither the cost of construction nor of maintenance of any building erected or owned by the United States for the purpose of transacting therein business of the Government of the United States shall be considered by said committee. And in event any money may be, or at any time has been by Congress or otherwise, found due, either legally or morally, from the one to the other, on account of loans, advancements, or improvements made, upon which interest has not been paid by either to the other, then such sums as have been or may be found due from one to the other shall be considered as bearing interest at the rate of 3 per cent per annum from the time when the principal should, either legally or morally, have been paid, until actually paid. And the committee shall also ascertain and report what surplus, if any, the District of Columbia has to its credit on the books of the Treasury of the United States which has been acquired by taxation or from licenses. And the said committee shall report its findings relative to all the matters hereby referred to it to the Senate and House, respectively, on or before the first Monday in February, 1923."

What did the committee do under this authorization and direction? It secured the services of Haskins & Sells, accountants, and secured through them an audit of the District general fund from June 30, 1911, to June 30, 1922. It secured a calculation and stating of the amount of interest on a portion only of the fund found due from one to the other. It inquired of certain persons if they knew of any other items unsettled in the accounts between these interests. It had submitted to it a report of a previous audit made by persons in no way responsible to it, and so far as known such report could not be vouched for as a complete and comprehensive audit of the period prior to June 30, 1911.

Such items as its inquiries developed, it inquired into to only a limited extent. Outside of the audit of the District general fund for the time intervening between June 30, 1911, and June 30, 1922, it has and can produce no certified audit of any period or any account. I wish to emphasize this fact: It does not have an audit that covers fully all accounts between these interests between the dates mentioned in the act, June 30, 1874, and June 30, 1922. None was made. I assume that the construction placed by the majority of the committee, hereinafter called the majority, is measured by its acts, and hence I feel there has been a misconception of the intent of the act. No accountant or auditor, no committee or part of a committee with financial reliability back of its certificate will certify to the correctness of the surplus reported or the completeness and thoroughness of the audit reported.

The effect of the majority report boiled down is that within limits of the time given a thorough audit can not be made. To make such an audit will require more money and more time than was given to the committee. It has inquired of certain persons, former officials, or auditors of a portion of these accounts if they or either of them knew of unreported items, which, if there had been items so known to such persons it would have been their duty to report, and upon receiving an answer denying knowledge of unreported items the majority have accepted as final and complete the investigation of Haskins & Sells as to the District general fund covering the period between June 30, 1911, and June 30, 1922, and certain specific items called to their attention or which were connected with the general fund. The majority believe that more can not be found and that it is unnecessary to go further and accept as complete audits which it is stated are incomplete.

The act directs this inquiry into the fiscal relations to be made "with a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District or for the purpose of conducting its government or its governmental activities and agencies or for the furnishing of conveniences, comforts, and necessities to the people of said District."

The foregoing provision is still within the mandate of the act and is descriptive of the extent to which the inquiry into the fiscal relations is required to go. That the majority did not so construe the act is evidenced by the fact that such information is not furnished, or if the tables submitted by the majority are intended as a compliance it is done in such a way as to be useless as information on the matter inquired about.

It will be noted that this portion of the act divides purposes for which the contributions were made into three groups: First, "for maintaining, upbuilding, or beautifying the said District"; second, for "conducting its government or its governmental activities or agencies"; and, third, for "for furnishing of conveniences, comforts, and necessities of the people of said District." Certainly it can not be successfully claimed such information has been given; and if not, then the majority has failed to correctly interpret the will of Congress as expressed in the act. It is claimed by the majority that "beautifying the said District" should be construed to mean only such expenditures as shall have for their purpose "primarily beautifying" the said District. Conceding for the moment that this is the correct construction, as there is no report of such expenditures, it follows that Congress asked for that which under the majority construction does not exist. Of course, the interpretation or construction which inserts "primarily" before the word "beautifying" must also apply to every other word of these three phrases, and when so applied would scarcely be that for which the majority would contend. The writer is of the opinion that using the language in its ordinary sense and furnishing the information such use suggests will occasion the least difficulty. It is quite apparent what this language means when you take into consideration the sentence immediately following, which excludes from consideration the cost of any structure used for the transaction of the Federal business.

It is well understood by those in contact with District appropriations and District interests that there is constantly, when the opportunity is presented, held up to Congress the fact that Washington is the seat of the Nation's Capital, that we all, District and Nation, hope, desire, and expect to make and keep it the most beautiful city in the Nation—if possible, in the world. That such an accomplishment is too great a burden for the inhabitants of the District and that the Nation is not bearing its fair portion thereof; that in reducing the ratio of contribution from 50–50 to 60–40 there was an injustice and even lack of good faith, that the Nation is to a large extent living off of the District inhabitants, and so forth. This alleged undue burden is held up as one of the reasons why the alleged surplus should now be made available as a credit to the District.

One of the chief purposes to be secured by this information is to demonstrate just what the facts are as to these contributions. There are persons living in the District whose chief end and aim seems to be to disseminate misinformation, and this, long continued, has misled the inhabitants of the District and Members of Congress. The effect of these facts so sought is not, in the writer's opinion, to charge any supposed surplus with the cost of the Lincoln Memorial or any similar structure, but to present the fact as to what has been the relative contributions for such purposes and to prevent a misconception of the real situation. This information Congress asked for, is entitled to, and ought to have.

In this connection it should be borne in mind that the duty of paving streets, cleaning sidewalks, and similar duties placed on the owner of adjacent property rests more lightly on the owner or occupant in Washington than in any other similar city, and until comparatively recent years was borne entirely by the District and the Nation. Excuse, if you can, the Nation paving your street and cleaning your sidewalk.

It should always be kept in mind that the District is entirely without any legal right to this surplus, and in fixing a final balance the District and the Government should submit the entire case.

Every dollar expended by the Government in memorials, parks, and parkways, and so forth, is directly adding value to each foot of land in the District. It also increases the number of visitors to and inhabitants in the District and so increasing the income from and value of property. This is only one of many ways in which the Government bestows upon the District benefits that go to no other community and from and upon which the District and its inhabitants realize substantially.

This is the thought in the act. It is right and honest.

That the conferees on the part of the House when the provision was incorporated in the act of June 29, 1922, had this in mind is apparent from the statement before the committee of Hon. BEN JOHNSON on January 29—hearing, pages 202–224—and also of Mr. CRAMTON, from which I quote:

"There not only had been a controversy between the Federal Government and the District but there had been more or less controversy between the Senate and the House as to the proper way to settle these matters, and in different years the District bill was held up until the last minute through a dead-drawn contest of the two bodies as to the proper fiscal policy, and

this 1922 act went a long way to do away with the differences between the two Houses of Congress and between the Federal Government and the District. In working out that act the views of both the Senate and the House had to be considered in order to get a settlement that would be accepted by both bodies; and I want to urge that every provision that was included in that attempted settlement in the act of 1922 should be given equal force, is equally binding upon the committee." (Hearings, p. 252.)

* * * * * * *

"There are two things that this act provides for: First, speaking of the joint select committee to be selected in a certain way, it is to do two things. This is preliminary. They are generally to 'inquire into all matter pertaining to the fiscal relations between the District of Columbia and the United States since July 1, 1874.' That is very definite language. A date is definitely fixed, and the duty of this committee is to inquire into all matters pertaining to the fiscal relations between the District and the United States since July 1, 1874. There is no other date that this committee has any authority to accept." (Hearings, p. 252.)

* * * * * * *

"Now, what is the purpose of that fiscal inquiry? It is twofold: One, 'with a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District or for the purpose of conducting its government or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities for the people of said District.' That is first.

"And then we have, second, the following:

"'And the committee shall also ascertain and report what surplus, if any, the District of Columbia has to its credit on the books of the Treasury of the United States which has been acquired by taxation or from licenses.' (Hearings, p. 252.)

* * * * * * *

"Now, the twofold purpose of that inquiry it is my desire to emphasize. This committee is dealing with a proposition in equity, and it was the desire of Mr. JOHNSON and myself and others that this inquiry, dealing with a proposition in equity, should fully cover everything that might affect the equities of the case. So that this committee is to report not only its findings as to what particular financial balance there is and its findings as to what is the amount of surplus, if there is any equitably due the District from the Federal Treasury, but the committee owes a greater duty to Congress than that. They are to transmit to Congress information of all these financial transactions between the Federal Government and the District that might have a bearing on the equities of this case. So I am going to emphasize the first provision rather than the second one." (Hearings, p. 253.)

* * * * * * *

"Now, take the language in regard to the joint select committee, which is as follows:

"'With a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District, or for the purpose of conducting its government or its governmental activities and agencies, or for furnishing of conveniences, comforts, and necessities to the people of said District.'

"I am not going too far when I say that if that language had not been contained in the bill this section would not have been enacted. The House could not have accepted this provision, it being the theory of the House conferees that this is a proposition in equity. And if we are going to dispose of it, then it ought to be disposed of and out of the way; but when it is disposed of as an equitable proposition, everything that affects the equities of the Government ought to be taken into consideration." (Hearings, p. 253.)

* * * * * * *

INTEREST ON BALANCE AND ADVANCES.

The committee were directed "to ascertain and report what surplus, if any, the District of Columbia has to its credit on the books of the Treasury of the United States which has been acquired by taxation or from licenses."

An alleged balance or surplus has been reported by the majority, but in reporting that balance the following sentence, which immediately precedes the direction to find and report the surplus, if any, was entirely ignored:

"And in event any money may be, or at any time has been by Congress or otherwise, found due, either legally or morally, from the one to the other on account of loans, advancements, or improvements made, upon which interest has not been paid by either to the other, then such sums as have been or may be found due from one to the other shall be considered as bearing interest at the rate of 3 per cent per annum from the time when the principal should, either legally or morally, have been paid until actually paid."

In the surplus reported no account whatever is taken of interest except as to the item of the "$240 bonus" paid to District employees, the $82,500 for the land purchases, and on the amount paid from Federal revenues for the relief of Eldred C. Davis.

The majority has assumed to decide as to the matter of interest on other items in direct opposition to the specific direction of the act raising the committee. The committee are without authority to find a surplus except in accordance with the direction in the act. If those directions are not in accord with the opinions or conscience of the majority, there were at least two courses open. One was to report in accordance with the directions of Congress and supplement that report with a statement of its views where they departed from the statutory directions, and present what seemed to them a proper adjustment according to the majority views; or such as could not conscientiously act might secure relief from service. But there is no excuse for refusing to furnish the information asked while remaining a part of the investigating agent.

It was also stated that the provision contained in the first phrase of the sentence under consideration rendered the provisions of the entire sentence unworkable, in that it applied to future indebtednesses. It seems only necessary to say that there could not be a future indebtedness as referred to in the sentence "upon which interest has not been paid."

The statute is properly construed as a whole and refers only to the period between June 30, 1874, and June 30, 1922, and the indebtedness "upon which interest has not been paid" refers only to indebtedness existent during some portion of that period, and it might be in point to say that had the law intended to refer to indebtedness yet in the future the phrase probably would have been, "upon which interest shall not have been paid."

Upon consideration of the entire interest proposition it must be apparent that the act does mean that interest at 3 per cent per annum should be calculated on all sums owed by the District to the Government upon which interest was not charged for the time it was held by the District, and the same should be charged on such sums as the District advanced to the Government, and these amounts should be considered in arriving at the surplus, if such there is.

I quote from the statement of Representative JOHNSON made before the committee:

Representative JOHNSON of Kentucky. The newspaper has just been handed to me. Under the subtitle of "Questions of interest," I find the following:

"The report on page 2 states that no consideration has been given by the accountants of the question of interest. The resolution provides, in part, that: 'And in any event any money may be, or at any time has been, by Congress or otherwise, found due, either legally or morally, from the one to the other, on account of loans, advancements, or improvements made, upon which interest has not been paid by either to the other, then such sums as have been or may be found due from one to the other shall be considered as bearing interest at the rate of 3 per cent per annum from the time when the principal should, either legally or morally, have been paid, until actually paid.'"

Now, says the author of this report further:

"It occurs to me that this clause is not capable of literal administration for several reasons, among which are the following: It seems to contemplate the calculation by your committee of interest upon sums which Congress may in the future find due."

The question there depends upon what is meant by "future." As the author of the language I intended to say, and with such of the committee at that time as I went over the matter with, thought that I had clearly said, and still think that I have clearly said, and they thought so, too, that the language there meant not after the conclusion of this report; but you see this language was written and went into a bill which was to become effective on the 1st day of the following July. Immediately following the 1st of July the subcommittee, which is now sitting, was to commence its work, and the word "future" there

meant as to what the accountants or that subcommittee might find for the past, or, in other words, the language there was intended to express, and in my humble opinion, clearly expresses, that interest was to be accounted for at the rate of 3 per cent per annum on all amounts which then had, by Congress or otherwise, been found to be due or which thereafter might be found to be due; "thereafter" or "future," whichever expression you choose to take, meaning that which thereafter or in the future would be found to be due by this committee. Consequently, I contend that it is very easily workable. (Hearings, p. 203.)

It is also suggested as a defense against this interest charge that in two cases the setting aside by act of Congress of certain sum "in full" or "in full settlement" precluded the recovery of interest, and ought to in effect estop the Government from any claim in such case against the District.

There were two cases of this character. The amounts in each case had been admitted by those representing the District. The one was carried in the sundry civil bill, and was first presented in committee by a typewritten provision, as follows (64th Cong., 1st sess., sundry civil, H. R. 15836):

"To further reimburse the United States and in full the amount due on account of one-half of the per capita cost of maintenance of indigent patients in the Government Hospital for the Insane from the District of Columbia in excess of the number charged to and paid for by said District during the fiscal years 1879 to 1912, inclusive, ~~together with interest at the rate of two per cent per annum on yearly balance of said indebtedness from June 30, 1902, to June 30, 1912, inclusive,~~ there shall be transferred from the revenues of the District of Columbia to the United States the sum of ~~$486,524.27~~ $282,754.26."

The provision carried into the bill presented to the House only the language not stricken through and which removes all reference to interest. During the consideration by the House I have been unable to find any allusion to the subject of interest either in the committee report or the CONGRESSIONAL RECORD. In other words, the House never considered the matter of interest. It follows that if Congress "inadvertently" and without damage or injury to the District failed to require the interest at that time it is strictly in accordance with equity and good morals that it should now, out of this fund to which it has no legal right, make good this mistake.

The construction of the laws made by the majority is erroneous as to the matter of interest charges.

If all that is contended for on behalf of the majority construction as to the effect of appropriation acts were true, it could not avail in this case, as the act of June 29, 1922, in specific terms declares the wish of Congress and the law in this case. To refuse to accept such direction is for the majority to assume that as a committee by a majority vote it can overthrow the expressed will of the lawmaking body of the Nation. Indeed, if its position is sustained it means that one Member of either the Senate or House in such a committee can disregard the law as one in a majority can do all that the majority in this case has done.

THE 5–20 BONDS.

Under the act of June 10, 1879, there was authorized an issue of what has been known as the 5–20 bonds, the amount of the issue being $1,092,300. To redeem these bonds cost the "interest and sinking fund" $1,133,848.04, principal, and interest amounting to $887,127.50, making an aggregate of $2,020,943.54, which was paid from the "interest and sinking fund."

In this connection it is well to recall that the "interest and sinking fund" item is created and made necessary by the act authorizing another bond issue, the 3.65 bonds, for the express purpose of providing for the payment of the interest and retirement of only the last-named bonds. It was never by congressional action made available for the 5–20 bonds, nor, so far as I have been able to discover, has there ever been in the House of Representatives while this fund was used for the payment of the 5–20 bonds any mention that such payment was being so made.

Congress never intended, and no congressional action ever warranted, the payment of either the interest or principal of the 5–20 bonds. Except that it was estimated for by Treasury officials, it was never called to the attention of Congress. It should be borne in mind that the act authorizing this issue of bonds expressly provides "That this act shall not be construed to make the Government of the United States liable for either the principal or interest of said bonds or any part thereof." Not only so, but Congress, by its action each year from 1900 to 1909, expressly required that the District should pay interest on advances from the Federal Treasury to pay the ordinary expenses of the District where the District revenues were insufficient to pay the 50 per cent made chargeable to it. (See 31 Stat. 766; 32 Stat. 616, 981; 33 Stat. 391, 915; 34 Stat. 517, 1157; 35 Stat. 311, 727.)

It must appeal to all reasoning minds that Congress was not at that time charging interest against the District on advances to pay its general expenses and at the same time knowingly paying the principal and interest on the 5–20 bonds which it had expressly declared should be no charge against the Government. To have done so intentionally means following two different policies at the same moment in the same bill, one neutralizing the effect of the other.

With these acts in mind it is not reasonable to believe or suppose that, when the attention of Congress was in no way called specifically to the fact that it was appropriating to the payment of these 5–20 bonds, when the name or designation of the fund would only indicate that the appropriation was for the payment of the interest and principal of the 3.65 bonds, Congress intended by the appropriation to pay half of the bonds and interest for the payment of which it had expressly provided it would not be obligated. Another fact that seems significant is that the interest payments on these two classes of bonds, those with Government guaranty and those without, are not in any way separated in the United States Treasury accounts, and from the Treasury accounts it can not be told what interest was paid on the 5–20 bonds and what on the 3.65 bonds and what on the 3.50–10 year bonds. To obtain this information other sources of information than the entries on the Treasury accounts are necessary. It is not meant to reflect on the District or District agents by these facts, but it is intended to suggest that those in the Treasury in charge of this account were not enemies of the District and to insist that Congress did not have the information that should have been forthcoming from them, and there is sufficient proof in these facts that Congress did not intend in this respect an entire reversal of its attitude as definitely and positively expressed in the act authorizing the issuance of the bonds.

Indeed, the Comptroller of the Treasury when fixing the proportional liability as between the District and the Government on the 3.65 bonds refers to the pledge in the act authorizing the 3.65 issue and assigns such pledge as the reason for the liability on the part of the Government.

It follows that absence of the pledge would relieve the Government of liability and an express inhibition against liability ought to fix the liability of the District in a case such as is presented by the 5–20 bonds.

From the examination of the CONGRESSIONAL RECORD and the various committee reports it is apparent that in making appropriation for "interest and sinking fund" of the 5–20 bonds out of which half the interest was paid, it was never brought to the attention of Congress that it was such an item or carried such payment. The same is true of interest on the postponed payment for the maintenance of the District insane at St. Elizabeths Hospital and the Washington market rentals.

In none of these cases did Congress act directly upon the question nor was it called to the attention of the House.

In the case of the $240 bonus for District employees the mention of the item at once called to the attention of Congress the exact purpose for which the appropriation was made. The same is true in the appropriation for land for the Zoological Park. In the latter case the majority, I believe, properly charged the District with half of the respective amounts. There was practically no objection from District sources to such charge. The representative of the Department of Justice was the only one who might be said not to concede the majority action to be right. When you justify the position taken by the majority as to these cases where the items themselves suggest all that is involved in the appropriation what way of escape can there be from applying the same rule where neither in the report accompanying the appropriation bill nor in any statement in debate in the House (I did not examine the debate in the Senate) nor in the items themselves was there anything to suggest that what was there being done was to relieve the District of a lawful and equitable charge against it.

It must be apparent to every fair-minded man that when year after year the Congress by specific language was requiring the District to pay interest on the various sums advanced for its general expenses that it is unreasonable to suppose that when the District was growing more able to pay Congress decided to relieve it of all its just burdens even in cases where it had placed a positive inhibition against such relief. The fact is all of these items should be considered and charged against the District if it is once decided that there is a surplus to be considered at all.

The power to adjust the balances between the Treasury of the United States and the District is vested in Congress and no place else. (Judge Downey, 21 Vol. Comp. Dec. 393 et seq.)

Page 398 "The pledge for proportionate appropriation for payment of interest on the 3.65 bonds, therefore, was given in contemplation of a plan for a division of this obligation which, when adopted and enacted, fixed the division at 50 per cent. However, in this case the Congress by appropriation did advance the interest on the 3.65 bonds with the provision that it should be reimbursed, bearing in mind that the act authorizing the issuance of these bonds, placed on Congress the duty of seeing them and interest paid, no such duty was upon Congress with reference to the 5–20 bonds."

Judge Downey (20 Comp. Dec. 441, p. 443). "The funded debt for which this appropriation was made as shown by the 'Report of the Treasurer of the United States' on the sinking fund and the funded debt of the District of Columbia for the fiscal year ending June 30, 1912, consists entirely of what are commonly known as the 3.65 funding bonds of the District of Columbia."

What is known as the "organic act" was approved June 11, 1878. The 3.65 bonds issued under the act of June 20, 1874, were guaranteed by the Federal Government and to be paid by the District and the United States in proportionate shares to be subsequently fixed, which was done by the so-called organic act and subsequent legislation.

The act of June 20, 1874, ordered the creation of an "interest and sinking fund" to provide for the interest and retirement of the 3.65 bonds and applied to none other. This fund was supplied by appropriations in the bills in which appropriations for the District were carried.

The act of June 10, 1879, five years after the act authorizing the 3.65 bonds, one year after the act of June 11, 1878, the "organic act," so called, authorized the issuance of $1,200,000, known as the 5–20 bonds, and under which authorization $1,092,300 in bonds were issued. The act by which the 5–20 bonds were authorized expressly provided that the United States should not be obligated for either interest, principal, or any part thereof. The act authorizing the issue of these bonds did not provide for a sinking fund or refer to that already provided for the 3.65 bonds. Congress has never so provided. The Treasurer of the United States, after the abolishing of the sinking-fund commissioners of the District, became ex officio sinking-fund commissioner, and each year when submitting estimates for the interest and retirement of the 3.65 bonds included the amount necessary to pay the interest on the 5–20 bonds, and when retiring those bonds also submitted estimates for a sufficient amount for that purpose. The appropriation bill carried as one item under the denomination "interest and sinking fund" such an amount as not only took care of the 3.65 bonds but also the 5–20 bonds. It is certain that the House membership at no time when action was taken on the item of "interest and sinking fund" knew that it included the interest on the 5–20 bonds or provided for their retirement. Few, if any, knew that the act authorizing those bonds expressly provided that the Government should not be liable for any part of the principal or interest. Members now here who participated in those appropriations will recall their lack of such knowledge.

It is urged on behalf of the District that it has been held that the term "general expenses," as applied to the District, included interest on the funded debt and that the 5–20 bonds are a part of the funded debt of the District, and that under the act of June 11, 1878, the Government was bound to pay one-half of the "general expenses" of the District. This position entirely omits consideration of the fact that the act of June 11, 1878, is general in its character and was prior to the act of June 10, 1879, which is special in its character and contained a provision expressly negativing the intent to include the interest on the 5–20 bonds as a part of the "general expense" of the District. Thus there is no escape from the conclusion that the District owes to the Government by reason of its payment of one-half of the 5–20 bonds the sum of $1,010,486.77, with interest on the several sums of which it is composed or made up, from the times of payment by the Government in accordance with the directions contained in the act raising the joint select committee.

It is suggested in the majority report that congressional action by appropriation bills, on moral or equitable grounds, conclude the government. Such a statement ought to carry its own refutation to even those who suggest it.

There is absolutely no consideration for an appropriation to the benefit of one not a creditor of the United States. It of itself deprives the person for whose benefit made of no advantage and it puts him at no disadvantage. The position of the Government in its relations to the District is most nearly analogous to that of the parent of two or more children. He can give to one of them in infancy what he thinks it needs. He may advance to it in excess of what the other children get in the way of education or clothing or favor it in the character of duties imposed upon it, but because the father has so done is no reason why such child should object when required to perform the same duties and wear the same clothes as his brother or that he is taken from school or travel and put to work. Indeed, should the father lease him a farm, rent free, and pay for half his improvements and implements, and then permit him or aid him to make a loan which the parent refuses to indorse, but of which, when it comes due, he pays half of the principal and interest, it ill becomes the son in the settlement of accounts with his father to say: "I worked you, and although I have been used better than my brother, I should not be made to pay this; I repudiate my legal, equitable, and moral obligation." Such, however, is the attitude of those representing the District on the 5–20 bond. The District has more advantages given to it by the United States without charge and more gifs bestowed upon it than any other city in the United States, indeed than to all other cities combined.

The auditors or accountants, Haskins & Sells, in their report present this item as a proper charge against the District. Mayes did likewise in their report. Although the majority report claims that Congress has acted thereon, I have been unable to discover where it has been before Congress other than that it has been mentioned in the Mayes report to the subcommittee having in charge the Mayes investigation. As stated, I have been unable to discover any presentation of the item to Congress and the majority cite no such presentation. If there had been such action by Congress, Mr. Donovan, the District auditor, Mr. Galloway, or Mr. Colladay would certainly have called it to the attention of the committee.

On pages 194–195 of the hearings, the extent of the inquiry being the subject under consideration, occurs the following:

"EVANS. In order to have a specific case, there used to be the old Georgetown bonds, and there were subsequently District bonds, or Washington bonds, I guess, that were not included in the 3.65 bonds or ever guaranteed by the Federal Government. They were upon the estimates presented to the Appropriations Committee paid 50–50. Now, do I understand that such a case as that you would consider not a proper case for the auditors to go into?

"Mr. DONOVAN. No, sir.

"EVANS. And that they ought to go into.

"Mr. DONOVAN. Absolutely."

But later Mr. Donovan expressed a different opinion on these bonds (see p. 195).

This quotation, however, gives the attitude of the District auditor on conditions similar to the 5–20 bonds.

Suppose that under present conditions, with the majority report recommending the recognition of a four and one-half million surplus for the District, and that no action should be taken thereon, even though it has been expressly called to the attention of both Houses, will it be contended that failure of Congress to act concludes the District's claim to such surplus?

Such, however, is the position assumed by the majority as to this claim for Government credit on the 5–20 bonds and interest on various items. There is no question as to the justice of the debt, but because the Government was liberal in granting time the District pleads that liberality as a defense.

Apparently it is the claim of the majority of the committee in its report that recently Congress has been refusing to appropriate as much as the District desired and needed, and that this accounts for the surplus, the intention being to carry the thought that the difference between estimates and appropriations was in a different plane recently than that formerly adopted. Estimates since 1893, by years, are submitted herewith and are followed by the appropriations for the same period.

NOTE.—Total estimates, including water department:

1893	$6,717,865.43
1894	6,733,544.66
1895	[1] 6,966,163.16
1896	7,217,934.25
1897	7,706,405.22
1898	8,686,616.38
1899	[2] 8,124,375.90
1900	[3] 9,230,807.07
1901	7,657,773.31
1902	9,080,703.94
1903	[4] 10,767,497.97

[1] It was recommended by the Secretary of the Treasury that these estimates be reduced to $5,381,473.91.
[2] It was recommended by the Secretary of the Treasury that these estimates be reduced to $6,205,015.06.
[3] It was recommended by the Secretary of the Treasury that these estimates be reduced to $7,230,807.07.
[4] It was recommended by the Secretary of the Treasury that these estimates be reduced to $7,826,016.

1904	$11,005,628.00
1905	13,017,581.00
1906	[1] 12,556,176.65
1907	[2] 11,625,686.15
1908	[3] 11,918,518.63
1909	13,798,126.35
1910	16,138,355.52
1911	11,180,628.49
1912 (including $900,000 payable wholly out of the United States Treasury)	12,872,985.90
1913 (including $389,000 payable wholly out of the United States Treasury)	12,954,720.50
1914 (including $97,000 for certain parks)	12,874,297.60
1915	14,491,614.49
1916	12,909,434.23
1917	15,473,676.34
1918	16,961,092.66
1919	17,502,324.99
Supplemental and water department	1,594,982.00
1920	15,928,819.00
1921	19,179,716.03
Supplemental	1,149,712.84
1922	27,085,167.99
1923	[4] 26,886,866.75
1923 (including $1,624,600 of permanent annual indefinite appropriations)	28,511,466.75

It is also claimed by them that Congress has very materially reduced District appropriations during the war (p. 184). This is an inaccurate statement. The appropriations by years since 1892 follows:

NOTE.—Total appropriations, including water department: [5]

1892	$5,597,125.17
1893	5,372,737.27
1894	5,413,223.91
1895	5,616,138.57
1896	5,761,383.25
1897	5,900,319.48
1898	6,205,015.06
1899	6,536,580.07
1900	6,874,525.77
1901	7,577,369.31
1902	8,502,269.94
1903	8,586,089.97
1904	8,888,097.00
1905	11,023,440.00
1906	9,844,197.62
1907	10,346,062.16
1908	10,442,598.63
1909	10,001,888.85
1910	10,699,531.49
1911	10,840,257.99
1912	12,061,286.50
1913	10,670,733.00
1914	11,392,239.00
1915	12,272,539.49
1916	11,950,063.60
1917	12,842,216.10
1918, including $956,003 in deficiency acts	15,129,000.85
1919, including $830,482.80 in deficiency acts	15,971,001.46
1920, including $12,000 in sundry civil act, $726,825.04 in deficiency acts, $591,281.75 in special acts, and $15,264,421 in the District of Columbia act	16,694,527.79
1921, including $533,727.90 in deficiency acts	18,881,949.43
1922	[6] 21,039,972.99
1922 (deficiency acts)	1,566,700.00
1922 (Army act)	200,000.00
1922 (permanent annual and indefinite appropriations)	1,380,600.00
1923	22,459,609.80
1923 (deficiency act)	382,000.00
1923 (special act)	10,000.00
1923 (permanent annual and indefinite appropriations)	1,624,600.00

It will be seen that while there was a slight reduction in one or two years that there has been a gradual increase throughout the entire period.

The majority report also challenges attention to the fact that since 1912 the appropriations have not been equal to the estimates, and by inference, if not statements, convey the impression that this is unusual and had not been the fact prior to 1912, and the statement is also made that this failure to appropriate the amount estimated and because appropriations were so reduced the surplus accumulated. The majority fails to state that for some of the years covered there was an estimate calling for expenditure of large amounts exclusively from the Federal funds, but does include those amounts in the estimates copied into the report.

Schedule 1 of the Mapes report shows that the total District revenues in 1912 were $7,078,091.16, and that there was a gradual increase, until in 1922 the amount was $13,917,005.62, approximately doubling in 11 years. This fact and a comparison of the preceding tables refute the majority statements referred to so far as material to the consideration of the subject in hand.

In this connection it is also urged that expenditures for public schools in the District during the war were reduced. The expenditures for schools, by years, since 1914 follow:

[Note: Total for public schools.]

Appropriations.		*Estimates.*	
1915	$3,382,840.00	1915	$3,781,245.00
Deficiency	13,152.00		
1916	3,308,740.00	1916	3,362,700.00
In deficiency acts	42,204.00		
1917	3,090,299.00	1917	3,647,721.00
Deficiency act	88,150.00		
1918	3,568,225.00	1918	4,131,180.00
Deficiency	103,657.00		
1919	3,478,840.00	1919	5,101,253.00
Deficiency	92,000.00		
1920	3,665,950.00	1920	3,986,300.00
Deficiency	175,744.00		
1921	5,018,160.00	1921	4,556,915.00
Deficiency	69,719.56	Supplemental	54,520.00
1922	5,871,140.00	1922	7,115,645.00
1922 (deficiency)	1,544,000.00		
1923	7,240,800.00	1923	7,614,280.00
Deficiency act	260,000.00		

It is apparent from this table that schools have been fairly treated. In the writer's opinion, if the people of the District should turn their energies to securing an intelligent expenditure of their own and the Nation's contributions to this fund, instead of directing floods of abuse at Congress, many of the existent evils would disappear. This comment is recognized as not material to the determination of the point in dispute, but as conditions in schools and alleged disparity between estimates and appropriations have been injected into this controversy, it is submitted for consideration of such as are really interested in schools rather than getting money out of the Treasury.

TAX RATE IN THE DISTRICT.

There is another matter which is constantly being injected into the fiscal relations, which were under investigation and alluded to in the majority report; that is, the tax rate of the District as compared with the tax rate of other cities of approximately the same population. Several methods of comparison have been used in making the comparisons. One has been by a comparison of the rates mentioned in the various legislative acts fixing the same. Another is taking the gross tax of the taxing districts, dividing that by the population of the district, and comparing the results, and is called the per capita method. Both of these are inaccurate and used by no person intelligently seeking the truth.

The only accurate method is to compare the selling price of property, fixed by actual sales and the tax paid in the year on that property in one taxing district, with that in another district measured in the same way, or in place of the selling price substitute the annual earnings of the property for the selling price, and make the comparison, or in some cases it may be necessary to take a combination of the two methods, but in every case use the same method in each taxing district and use the same class of property when making comparisons. This method is recognized by courts where a legal controversy requires comparisons of tax rates, and by business interests when it has become material in locating investments or in making comparisons.

So measured, the District tax rate is from three-fifths to one-third of the rate of cities of its class. Having in mind the fact that legally there can be no surplus in favor of the District, that its tax rate is most favorable to its inhabitants, that during recent years, while the tax rate of all other communities in our country was going mountain high to meet the ordinary running expenses of their local government and their earning power was down to almost zero, that the District still retained the same tax rate and the earning power of its wealth was soaring to heights not dreamed of heretofore, it now says, "We wish to have returned to us a share of what under these circumstances we did pay into the Treasury under the law, and we demand that you do not even charge us with that which you advanced to us to carry us back to financial respectability when our own lack of self-governing power and ability had made us bankrupt, and the only reason being urged in support of this position is that Congress at that time did not insist on a strict account and payment.

II.

THE INVESTIGATION MADE BY THE COMMITTEE HAS COVERED NEITHER THE PERIOD NOR THE EXTENT THAT CONGRESS DIRECTED.

The language of the act is very plain in two particulars, i. e., the period covered, June 30, 1874, to time of the act June 30, 1922, and the matters covered; that is, all matters pertaining to the fiscal relations.

[1] It was recommended by the Secretary of the Treasury that these estimates be reduced to $11,062,370.

[2] It was recommended by the Secretary of the Treasury that these estimates be reduced to $11,299,364.

[3] It was recommended by the Secretary of the Treasury that these estimates be reduced to $11,598,222.

[4] It was recommended by the Secretary of the Treasury that these estimates be reduced to $5,602,125.17.

[5] The appropriations as stated include sums appropriated in the sundry civil, deficiency, special, and legislative, etc., acts, as follows: 1893, $54,764; 1896, $15,940; 1898, $18,024; 1899, $109,700; 1900, $40,000; 1903, $41,620; 1904, $250,000; 1905, $4,900; 1906, $5,000; 1906, $207,370; 1908, $2,000; 1911, $232,230; 1912, $4,500; 1914, $8,500; 1915, $100,000; and 1916, $90,323.

[6] Includes $1,827,560 on account of transferred items.

There has been but one fund to which the investigation of Haskins & Sells has gone—the District general fund. If there have been other items followed or investigated, it has been because such items have been connected with the District general fund or the inquiry has been made on special request of the committee or its chairman or a member. The same is true of the Mayes investigation. Nothing has been done outside of the District general fund unless the item was connected with the general fund or unless there were instructions to the accountants to investigate a particular item or group of items.

The remarkable thing about it all is that it is from items outside of the general fund that the debits against the District have nearly always been found. It will be found that when a complete and thorough investigation has been made that the oversights and omissions will be in matters not strictly within the general fund. The reason for this is plain. It is an account with the appropriations and in touch by practically daily audits by both the District and the Treasury. This is not true of the "interest and sinking fund" handled in the Treasury alone, or of an account such as the Washington Market, the District insane, or even rentals when they go into the District account without a check back.

It is because of these conditions that now is the time to check up all appropriations made wholly from Federal funds and which reach the District or benefit it and at the same time to search all receipts to their sources so as to determine whether or not the District has received revenues equitably belonging to the Government or, on the other hand, to assure to the District those millions in addition to the surplus found by the majority which is claimed for it by those representing it.

At a meeting held on January 20, 1923, and after Haskins & Sells had made their report, the committee considered what the scope of its investigations should be.

A reading of the stenographic report of that meeting (see typewritten copy, pp. 69 to 76, 91, 95, 97) will disclose what Chairman PHIPPS, Senator BALL, Senator HARRIS, Congressman WRIGHT, and myself thought at that time. Each of the persons mentioned expressed an opinion favoring the making of only a partial or preliminary report and requesting further time and additional funds to make a complete, a thorough investigation.

At that meeting the following motion was unanimously adopted: "In order to bring something before the committee I move that the chairman be instructed to have prepared and present to the two Houses, the Senate and the House of Representatives, a report which shall in substance state the work done, without giving conclusions, and that it is the opinion of the committee that it should be continued, and with additional funds sufficient to thoroughly cover the entire work submitted to the committee." (See pp. 74 and 96 of typewritten report.)

By some inadvertence the report of the meeting of January 20, 1923, was not published with or made a part of the majority report. It is, therefore, proper to say that the meeting of January 20, 1923, was held after the Haskins & Sells report, with the comments of the District auditor, the comptroller's representative, the Department of Justice's representative, and Mr. Hodgson thereon presented separately, had been made. I shall quote from the expressions of the members of the committee made at that time:

"The CHAIRMAN. The committee will come to order.

* * * * * * *

"We are all aware of the fact that on account of the short period of time allotted us in which to make a report our decision was made that we should not attempt to begin with the year 1874 but should first have the auditors cover the 11 years from the time that audits were last submitted, although they may have been only partial audits, up to July 1 of last year. I think the wisdom of that has been shown from the fact that the auditors have found it difficult even to complete the work of the 11 years, going back, of course, into former years where it was necessary to check up the data and give us any time at all to submit a report to the Congress.

"From the data we have before us, from what little study I have been able to give it—and I have not had much time, because I have been crowded with other matters—it would seem to me that our report to the Congress will have to take the form of a partial or preliminary report in any event. I doubt that we have sufficient data before us on which to agree on a recommendation to the Congress for the settlement of all matters in dispute as between the District and the Federal Government; and, as I see it, we shall have to consider whether or not our proper course would be to make a preliminary report and to ask for additional time, during which the auditors and the committee can work, during the recess of the Congress; and I am informed that if we do that and continue the audit so as to make it complete over the years prior to 1911, as contemplated in the act appointing us, the fund allotted of $20,000 would be insufficient to pay the total cost of the work, and we would probably have to ask for authority to continue and an additional appropriation of about $10,000, from the best information I can obtain.

"Senator BALL. Do you not think, Mr. Chairman, that this report, since we have commenced the investigation, should be a final report that would forever settle this matter, even though we should have to ask for additional time and funds? There have been so many reports that have not been complete. Now, if we are going to make a report I would feel that we ought to make one that would answer all inquiries in the future. That would be my feeling in the matter.

* * * * * * *

"The CHAIRMAN. The Members, of course, will remember that the thought of the committee was that possibly the auditors going into the affairs for the past 11 years could determine whether or not the audits previously made up to July 1, 1911, could be properly accepted by this committee as conclusive and covering the earlier years, so as to avoid performing work which has already been gone over by accredited auditors. I do not know what your personal views are since receiving the report now submitted by Haskins & Sells, but my own feelings in the matter is that the committee could not conscientiously submit a report with recommendations that they felt should be conclusive on the District and on the Federal Government, and it would leave undetermined certain items of dispute, which have been brought into question and regarding which differences of opinion have arisen as between the auditors and the representatives of the District and others, and I might say also in the minds of the committee; so that I doubt if we would be justified in attempting to formulate what would be looked upon as a final report and as expressing the views of the members of the committee. It would be inconclusive.

"Representative WRIGHT. Mr. Chairman, I am impressed that the legislation which created this committee contemplated that the entire period from 1874 on up should be covered; and if it be necessary, to render a report which would finally settle these mooted questions between the United States and the District of Columbia; in other words, when this report shall have been filed that Congress can take such action upon it as will finally set at rest these disputed items. I think that was thoroughly in contemplation when the legislation was passed.

"Now, the chairman has suggested that only 11 years of that period have been covered, and that that coupled with the formal report might clear up the situation so that a comprehensive report might be submitted by this committee.

"It has developed that the examination of those 11 years alone has consumed practically all the time——

"Representative HARDY of Colorado. And all the money.

"Representative WRIGHT (continuing). And all the money; so that this committee has very little time to formulate a report, and the question arises as to whether we have sufficient data or information now to render that report.

"This thought occurs to me: What would be the status of this committee after the 29th of February, which is the date fixed as that upon which we should render this report. If we submit a preliminary report, would we not necessarily have to ask Congress to extend our time and make an additional authorization of appropriation for the work?

"Senator BALL. Would you suggest a preliminary report?

"Representative WRIGHT. I think that would be the sensible thing to do. I hardly see how it would be physically possible for this committee to thoroughly investigate all of these items, with the issues which have been raised here, between now and the first Monday in February.

"Senator BALL. Personally I would rather submit no report until we were ready with our final report. We might make a statement in this preliminary report, if one were submitted, that we would find afterwards was not well founded, and it would be in existence and would be quoted in the future, probably, against our final report.

"Representative WRIGHT. I would certainly want to avoid what the Senator suggests. If you made a preliminary report, it would not particularly bind anybody. My idea would be to have Haskins & Sells submit a preliminary report.

"The CHAIRMAN. A preliminary report could be in two forms, as I see it, one including the figures or recommendations,

and another, which would be practically a report of progress, with an explanation of the situation that has developed.

"Senator BALL. That is the kind of report I would like to see.

"The CHAIRMAN. With a recommendation for further time and, if necessary, that further money be allowed for the purpose.

"Representative WRIGHT. But the thought I have right now is, do the members of the committee feel that by the 1st of February we can submit such a comprehensive report about this situation that we can suggest that Congress act upon it? I suppose that what Congress wants is to have this committee throw some light on this question so that they can legislate and forever set at rest these mooted questions. Now, the question still arises in my mind, What will be the status of this committee after the 1st of February?

"If we submit a preliminary report which will not settle anything except to state that we have made some progress, but we do not come to any definite conclusion, suppose Congress does not continue us; suppose it refuses to make a further appropriation, then has not all this gone for naught?

"The CHAIRMAN. I do not think so.

"Senator HARRIS. Do you not think that this would be the best idea? We are not ready with our report. I think that we ought not to say anything. I think a preliminary report would not be worth anything, unless it would throw some light on the whole question, after all these years. Had we not better determine to do this: To ask Congress to give us time within which to complete this report and give our findings or else just make a preliminary report, showing the findings of the auditors and anything that we definitely determine in regard to it? And then we are through. It seems to me we had better not do anything until we find out whether we can get time enough to finish this. I think it is important. We have already spent a lot of money, and we ought to spend enough money to complete it.

"Senator BALL. The money spent is absolutely wasted unless we make a final report that stands for the future. Now, we are not ready to do that, and we can not be ready by the 1st of February, if we are to cover this whole proposition. But if we make a report now, even though it is termed a preliminary report, giving figures, those figures are going to be referred to in future, and will always muddle the situation in the future to some extent."

It is claimed by members of the majority that these excerpts are from the proceedings of an executive session of the committee. The facts are that besides the members of the committee there were present the stenographer, Mr. Galloway, and Mr. Hill. The motion above referred to was unanimously adopted. The chairman, by motion, was authorized to appoint a secretary and was authorized to make public various reports or comments on the Haskins & Sells report.

It is claimed that after this the members signing the majority report changed their minds as to the necessity of making further investigation and that as the minutes of a meeting held on January 27 were not published the minutes of the meeting of January 20 should not be published. This majority report evidences the change of mind and it is assumed gives reasons satisfactory to the majority for that change. No complaint is made because of the change and the minority only gives the majority's views before the changes to substantiate the minority view.

All minutes of meetings and of hearings were in the control and the possession of the chairman and the majority. As the minority, the writer received just that which he requested. He asked for the extension of the stenographic notes of the hearings and secured among others that of January 20. It includes the statements of the chairman, the members of the committee, and of Mr. Hill and Mr. Galloway, with the action of the committee on the motions presented. It was not announced as an executive session and nothing not perfectly proper to be made public occurred.

The majority report when urging the comprehensive and conclusive character of the Mayes report (H. Doc. 1627, 63d Cong., 3d sess.), emphasizes unduly the language of the committee in submitting it. As noted with context it is "On February 26, 1915, a finished report was submitted to the subcommittee by the accountants," etc. The majority report in stressing the phrase "a finished report" seeks to carry the impression that it was a complete report of a complete investigation. To one not acquainted with the facts such a conclusion may be logical and natural. It is not asking too much of the majority for it to have stated the exact facts which the report itself discloses. The Mayes report on its first page in its first paragraph stated:

"The amount due the United States on account of the support and medical treatment of the insane in the District of Columbia in the Government Hospital for the Insane is not considered in this account, because the audit of said account at the Government Hospital for the Insane is not yet completed." This was specifically called to the attention of the committee by its chairman at the meeting on January 29, 1923, so that the majority knew that the Mayes report was not, as is inferred, a complete report. (Hearings, 240.) The fact was that Mr. Mayes, sr., had secured other employment and ceased to work for the investigating committee, and the report referred to finished his connection with the work. It was the close of his work and audit.

Under the conditions now present it is scarcely to be expected that the minority can get all of the setting of 10 years ago. The majority report does show that after the "finished report" was presented Mr. W. W. Spaulding continued at this work intermittently until in 1918, and that other amounts due the Government from the District were discovered, admitted to be due, and ordered paid. The majority certainly knew that the "finished report" did not refer to a complete audit of all accounts. No man at either end of the Capitol has such thorough knowledge of the relations between the District and the Government as Hon. BEN JOHNSON of Kentucky. Certainly no one knows more of the House committee work as covered by the Mayes and Spaulding audits covering the period from 1878 to 1911 than he.

It was upon his motion that such action was taken. He was before the joint committee, and I quote a part of his comment before the committee on those audits:

"They were not what you might call, Senator, audits in the strict sense of the word. They were supposed to look through the acts of Congress and find where Congress had made loans or advancements to the District of Columbia, with the distinct understanding that those that the District should reimburse, they should make a report as to those. Now, they did report as to several of those, and the Congress directed what they found, and which finally became undisputed, to be returned to the United States. But there was not an audit of the accounts between the District of Columbia and the United States made by either Mayes or Spaulding.

"The CHAIRMAN. That could be termed a complete audit, you mean?

"Representative JOHNSON of Kentucky. Yes.

"The CHAIRMAN. There were audits made, but you would not term them complete audits?

"Representative JOHNSON of Kentucky. Why, I would term them most incomplete." (Hearings, p. 199.)

It is stated in the majority report that Mr. JOHNSON has spoken "against the necessity for or advisability" of "a further detailed audit" of the period between July 1, 1874, and June 30, 1911.

This is an error. Mr. JOHNSON stated in substance that it was not necessary to audit the portion—not the period—of the accounts audited by Mayes, which was the general fund and some special items. The Member from Kentucky does not need assistance from the majority or minority either in the expression of his views or their interpretations, and this mention is only made that this statement of the majority may not remain unchallenged.

On page 202 Congressman JOHNSON, in answer to a question by Senator BALL, states:

"Representative JOHNSON of Kentucky. You take it for granted; your premise is laid down now that a former Congress has settled this. There I take issue with you. I do not think the former Congress ever settled it.

"Now, Mayes and Spaulding made reports that they found that many advances to the District of Columbia under certain congressional acts had been paid to the District of Columbia with the provision that the United States was to be reimbursed, and then their report was as to the amounts advanced, and the report also was to the fact that no reimbursement had ever been made. So the two naked facts of advancement to the District and nonpayment by the District to the United States of a specified amount were the extent of their reports.

"Then the Appropriations Committee just put in the appropriation bill clauses requiring the District of Columbia to account for and pay the amounts so reported, saying nothing whatever of interest, as to whether it was to be calculated at some other time or whether it was to be remitted.

"That condition relates to the insane asylum affairs and to a number of other items. If I had known I was coming here, I would have read the report." (Hearings, p. 202.)

When Hon. BEN JOHNSON was before the committee he made the following statement in answer to questions then asked him:

"Representative EVANS. When the committee which presented the report that covered the period prior to July 1, 1911, pre-

sented that report, had they covered all of the work that was referred to them?

"Representative JOHNSON of Kentucky. Do you mean the House District Committee?

"Representative EVANS. The House District Committee.

"Representative JOHNSON of Kentucky. Having the accountants, Mayes and Spaulding?

"Representative EVANS. The Mayes and Spaulding reports. Was it supposed to or intended to investigate all items of difference between the Federal Treasury and the District of Columbia?

"Representative JOHNSON of Kentucky. Most certainly not.

"Representative EVANS. What items, if any, were investigated by either the Mayes or Mr. Spaulding which were not specifically mentioned, and they directed to investigate, except the single subject of appropriations and disbursements under appropriations?

"Representative JOHNSON of Kentucky. I do not believe I caught your meaning.

"Representative EVANS. The Mayes, and subsequent to them Mr. Spaulding, were asked to check up the matter of disbursements against the matter of appropriations for the period mentioned, were they not?

"Representative JOHNSON of Kentucky. For the purposes mentioned; yes.

"Representative EVANS. Now, were there any other items investigated by either the Mayes or Mr. Spaulding except such as were specifically called to their attention.

"Representative JOHNSON of Kentucky. If they went into the investigation of anything except matters to which their attention was specifically invited by the House District Committee, I am not aware of it.

"Representative EVANS. Was that investigation under the control of the District Committee?

"Representative JOHNSON of Kentucky. It was under the control of a subcommittee of the District of Columbia Committee.

"Representative EVANS. What relation had you to the District Committee and to that subcommittee?

"Representative JOHNSON of Kentucky. I was chairman of the House District Committee and I was chairman of that subcommittee." (Hearings, p. 209.)

That the Mayes report did not pretend to be a completed investigation of the accounts under consideration was called to the committee's attention. (Id. 240.)

On January 31, being the Wednesday immediately preceding the Monday on which the majority report was filed and presented, the minority member inquired of Mr. Hill, the representative of Haskins & Sells, the accountants employed by the committee, whether or not Haskins & Sells would then, without an additional audit, cover with a certificate or under their signature the accuracy of a statement of account of the period preceding June 30, 1911. His reply was, "Absolutely not."

DISTRICT CLAIMS PRIOR TO JUNE 30, 1911.

From the hearing held on August 22, 1922 (see pp. 184–186 and 187–188 of the hearings), it is very apparent that both Mr. Galloway and Mr. Donovan are satisfied that an investigation of the period from 1874 to 1911 could not show any sum due to the Government, and that, although it might show something due the District, it is by them deemed a "dead issue," although there might be something in the accounts of that period showing a credit in favor of the District of Columbia, "because the Mayes account does not purport to cover the District's side of the story between those years." If there was no search for District credits, its case was not closed nor is it a "dead issue."

On page 188 of the hearings it is suggested that the District has a claim of a million dollars that has merit—at least is an equitable claim for reimbursement against the Government. If so, it ought to be considered.

Mr. Edward F. Colladay, representing the citizens' joint committee of the District, appearing before this committee, stated: "While we believe that a restatement of the account, such as a literal following of the act under which this committee is proceeding might be said to call for, would raise up millions creditable to the District of Columbia's side of the account, both principal and interest, if interest is to be treated as due in the absence of a statute or contract providing for it," he wished to have the investigation kept away from so much of the period covered by the act raising this committee as is included between the years 1874 and 1911. (Hearings, pp. 246–247.) Neither the District auditor, the representative assigned by the Department of Justice, nor the representative of the citizens' joint committee, nor any other person, association, or official, excepting only Congress, can take away from the District that which belongs to it legally, equitably, or morally under the act under which this committee conducts its investigations; and while Congress has that power, it should not so wrong any person or community.

Justice, equity, morals, and the commands of Congress require that this investigation should be thorough and should be so complete that no person in the future shall be able in good faith to say that the District has been deprived of a million dollars either legally, equitably, or morally its due. It will furnish to no Member of either Senate or House an excuse or justification for his action to say that the District auditor, or a legal adviser, or the representative of groups of District inhabitants announced their willingness to forego such claim. It is a claim neither one nor all of them nor this committee has the power or the right to give away or foreclose. This committee should determine the truth or falsity of such claim by conducting the investigation Congress directed it to make.

I know this investigation may secure information which will make the tax burden on the taxpayers of this Nation heavier; but if the children in the District do not have school facilities, and the District's inhabitants can not get to and from their homes because of lack of proper ways, and the District has a million dollars due it from the Government with interest thereon for at least 12 years, Congress should determine that fact and make payment. If, however, there is a million dollars due from the District to the Government, with interest on it for 20 or 30 years, I would not be averse to requiring the District to collect that money and make payment of its debt.

It is quite possible that the majority in presenting the report it has may be pulling a wooden horse into the citadel, or mayhap the Greeks still bear gifts.

SALARIES OF ARMY OFFICERS DETAILED TO DISTRICT SERVICE.

An item mentioned in the report of Haskins & Sells has not received the attention it merits—engineer officers detailed by the Army for District work whose salaries are wholly paid by the Government.

These men so detailed are men whose counterparts in similar cities as a rule receive large salaries. No other city can secure a similar detail. It has been suggested that on river work to which they are assigned they are paid by the Government, but the rivers are under the War Department. It is suggested that they are assigned to advise in engineering problems, but even in that case the service rendered is only advisory, of short duration, and nothing more. In this case, however, it is all kinds of engineering work, streets, water, auto vehicles, every branch of engineering work in the city. The salary of the Engineer Commissioner might be excepted, but even as to that no sufficient reason can be given for the exception. I do not wish to be understood that where that work has anything to do with the Potomac in its navigable reaches or where that service is expended upon the conduit outside the District boundaries these services should be charged to the District and Government joint account. Where the service is expended on a subject where the District jurisdiction does not extend the District should bear no portion of the salary or expense, but for services rendered within the District for the exclusive benefit of occupants of the District salaries and expenses should be paid from the joint Government and the District budget.

In any event the amounts so paid should be reported for the information of Congress and its future action.

PREMIUM ON 3.65 BONDS.

There seems to be no question but that the Treasury purchased, at a premium not authorized by law, bonds of the 3.65 bond issue and one-half of this premium was taken out of the revenues of the District. If, as is indicated by the act under which we are working, the District is to have set to its credit such sums as have been improperly charged against its revenues, here is an item for which it is certainly entitled to have credit. It had not control over the "interest and sinking fund" or over the purchases of bonds made from it or over the estimates upon which the appropriations were based. The officers responsible for all these matters were Federal and Congress was directly responsible for so placing the control. Justice and equity would credit back to the District the half of these premiums.

There was $5,000 appropriated some years since to purchase land for the National Training School for Girls. This fund has been expended and no land purchased. One of the interests here is entitled to credit for half the amount.

This is an item which, if investigation shows "misapplication," was not discovered by any audit.

FINES AND FEES IN DISTRICT COURTS.

There is an item in the Haskins & Sells report to which it calls special attention; that is, fines and fees in the District Supreme Court. There is another item in that report to which special attention is not called: Fines in the police court of the

District, which during the period covered by the Haskins & Sells audit amounted to $1,536,958.73. It was all covered to the District's credit and should have been divided.

These courts are supported from the joint appropriation, except that clerk and marshal of the former are paid entirely from Government funds. It is the opinion of the writer that both of these should be divided between the District and Government on the basis of their contributions.

III.

THE FINDINGS BY THE MAJORITY OF A SURPLUS OF $4,438,154.92 AS DUE TO THE DISTRICT OF COLUMBIA IS NOT SUPPORTED BY FACTS OR LAW.

In order that there shall be a surplus in favor of the District in the Treasury of the United States under the law, it must appear that all accounts between the District and the Government from June 30, 1874, to June 30, 1922, have been audited and that the balance sheet covering that entire period shows such balance.

THE MAJORITY DID NOT SO FIND THE SURPLUS THEY REPORT.

The only period that has been covered by the majority audit is that between June 30, 1911, and June 30, 1922. The only account covered in that period is that of the District general fund. Other funds or appropriations not contained in the District appropriation acts have not been checked or audited except as to specific items, and as to the period preceding June 30, 1911, there is only the guess that it is as found by the Mayes, of whom it is established that they only completely checked the District general fund.

To arrive at the conclusions presented by the majority it was compelled to violate the ordinary canons of construction in construing the acts of Congress, and to disregard the directions of the act of June 29, 1922, under which it was supposed to act.

In arriving at its conclusions the majority omitted from consideration the following items for the Government:

One-half of the 5-20 bonds.

One-half of the interest on the 5-20 bonds.

Interest on all items of advances or credits upon which interest has not been paid.

One-half of the fines of the police court for the Government.

One-half of the $5,000 appropriation to buy land for the National Training School for Girls, which, it seems, has been expended but no land bought.

One-half of the salaries of Army officers who work only for the District.

And for the District the majority omitted the following items:

One-half of the fines and fees in the Supreme Court of the District.

One-half of the unlawfully paid premiums on the 3.65 bonds.

Interest on these items, not to mention the millions referred to by the District auditor and Mr. Colladay, the representative of the Joint Citizens' Association.

To the above there should be added whatever changes an audit of all other matters not audited might disclose. The interest item alone on known changes shows a credit to the United States of $1,691,889.93, as shown by the majority report.

The 5-20 bonds show a credit of over a million for the Government, and interest from the dates of payment should be added.

There are many other items not included in the foregoing which are known to a limited number of persons, which, when properly inquired into, will doubtless disclose other large sums that have gone from the Treasury to the benefit of the District.

It is not amiss to call attention to Congress to the conclusion of some Members of the majority embodied in their report:

"Some members of the committee believe that these laws, although binding, were in many instances more favorable to the District than they should have been if due consideration had been given to the taxpayers of the United States, and that under these laws the United States has for a long time and is now contributing more than its just proportion to the administration of the District government and the upkeep of the District; and that this is especially true when consideration is given to the limited activities and interest of the United States in the District, which are not wholly maintained at the expense of the United States, as compared to the large, expansive, and growing interests of the residents of the District or those owning property therein, and taking into consideration also the low tax rate paid on property located in the District."

The writer, having left the committee room, was not present when this was incorporated as a part of the report.

It is assumed that it is the views of at least three of the majority, or else it would not have been made a part of the report. If this surmise is correct, then there is a clear majority of the committee, who, if the facts as to how the legislation as to failure to collect interest and as to the payment of the 5-20 bonds are as is stated herein, will logically come to the conclusion that at least the sums representing the interest which was not collected and the portion of the 5-20 bonds and interest thereon paid by the Government, with interest on these amounts as directed in the act of June 29, 1922, ought to be deducted from the surplus as found by the majority.

The minority views as herein presented do not intend to suggest a balance or surplus for or against either the District or the Government, as in the time permitted, from February 4, 1922, to the present, even a cursory examination of appropriations and accounts was impossible.

It must be conceded that without a complete checking and auditing of all items which may enter into the fiscal relations between the District and the Government there can be no true balance.

In conclusion, it should be observed that the balance for the District may be either more or less than suggested by the majority, or there may be no surplus at all.

That the fact sought for may be satisfactorily settled there should be nothing left in doubt that can be made certain. With millions in doubt on either side of the accounts and not inquired into at all, a balance or surplus based upon a careful audit of all items and a careful digest of congressional action in connection with those items must be the only proper solution of the problem which will insure accuracy, do justice, and lay, so far as it is possible to satisfy, the various contentions.

To this end it is recommended that the committee be continued, with the directions to thoroughly audit all the matters between the District and the Government, including the interest on all items upon which it has not been charged, and to ascertain and report to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District, or for the purpose of conducting its government or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities to the people of said District, all as directed by the act of June 29, 1922, and that such additional appropriation may be made as may be necessary to carry out these instructions.

Respectfully submitted.

ROBERT E. EVANS,
Of the Committee.

RURAL CREDITS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight to-morrow, Sunday night, to file a report upon the bill on rural credits, to be reported from that committee.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I understand that the majority of the committee have reached a situation now where they are willing to work on Sunday in order to help the farmer?

Mr. MONDELL. I think both the minority and the majority are of a mind on that matter.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. BLANTON. Mr. Speaker, in connection with the request of the gentleman from Iowa [Mr. RAMSEYER] and the statement he received permission to insert in the RECORD, I ask unanimous consent to extend my remarks in the RECORD in 8-point type by inserting therein an address by Merton L. Lewis, former attorney general of the State of New York, on the railroad problem.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The address is as follows:

ADDRESS OF GEN. MERTON E. LEWIS, FORMERLY SENATOR AND ATTORNEY GENERAL OF THE STATE OF NEW YORK, BEFORE WASHINGTON BOARD OF TRADE, JANUARY 18, 1923.

"There is probably no subject engaging public attention at the present time more important than the subject upon which I am asked to speak to you to-night.

"The danger of an interruption of interstate commerce is so threatening, not only to the commercial rehabilitation of our country and to a considerable extent the rehabilitation of the world, but also so full of possibilities of actual physical suffering by the helpless and innocent bystanders and outsiders, that the attention of every thoughtful mind is almost inevitably directed to a study of the problem and an effort to find a remedy.

"First, as to the problem.

"Here in America we boast of our freedom. In no country in which there is an established government is the individual

so free to pursue his own course, so little hampered by the interference of government, as in these United States of America.

"When we consider the conditions which exist here and which are guaranteed to us by the Constitution under which we live, we are not surprised that our country has grown from a feeble Confederation of 13 Independent Colonies as they existed at the close of the Revolutionary War to the great continent-wide Nation of more than a hundred million people, which has recently demobilized an army which numbered nearly, if not quite, five millions of men wearing our uniform and marching and fighting under our flag.

"Having in mind the advantages guaranteed to us by our form of government and the development which has resulted from such advantages, it would be surprising had we not been able to raise the armies which we did raise and to send those armies to the fields of France there to break the Hindenburg line previously believed to be unbreakable.

"It would have been surprising had we not been able to send across the seas the bread and beef and cotton and wool with which to feed and clothe the slowly starving people of England, France, Italy, and other European countries.

"It would have been surprising had we not been able to loan billions of dollars to the countries of Europe, whose financial resources had been exhausted in the effort to preserve themselves from destruction as independent self-governing States.

"In a word, it would have been surprising had we not been able to win the war which, until we took up the task, England, France, Russia, Italy, Serbia, and their allies had not succeeded in doing.

"We won because we had, under our form of government, learned to love liberty; because we hated tyranny; because we could not tolerate the upbuilding in Europe of a military power which we knew would sooner or later force us to fight to prevent the destruction of our liberties and our right to maintain ourselves as a free people.

"We had the ability to win because of the wonderful growth of our population, the development of our natural resources, the great wealth which we had accumulated, the love of freedom and justice in the hearts of our people, and the willingness on the part of our people to sacrifice when sacrifice seemed necessary in what we believed to be a righteous cause.

"This freedom, of which I have spoken, has, I think, in these more recent days, come to have a meaning in the minds of many which, if conceded to exist, is likely to be subversive, if not absolutely destructive, of our institutions.

"Men say, and are not often contradicted, that they have the right to work when they please and to cease to work when they please. To an extent this is true. As a broad general proposition it should not be true, even if it is true now. I do not mean by this expression of my opinion to indicate that I believe in industrial slavery or peonage, or anything of that character. I do not. What I do mean is this—that our civilization has become so complex, our industries so diversified, our activities so dependent upon the activities of others, that no single individual, no body of individuals, has under present conditions the right to cease to function as a part of the system under which we have grown great and powerful and wealthy.

"A hundred years ago men, as a rule, were independent of each other to a much greater extent than now. The farmer, for instance, generally speaking, was able to produce practically everything required for the support and upbringing of his family. He produced the meat and bread, the vegetables and butter, the milk and cheese, the wool and the flax required to feed and clothe his family. A coal strike would not have affected him, for the reason that he had an ample supply of firewood. A railroad strike would not have disturbed him, for the reason that his horses were ready and able to haul him and his family to whatever place he might want to travel.

"A strike of longshoremen did not bother him, as he had no merchandise for export. The doctor had his own horse and chaise and traveled about among his patients and needed no other kind of transportation. There were no steamships rushing across the ocean, here to-day and in Plymouth or Brest within a week. There were no railroads by the use of which you could spend the business hours of to-day in your New York office and the business hours of to-morrow in Chicago. There were no telegraph lines, or telephones by the use of which we could talk with our agents or associates in San Francisco.

"All these modern inventions and modern methods have served to destroy the independence of the individual and to create instead a dependence upon others. We are dependent for our bread not only upon the farmer who grows the wheat, but upon the miller who grinds it, the baker who bakes the bread, and the grower who delivers it at our doors; for our meat upon the packers who slaughter our cattle, the railroads which transport the meat, and the distributor who distributes it; for our milk upon the farmer who produces it, the railroad which brings it, oftentimes from far distant points, to our cities, the plant where it is pasteurized, and the driver who leaves the bottles on our doorsteps while we are still asleep.

"A strike of the men who dig the coal makes it impossible frequently for the miller to grind the wheat. Without coal he frequently is without steam. The same strike makes it impossible for the railroads to take the wheat to the mills or the flour to the baker.

"The same strike makes our cities dark at night, because without coal we are without electricity; without electricity our surface cars cease operating, and our subway systems are silent, our telegraph and telephone lines are out of commission.

"Because of this complexity of modern conditions we as individuals have lost much of our former independence. We have become more dependent than ever before. None of us is independent—neither the rich man nor the poor man. The coal strike puts us all out of business. A railroad strike is just as bad. A strike of the longshoremen in New York recently resulted in the total destruction of hundreds of thousands of dollars worth of foodstuffs. This destruction necessarily added to the already too high cost of living.

"A steel strike a few years ago resulted, according to the newspapers, in a loss of more than a quarter of a billion dollars. The railroad shopmen's strike last July resulted in a loss, the amount of which can not be even estimated with any degree of accuracy.

"Individuals employed in the coal mines, upon the railroads, in the factories, in the mills, or in any industry which contributes to the production of the necessaries of life claim, and their claim has not been generally disputed, that they have the right to cease working whenever they may choose to do so. Not only this, they claim that they have a right to form organizations of workers and to agree that they will cease their labors at any time they may choose and for any cause which may seem to them to be good. They claim that the public has not the right to interfere; that the law does not give the public the right. Some will claim that the lawmakers have not the power to make any law which will give the public the right to interfere. I am not one of those who are willing to admit such claim.

"Self-preservation is said to be the first law of nature. It is true, however, not only as to individuals but it is equally true as to governments and nations. There is a considerable element in favor of the proposition for a general strike. By this it is understood that all workers in all organized industries shall cease on a given date to perform their allotted tasks to contribute their proportionate share to the maintenance of the existence of the human race. I deny this right. I insist that it is within the power of the Government of the United States to pass such laws as may be necessary to prevent strikes and to prevent the stopping of the wheels of industry.

"This is not my own individual and unsupported statement. I find my authority in the Constitution of the United States and in the decisions of the Supreme Court of the United States. I marvel at the wisdom of the group of men who gathered together more than 130 years ago and immortalized themselves by the publication of the greatest, the most profound, and wisest secular document ever written by human hand—the Constitution of the United States.

"The Constitution makers declared in Article I, section 8, subdivision 3, that the Congress shall have power 'to regulate commerce with foreign nations and among the several States.' The words 'to regulate' have been and must be construed to mean the power to take such action as shall prevent interference with interstate commerce.

"There is scarcely a railroad in the country of any consequence not engaged in interstate commerce. Any attempt to interfere with the orderly operation of the railroad is an attempt to interfere with interstate commerce. The miner who refuses to mine the coal necessary for the generation of steam to drive the locomotives which haul the wheat to the mill in a State other than that in which it is grown interferes with interstate commerce. The engineer who refuses to drive the locomotive which hauls the cars from the farm to the mill and from the mill to the market interferes with interstate commerce. The longshoreman who refuses to load or unload the freight delivered at the seaport from States in which it originated interferes with interstate commerce. The telephone or telegraph operator who refuses to operate a line extending from one State into another for the transmission of messages

relating to interstate commerce himself interferes with interstate commerce.

"These interferences have generally heretofore been regarded as nonpreventable. We have felt, and perhaps many of us still feel, that liberty of individual action is of the highest importance, and that such liberty must be maintained, regardless of consequences. The time is coming, and if I am not greatly mistaken is near at hand, when liberty of individual action will to a considerable extent necessarily be surrendered by those who enter into the employment of corporations, railroads, and other public service corporations.

"The sooner such laws are passed as will prevent such interferences the sooner we shall reach that state of industrial development which will make it certain that our country will continue to be the most powerful and our people the most wealthy on the globe.

"The situation is one which can easily be corrected. Congress has the power. If there is to be any difficulty at all, it will be a difficulty which will arise when the effort is made to induce Congress to exercise the power. Labor organizations control votes. Votes control elections. A statement appeared recently in one of the daily papers to the effect that not more than 3 per cent of the total population of the country are members of labor organizations. Whether this is true or not I do not know. What we do know is that labor is organized. All railroad labor is unionized. The power of the unions must not be underestimated.

"In a recent decision of the United States district court, in the case of Scott *v.* Frazier (258 Fed. 675), that court recognized the necessity of a change of remedies to meet changed conditions. In that case the court said:

"'What may be done by the State to protect its people and promote their welfare can not be declared by a priori reasoning. New evils arise as the result of changing conditions. If the State remains static, while the evils that afflict society are changing and dynamic, the State soon becomes wholly inadequate to protect the public. The State must be as free to change its remedies as the evils that cause human suffering are to change their forms.'

"That the power to meet such changing conditions does exist and can be exercised has been declared by the Supreme Court of the United States. I think that all of us remember—and some of us shudder when we think of it—that in 1916 a strike was threatened by the four railroad brotherhoods. Had the strike been carried into effect it is probable that every locomotive in the United States would have been put out of commission. The members of the brotherhoods demanded what in effect amounted to a very large increase in wages.

"Alarmed by the threat, the President insisted that Congress grant such demands. The Adamson law was enacted and soon thereafter became the subject of judicial interpretation. The opinion of the Supreme Court of the United States was written by Chief Justice White and is found in volume 243 of the United States Supreme Court Reports. At page 348 he said:

"'If acts which, if done, would interrupt, if not destroy, interstate commerce may be by anticipation legislatively prevented, by the same token *the power to regulate* may be exercised *to guard against the cessation of interstate commerce threatened* by a failure of employers and employees to agree as to the standard of wages, such standard being an essential prerequisite to the uninterrupted flow of interstate commerce.' (Italics ours.)

"At page 350 Judge White said:

"'Again, what purpose would be subserved by all the regulations established to secure the enjoyment by the public of an efficient and reasonable service, if *there was no power in government to prevent all service from being destroyed?*' (Italics ours.)

"At page 352 Judge White said:

"'Here again it is obvious that what we have previously said is applicable and decisive, since whatever would be the right of an employee engaged in a *private business* to demand such wages as he desires, to leave the employment if he does not get them and by concert of action to agree with others to leave upon the same condition, *such rights are necessarily subject to limitations when employment is accepted in a business charged with a public interest and as to which the power to regulate commerce* possessed by Congress applied.' (Italics ours.)

"Judge White said that the power exists, and may be exercised by the employer and the employee to agree upon a standard of wages, but he said:

"'That right *in no way affects* the lawmaking power to *protect the public right*, and create a standard of wages resulting from a dispute as to wages and a failure therefore to establish, by consent, a standard.' (Italics ours.)

"Mr. Justice McKenna, in his concurring opinion, page 364, said:

"'*When one enters into interstate commerce one enters into a service in which the public has an interest and subjects one's self to its behest* * * *.' (Italics ours.)

"Even Mr. Justice Day in his dissenting opinion in the Adamson case says, pages 364–65:

"'I am not prepared to deny to Congress, in view of its constitutional authority to regulate commerce among the States, the right to fix by lawful enactment the wages to be paid to those engaged in such commerce in the operation of trains carrying passengers and freight. While the railroads of the country are privately owned they are engaged in a public service, and because of that fact are subject in a large measure to governmental control.'

"With the authority which we find in the Constitution, construed as it has been by the highest court in the land, we are bound to ask ourselves this question: Does a government function properly which fails to realize the danger of the situation which confronts the people of the United States?

"The great public interests involved furnish more than sufficient reason for the exercise of the power by Congress which the Constitution, as we have seen, confers upon that body. When the people of the United States shall come to a full realization of the fact that the power exists, then will come the demand that Congress perform its full duty to its constituents.

"Now, as to the remedy.

"We have seen from the quotations from the opinions of the judges of the Supreme Court that the power does exist; that Congress can enact laws which will operate to prevent interruption of interstate commerce. Such a law should provide that any person entering the employ of a public-service corporation or of any corporation charged with a public interest should be required by law to sign a written contract; that such contract should specifically provide that under no circumstances should a strike take place.

"The Interstate Commerce Commission has complete power to limit and restrict the amount that a railroad company engaged in interstate commerce may charge for the transportation of persons or property. The determinations of the commission have the force of law. The exercise of such power as is commonly applied amounts to a limitation upon the income of the company.

"Congress should confer upon the commission the power to regulate and limit the expenditures of the company in carrying on its operations. If the outflow from the spigot be greater than the inflow at the bung, the barrel is soon empty.

"Under present conditions expenditures for operating costs—wages of employees—are regulated, if at all, by the brotherhoods. They determine for themselves the amount of wages for which they will exchange their services. If the members were engaged in private employment, in an employment not charged with a public interest, their right so to do could not be questioned. Being employed by an interstate commerce carrier, they should by the terms of a written contract be required to agree that during the term specified in such contract they would not leave such employment except with the consent of the employer.

"If there is any one thing more than another upon which the stability of human affairs depends, it is, I think, the inviolability of contracts.

"The peace of the world is preserved by contracts between nations. Such contracts are known as treaties.

"The most devastating and costly war in history resulted from the violation of a contract—a mere scrap of paper which was torn and cast to the winds.

"A glance at the present condition of what but a few years ago was the great German Empire should cause every nation, every government, every group of individuals, every human being to pause whenever tempted to follow the example of the German chancellor in the summer of 1914.

"The peace of the world depends upon the observance of treaties.

"The Constitution of the United States is but a contract entered into by the States in 1787, and later accepted by other States.

"An attempt by a group of States in 1861 to nullify the contract to which they had become parties resulted in a war more costly than any which had preceded it.

"Substantially all human relations are governed by contracts, either express or implied. The purchase of a loaf of bread, a cigar, a newspaper, each involves a contract. There is first an agreement as to the price. The contract is completed when the price is paid and the loaf is delivered. The baker, however, in selling the loaf, warrants impliedly that it is wholesome and fit for consumption. For a breach of such warranty he is liable to

the purchaser for any damage that may be sustained by such purchaser.

"The borrower of a $10 bill contracts to repay it. For his breach the lender has his remedy. A telegraph company is liable to the sender of a telegram for its failure to deliver or for unreasonable delay in the delivery of such message. A man who marries a woman contracts to support and maintain her and to support, maintain, and educate the children resulting from such marriage. A corporation chartered by the State is bound by its charter. It contracts to do those things and may only do those things which its charter permits it to do, and for a breach of its contract may lose its charter.

"A railroad corporation, by the acceptance of its charter, contracts to transport persons and property. It must perform its obligations or cease to exist. The State which grants the charter may take it away. The charter is granted because the public interest is served by the creation of the corporation. It is, therefore, the duty of the corporation to function normally and effectively. It must do the work for the doing of which it was created. It can not cease to function at its pleasure. It must carry on. The public interest requires that there be no interruption in the performance of its obligations.

"Every prudent business man anticipates his normal business requirements and his probable future needs in the way of machinery and materials. It is not unusual for an individual engaged in a business enterprise to contract in advance for his supply of labor. It is only prudent that he should do so. This is, it would seem, particularly true as to railroad corporations.

"It is undoubtedly the practice of all railroad corporations to contract in advance for their supply of coal and their other necessaries.

"The one thing for which they do not contract effectively is for a supply of labor. Without skilled labor a railroad corporation can not render service. The service which a railroad is required to render is a public service. It is a service in which the public has an interest. For that reason governmental control to the extent necessary for the protection of the interest of the public is hardly debatable.

"As to railroads engaged in interstate commerce, the Interstate Commerce Commission has the power to regulate the operations within the limits fixed by Congress.

"Congress has such power under the commerce clause of the Constitution. It has exercised its power and has conferred power upon the Interstate Commerce Commission to establish rates for the transportation of passengers and property. Such rates when established are binding upon the corporations. It is unlawful for a railroad corporation to charge a different rate for service than that established by the commission. A violation by a railroad corporation is punishable in the Federal courts. The power of the courts to punish is nowhere questioned.

"As a result of the exercise by the commission of the power which it possesses, reasonable rates only are charged and collected. The income of the companies is limited by the determinations of the commission.

"The operating costs, however, are not limited. No commission or board has power to determine costs of operation and enforce its rulings.

"Railroads, therefore, are compelled to pay such wages to the skilled laborers as such laborers may demand. The result of a refusal to pay the wages demanded is an interruption or reduction of service. Either is disastrous to the public and disastrous to those whose capital is invested in the securities of the corporations.

"Skilled labor necessary for the operation of the roads is highly organized. The demand is always for an increase in wages. It is not a question of bargaining. It is not a question of taking the labor or going without it. The railroads must have it. They can not operate without it.

"An individual or a corporation about to construct a factory or a dwelling house may employ labor, or if the cost of labor is too great, may postpone such construction. A railroad corporation has no such choice. A railroad corporation must furnish constant, uninterrupted service. An interruption means congestion. Congestion means destruction of property. Foodstuffs, such as meat, milk, fruit, vegetables, quickly become valueless if allowed to stand in cars on the sidings for lack of switchmen or engineers to move the cars.

"Railroad employees organized as they now are have not only the railroads of the Nation but millions of consumers of the great cities at their mercy.

"Not alone the consumers but the producers are compelled to suffer. The farmers of California, it is said, sustained a loss of $25,000,000 as a result of the railroad strike of last summer. In the event of a strike, railroads may have no engineers. As a result they can not move the cars. The Interstate Commerce Commission can render no assistance. It has no power. There is but one course open and that is to pay the wages demanded by the engineers.

"For the prevention of strikes, strikes should be made not only unlawful but impossible. It would be futile for Congress to declare it to be unlawful for railroad employees to engage in a strike. There are hundreds of thousands of such employees. They are everywhere. If even a few thousand of such employees were to defy the courts and flout the law, what would happen? There are not enough courts in the whole country to deal with the situation. The jails of the country could not hold those who might be found guilty.

"In the meantime, what happens? The employees have violated the law and have voluntarily ceased to render service. They are now in a position to claim that they have the right under a statute to leave their jobs when they please for any reason or for no reason whatever, and they always will have that right until a complete change of conditions shall be brought about.

"The employees may cease to operate the roads at any time. When they cease, the train service is suspended, business is interrupted, traffic is dead, meat, milk, fruit, vegetables, and merchandise of all kinds are either ruined or damaged.

"Either the railroad companies must make good to the shippers or the shippers must stand the loss themselves.

"Congress has the power to apply the remedy. It may require railroad companies to adopt the prudent course and to employ its engineers and firemen and other classes of employees for fixed and definite terms, to be specified in written contracts, to be negotiated by themselves with the companies, with the assistance of the Interstate Commerce Commission, at wages satisfactory to themselves and the companies and approved by the commission. The commission should supervise the matter of employment and determine the form of the contract. It should be declared unlawful for a railroad corporation to employ any person in the operation of a road except under the terms of such contract.

"The proposition has been advanced to declare an agreement between two or more employees to leave the service with intent to hinder or delay interstate commerce to be unlawful.

"Merely declaring a thing unlawful does not prevent crime.

"Only a minor fraction of those who are daily guilty of unlawful acts are ever arrested. Only a minor fraction of those who are arrested and charged with having committed unlawful acts are ever convicted.

"It is unlawful to expectorate on the sidewalks. In New York it is unlawful to smoke in the subway.

"It is unlawful to charge usurious rates of interest.

"It is unlawful to drive an automobile at a speed greater than 20 miles an hour on city streets.

"It is unlawful in a public place to pour a drink of whisky from a flask into a glass.

"Not many years ago innocent-minded legislators in New York enacted one of the Ten Commandments into statute law. Who ever heard of a conviction under that statute?

"How many respectable citizens would be able to plead not guilty to a charge of violating the Volstead law?

"Many prohibited acts are committed because such acts are not of themselves immoral.

"A man who could not be induced to pick another man's pocket would not hesitate to buy a case of whisky from a bootlegger.

"Frequently at dinners which I have attended I have noticed men at the tables who at the time were public officers, and as such must necessarily have taken the constitutional oath of office, who had no hesitation in drinking alcoholic beverages, which they knew had not been lawfully obtained for the occasion.

"We are rapidly becoming a Nation of lawbreakers. Why? Because acts which are not immoral have been declared to be unlawful.

"Government by injunction is unpopular, and whenever possible should be avoided.

"A statute providing that two or more persons who might agree to leave the service of an interstate-commerce railroad with the intent to interrupt commerce would be difficult of enforcement except by injunction—as difficult as is the enforcement of the Volstead law.

"A just and fair agreement between employer and employee, reduced to writing, with the assistance and under the supervision of the Interstate Commerce Commission, would appeal to all fair-minded men. The rights of all parties would be thoroughly understood. Dissension would cease. Harmony would

prevail. Interruption in the transportation of persons and property would no longer be likely. The danger of loss and damage to property would not continue as a menace to the shipper, and industrial unrest throughout the country would soon become a matter of history.

"No question of involuntary servitude is involved. No man could be compelled to enter into such a contract. Every individual would be free to exercise his own judgment in the matter. He could sign or refuse to sign.

"Substantial penalties should be imposed. Violations of contractual obligations or of the statutory provisions should be made punishable by imprisonment. Employees found to be guilty of violating a contract or any provision of the statute should be disqualified from entering into the employ of a public-service corporation for a period of time to be fixed in the act, and the court should have the power to appoint a receiver for any corporation found to be guilty of any such violation.

"Hon. Newton D. Baker, recently Secretary of War, in an article published in the American Bar Association for December, 1922, speaking of the brotherhoods composed of railroad employees, said:

"'The strength of these bodies of workers is such that the fundamental industries of transportation in this country could not operate a day against the combined action of the brotherhoods, and the life of our large cities and industrial centers depends in a thousand ways for its productivity and prosperity upon the determinations of the organized industrial crafts.

"'Few of us realize, I am sure, that organized labor has become not only a powerful factor in the daily industry of the country but a great physical power. The check-off imposed in the soft-coal mines of the central competitive district is estimated to produce $15,000,000 a year. The annual receipts of the railroad brotherhoods are probably an equal amount, while into the treasury of the national and international craft organizations and of the Federation of Labor an amount estimated at $60,000,000 is annually gathered. They are strong enough, in fact, to carry on wars.'

"Further on in the same article Mr. Baker said, speaking of strikes and the conditions resulting therefrom:

"'It is sometimes difficult to tell who starts the conflagration and riots. The armies face one another at close range and the sentinels on both sides are jumpy. The result, however, is that any dispassionate description of American labor relations to-day would be obliged to conclude that they are frankly anarchistic appeals to brute force, restrained only by prudential considerations and wholly untamed by the ordinary moralities.'

"In the same article Mr. Baker said:

"'It must be recognized, first, that there are three parties to every labor controversy—the employer, the employee, and the public. Second, it must be recognized that this public interest can not be left to be injured or destroyed by prolonged conflict between the other two parties or disregarded by both when they combine against it. Recognizing these two principles as fundamental, we ought to be able to devise industrial arrangements under which the grave problems * * * will be studied and solved. Such questions are real and vital to the worker. They are equally real and vital to the employer, and wherever they are left unsolved the public finally pays the bill.'

"Hon. Ben W. Hooper, chairman of the Railroad Labor Board, in an article published in the Saturday Evening Post of October 14, 1922, said:

"'In most of the national conventions of railway employees this year strong ground has been taken in favor of the repeal of the labor article of the transportation act, and it goes without saying that any move to strengthen the act by the inclusion of an antistrike provision will be vigorously resisted. The employees demand the unhampered right to tie up the railroads whenever they consider it to their own interests. The basic reason of this is twofold: First, because they believe that their absolute power to throttle traffic will get them more than arbitration will; and, second, because the majority of them are advocates of Government ownership, and they believe that their unrestricted power to strike will soon force a discouraged and disgruntled public to adopt Government ownership. Their first conclusion is erroneous. * * * Their second conclusion is correct.'

"The concluding paragraph of Mr. Hooper's article reads as follows:

"'Our people should not temporize with this question. It is too vital and too far-reaching to admit of partisan bickering.

"'The transportation act of 1920 was a long stride in the right direction. Results have justified its enactment but uncovered its fatal weakness. Its provisions should be clarified where necessary to the safeguarding of the rights of all concerned, and, above all, they should be made mandatory and enforceable. Then, if abuses develop in the administration of the law, let the ballot box be resorted to for redress.

"'This is a problem that can not be solved by stagnant hesitation or timid retrogression. It calls for a forward movement.'"

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a telegram from the president of the North Carolina Cotton Co-operative Association relative to the Capper bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, we can not allow that. Everybody is getting telegrams. I object.

Mr. HILL. Mr. Speaker, I ask unanimous consent to insert in the RECORD as an extension of my remarks a speech that I made before the Veterans of Foreign Wars on George Washington's Farewell Address.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The speech referred to is as follows:

PART OF ADDRESS OF REPRESENTATIVE JOHN PHILIP HILL AT THE WASHINGTON BIRTHDAY DINNER OF THE DEPARTMENT OF MARYLAND, VETERANS OF FOREIGN WARS, IN HONOR OF THE NATIONAL COMMANDER IN CHIEF, AT THE HOTEL RENNERT, THURSDAY EVENING, FEBRUARY 22, 1923.

One hundred and twenty-six years ago General Washington delivered his farewell address as President to the people of the United States. This morning, in accordance with time-honored custom, this address was read in the House of Representatives.

As we meet to-night to celebrate the birthday of General Washington it is particularly appropriate that we consider some of the very wise recommendations which he made to the American people for their guidance, based upon the varied experiences of his life as the great military commander who achieved their liberties and as their first Chief Magistrate.

It is particularly appropriate that you who have served this country in its foreign wars should consider the great teachings contained in Washington's farewell message, not so much for your own guidance, but for transmission to those who directly or indirectly are responsible for the political destinies of this country. You have made me your toastmaster this evening, and I have therefore all the time at my disposal, but I shall only reserve for myself three minutes, and in that time I shall call your attention to one special piece of wisdom from Washington's Farewell Address. This great civilian soldier, who had helped formulate the Constitution and who had for eight years executed the laws made under that Constitution, said:

"The basis of our political system is the right of the people to make and alter their constitutions of government."

Then, having exhorted the people to stand by existing laws, he referred to the fundamental structure and theory of our liberties and said:

"One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of Government as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a Government of as much vigor as is consistent with the perfect security of liberty is indispensable."

In these days when we are testing the radical alteration of the theory of our Government contained in the eighteenth amendment, and when there are being proposed to us that by other amendments to the Constitution the United States take control of marriage and divorce, of child labor, and such matters it behooves us to remember these farewell words of the first President.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 42 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow (Sunday), February 25, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1023. Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a list of papers, documents, etc., on the files of this department which are not needed in the transaction of public business and have no permanent value or historic interest, was taken from the Speaker's table and referred to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DOMINICK: Committee on the Judiciary. S. 4324. An act to amend "An act to authorize association of producers of agricultural products"; with an amendment (Rept. No. 1702). Referred to the Committee of the Whole House on the state of the Union.

Mr. FESS: Committee on the Library. S. J. Res. 242. A joint resolution authorizing the erection on public grounds in the District of Columbia of a statue by José Clará personifying "Serenity"; without amendment (Rept. No. 1703). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWEET: Committee on Interstate and Foreign Commerce. H. R. 14401. A bill to amend and modify the war risk insurance act; without amendment (Rept. No. 1704). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTNESS: Committee on Indian Affairs. H. R. 2423. A bill authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise; with amendments (Rept. No. 1705). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. H. Rept. No. 1707. A report on the disposition of useless papers, etc., in the Post Office Department. Ordered to be printed.

Mr. RODENBERG: Committee on Flood Control. H. R. 14425. A bill authorizing preliminary examinations and surveys of sundry streams with a view to the control of their floods; without amendment (Rept. No. 1708). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. S. 574. An act to amend an act entitled "An act to save daylight and to provide standard time for the United States," as amended; without amendment (Rept. No. 1709). Referred to the House Calendar.

Mr. McFADDEN: Committee on Banking and Currency. S. 4280. An act to provide for the incorporation and supervision of corporations formed for the purpose of making agricultural and live-stock loans, to amend the Federal reserve act, to amend the Federal farm loan act, to extend and stabilize the market for United States bonds and other securities, to provide fiscal agents for the United States, and for other purposes; with an amendment (Rept. No. 1712). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LARSON of Minnesota: A bill (H. R. 14423) to authorize the Secretary of the Treasury to sell a portion of the Federal building site in the city of Duluth, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. SABATH: A bill (H. R. 14424) declaring a portion of the west fork of the South Branch of the Chicago River, in Cook County, Ill., to be a nonnavigable stream; to the Committee on Rivers and Harbors.

By Mr. RODENBERG: A bill (H. R. 14425) authorizing preliminary examinations and surveys of sundry streams with a view to the control of their floods; to the Committee on Flood Control.

By Mr. SWEET: A resolution (H. Res. 556) for the consideration of H. R. 14401; to the Committee on Rules.

By Mr. JOHNSON of Washington: A resolution (H. Res. 557) authorizing the Committee on Immigration and Naturalization to investigate labor conditions in Hawaii; to the Committee on Rules.

Also, a resolution (H. Res. 558) providing for expenses of the special commission for investigation of labor and immigration conditions in the Territory of Hawaii; to the Committee on Accounts.

By Mr. CARTER: Memorial of the Legislature of the State of Oklahoma relating to the matter of the disposal of the water rights and matters connected therewith at Muscle Shoals, Ala.; to the Committee on Military Affairs.

By Mr. MONDELL: Memorial of the Legislature of the State of Wyoming petitioning Congress to hasten the enactment of the rural credits act and amend the farm loan act; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of Wyoming urging Congress to liberalize repayment requirements under the Federal reclamation act; to the Committee on Irrigation of Arid Lands.

Also, memorial of the Legislature of the State of Wyoming urging Congress and the Secretary of the Interior to expedite the construction of the Guernsey, Wyo., storage and power dam; to the Committee on Irrigation of Arid Lands.

By Mr. RAKER: Memorial of the Legislature of the State of Oregon relative to amending the Federal grain standards act; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII,

Mr. HILL introduced a bill (H. R. 14426) for the relief of the Polish-American Navigation Corporation, which was referred to the Committee on Claims.

PETITIONS, ETC.

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

7423. By Mr. ANSORGE: Petition of the Harlem Council of Women, New York, urging the passage of Senate Joint Resolution 232; to the Committee on the Judiciary.

7424. Also, petition of New York City Federation of Women's Clubs, New York City, urging the United States Government to limit the import of the raw drug material and manufacture of same in this country to the amount required for medical purposes only, and that amount to be determined after consultation with the United States Public Health Service; to the Committee on Foreign Affairs.

7425. By Mr. APPLEBY: Petition of the Monmouth County Unit of the Reserve Officers' Association of the United States, requesting that a sufficient appropriation to provide for a civilian military training camp be included in the Army appropriation bill; to the Committee on Appropriations.

7426. By Mr. BRITTEN: Petition of citizens of Chicago assembled in mass meeting, protesting against both the Versailles treaty and the invasion of the Ruhr; to the Committee on Foreign Affairs.

7427. By Mr. CAREW: Petition of New York City Federation of Women's Clubs, urging Congress to limit the import of raw material and the manufacture of the same in this country to the amount required for medical purposes; to the Committee on Foreign Affairs.

7428. By Mr. DARROW: Petition of the Philadelphia Board of Trade, opposing further restriction of immigration; to the Committee on Immigration and Naturalization.

7429. By Mr. FULLER: Petitions of E. F. Derwent, president Farm Bureau, and W. Frank Reid, master County Grange, of Winnebago County, Ill., favoring the Lenroot-Anderson bill; to the Committee on Banking and Currency.

7430. Also, petition of John S. Goebel, manager Mendota Auto Co. (Inc.), of Mendota, Ill., favoring the Newton bill, extending relief to the suffering and starving women and children of Austria and Germany; to the Committee on Foreign Affairs.

7431. Also, petition of the Rockford (Ill.) Chamber of Commerce, opposing bill for a Federal reformatory at Camp Grant, Ill.; to the Committee on the Judiciary.

7432. Also, petition of Rockford (Ill.) Farm Loan Association, favoring the bill H. R. 13047, amending the Federal farm loan act; to the Committee on Banking and Currency.

7433. By Mr. KISSEL: Petition of Woman's Republican Club (Inc.) of New York, favoring a limit being placed on drugs imported into this country; to the Committee on Foreign Affairs.

7434. Also, petition of P. K. Wilson & Son (Inc.), New York City, N. Y., urging Congress to take action in order that the lower Mississippi Valley may be accorded protection against devastating floods; to the Committee on Flood Control.

7435. By Mr. RAKER: Petition of Cornelia McKinne Stanwood, president California State Division, American Association of University Women, urging favorable consideration of House bill 11490 relative to the Interdepartmental Social Hygiene Board; to the Committee on the Judiciary.

7436. Also, telegram by V. C. Bryant, secretary California Farm Bureau Federation, from Berkeley, Calif., urging the passage of the Lenroot-Anderson and Norbeck-Strong bills before adjournment of Congress; to the Committee on Banking and Currency.

7437. Also, petition of Napa-Lake Counties Pomona Grange, No. 7, Rutherford, Calif., relative to the construction and maintenance of a transcontinental highway; Happy Camp Grange, No. 395, Happy Camp, Calif., indorsing the above resolution, and urging action by Congress to provide for the early completion of the best and most reliable highway from ocean to ocean; to the Committee on Roads.

7438. By Mr. ROUSE: Petition of 200 citizens of Campbell County, Ky., protesting against the enactment of any legislation toward the change of the present immigration laws that will permit admission of aliens other than provided by present laws; to the Committee on Immigration and Naturalization.

7439. By Mr. TINKHAM: Petition of ex-service men's committee of railway postal clerks, urging the passage of House bill 14068; to the Committee on the Post Office and Post Roads.