By Mr. MANLOVE: A bill (H. R. 9374) granting an increase of pension to Crawford Blair; to the Committee on Pensions.

By Mr. MOORE of Illinois: A bill (H. R. 9375) granting permission to Fred F. Rogers, commander, United States Navy, to accept certain decorations bestowed upon him by the Venezuelan Government; to the Committee on Naval Affairs.

By Mr. STRONG of Pennsylvania: A bill (H. R. 9376) granting an increase of pension to Hannah J. Kerr; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 9377) granting a pension to Lines P. Wasson; to the Committee on Pensions.

By Mr. TILLMAN: A bill (H. R. 9378) to pay $2,821.16 to Perry Lee, C. A. Boen, and C. A. Monroe Meadows, of Newton County, Ark.; to the Committee on Claims.

Also, a bill (H. R. 9379) granting a pension to Mary Jane Carter; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

2835. By the SPEAKER (by request): Petition of Ardmore (Okla.) Chapter of Izaak Walton League, favoring upper Mississippi River bill; to the Committee on Rivers and Harbors.

2836. By Mr. GALLIVAN: Petition of Boston Spaghetti Manufacturing Co., Boston, Mass., protesting against McNary-Haugen bill; to the Committee on Agriculture.

2837. Also, petition of Associated Industries of Massachusetts, Boston, Mass., protesting against enactment of the McNary-Haugen bill; to the Committee on Agriculture.

2838. By Mr. KING: Petition of the Polly Sumner Chapter of the Daughters of the American Revolution, in favor of changing the name of Mount Rainier to Mount Tacoma; to the Committee on the Public Lands.

2839. By Mr. RAKER: Thirty-six letters from employees of the custodian service at port of San Francisco, Calif., indorsing support of House bill 8352, for the purpose of reclassifying salaries of employees of the custodian service; to the Committee on the Civil Service.

2840. Also, four letters in re Howell-Barkley bill; to the Committee on Interstate and Foreign Commerce.

2841. By Mr. YOUNG: Petition of Bismarck Association of Commerce, Bismarck, N. Dak., protesting against the passage of the Howell-Barkley bill; to the Committee on Interstate and Foreign Commerce.

SENATE

THURSDAY, *May 22, 1924*

(Legislative day of Tuesday, May 20, 1924)

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

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

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

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

Ashurst	Ferris	Ladd	Shipstead
Ball	Fess	Lenroot	Shortridge
Bayard	Fletcher	Lodge	Simmons
Borah	Frazier	McKinley	Smith
Brandegee	George	McLean	Smoot
Broussard	Gerry	McNary	Spencer
Bruce	Glass	Mayfield	Stanfield
Bursum	Gooding	Neely	Stephens
Cameron	Hale	Norbeck	Sterling
Capper	Harreld	Norris	Swanson
Caraway	Harris	Oddie	Trammell
Copeland	Harrison	Overman	Underwood
Cummins	Heflin	Pepper	Wadsworth
Curtis	Howell	Phipps	Walsh, Mass.
Dale	Johnson, Calif.	Pittman	Walsh, Mont.
Dial	Johnson, Minn.	Ralston	Warren
Dill	Jones, N. Mex.	Ransdell	Weller
Edge	Kendrick	Reed, Pa.	Wheeler
Edwards	Keyes	Robinson	Willis
Fernald	King	Sheppard	

Mr. CURTIS. I was requested to announce that the Senator from Iowa [Mr. BROOKHART] and the Senator from Washington [Mr. JONES] are engaged in a hearing before a special investigating committee of the Senate.

The PRESIDENT pro tempore. Seventy-nine Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 2431) conveying to the State of Delaware certain land in the county of Sussex, in that State.

The message also announced that the House had passed the following bill and joint resolution of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 2450. An act to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894; and

S. J. Res. 105. Joint resolution authorizing the President to detail an officer of the Corps of Engineers as Director of the Bureau of Engraving and Printing, and for other purposes.

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

H. R. 4820. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922; and

H. R. 7269. An act to authorize and direct the Secretary of War to transfer certain materials, machinery, and equipment to the Department of Agriculture.

PETITIONS AND MEMORIALS

Mr. CAPPER presented the petitions of sundry members of the congregation of the Methodist Episcopal Church, of Miltonvale, and of sundry citizens of Hutchinson, both in the State of Kansas, praying an amendment to the Constitution relative to the regulation of child labor, which were referred to the Committee on the Judiciary.

Mr. PEPPER presented the memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of the Senate bill (S. 2327) to amend section 4 of the interstate commerce act, which was referred to the Committee on Interstate Commerce.

He also presented the petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the bill (H. R. 8887) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, which was referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 2842) to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 583) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 1179. An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes (Rept. No. 584);

S. 1340. An act to make the necessary survey and to prepare a plan of a proposed parkway to connect the old Civil War forts in the District of Columbia (Rept. No. 585); and

S. 1935. An act to amend, revise, and reenact subchapter 3, sections 546 and 547 of the Code of Law of the District of Columbia relating to the recording of deeds of chattels (Rept. No. 586).

Mr. BALL also, from the Committee on the District of Columbia, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 1934. An act to amend, revise, and reenact section 549 of subchapter 4 of the Code of the District of Columbia relating to the appointment of deputy recorder of deeds and fixing the compensation therefor (Rept. No. 587); and

S. 2694. An act to enable the trustees of Howard University to develop an athletic field and gymnasium project, and for other purposes (Rept. No. 588).

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 3053) to quiet title to original

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

lot 4, square 116, in the city of Washington, D. C., reported it without amendment and submitted a report (No. 590) thereon.

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 3280) to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes, reported it with amendments and submitted a report (No. 589) thereon.

Mr. LADD, from the Committee on Commerce, to which was referred the bill (S. 3292) granting the consent of Congress to the city of Hannibal, Mo., to construct a bridge across the Mississippi River at or near the city of Hannibal, Marion County, Mo., reported it without amendment and submitted a report (No. 591) thereon.

ENROLLED BILLS PRESENTED

Mr. BALL, from the Committee on Enrolled Bills, reported that on the 20th instant that committee presented to the President of the United States enrolled bills of the following titles:

S. 105. An act for the relief of Arthur Frost;

S. 129. An act for the relief of the William D. Mullen Co.;

S. 130. An act for the relief of George T. Tobin & Son;

S. 210. An act of the relief of Peter C. Keegan and others;

S. 589. An act for the relief of James Moran;

S. 1572. An act for the relief of the New Jersey Shipbuilding & Dredging Co., of Bayonne, N. J.; and

S. 1698. An act granting permission to Commander Dorr F. Tozier, United States Coast Guard, retired, to accept a gift from the King of Great Britain.

BILLS INTRODUCED

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

By Mr. BALL:

A bill (S. 3359) to establish a bureau for children's aid in and for the District of Columbia, to determine its functions, and for other purposes; to the Committee on the District of Columbia.

By Mr. BURSUM:

A bill (S. 3360) granting a pension to John F. Walker; to the Committee on Pensions.

By Mr. FERRIS:

A bill (S. 3361) to correct the military record of Charles T. Hollis, deceased; to the Committee on Military Affairs.

By Mr. WARREN:

A bill (S. 3362) permitting Leo Sheep Co., of Rawlins, Wyo., to convey certain lands to the United States and to select other lands in lieu thereof, in Carbon County, Wyo., for the improvement of the Medicine Bow National Forest; to the Committee on Public Lands and Surveys.

By Mr. REED of Pennsylvania:

A bill (S. 3363) to fix the salaries of certain judges of the United States; to the Committee on the Judiciary.

By Mr. FLETCHER:

A bill (S. 3364) granting an increase of pension to Harriet F. Leonard; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 3365) granting an increase of pension to Inzetta A. Small; to the Committee on Pensions.

By Mr. McKINLEY:

A bill (S. 3366) to provide for an examination and survey of the Mississippi and Ohio Rivers at or near Cairo, Ill., for the purpose of determining the practicability and estimating the cost of a tri-State highway bridge over said rivers; to the Committee on Commerce.

MILITARY TELEGRAPH CORPS OF THE ARMY

On motion of Mr. REED of Pennsylvania the bill (S. 1535) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was referred to the Committee on Pensions.

AMENDMENT TO GENERAL DEFICIENCY APPROPRIATION BILL

Mr. ODDIE submitted an amendment proposing to appropriate $800,000 from the reclamation fund, special fund, for continued investigations, commencement of construction, and incidental operations of the Spanish Springs irrigation project, Nevada, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

Mr. JONES of Washington submitted an amendment proposing to appropriate $1,500,000 for continued investigations and commencement of construction of the Kittitas unit of the Yakima irrigation project, Washington, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

FORT GREEN, NEWPORT, R. I.

Mr. COLT submitted an amendment intended to be proposed by him to the bill (H. R. 9124) authorizing the sale of real property no longer required for military purposes, which was referred to the Committee on Military Affairs and ordered to be printed.

CHANGE OF REFERENCE

On motion of Mr. BURSUM, the Committee on Pensions was discharged from the further consideration of the bill (S. 1943) for the relief of Isaac J. Reese, and it was referred to the Committee on Military Affairs.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Military Affairs:

H. R. 4820. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922; and

H. R. 7269. An act to authorize and direct the Secretary of War to transfer certain materials, machinery, and equipment to the Department of Agriculture.

POSTMASTERS AND POSTAL EMPLOYEES

Mr. WALSH of Montana obtained the floor.

Mr. EDGE. Will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. EDGE. In view of the fact that the unfinished business before the Senate is the postmasters and postal employees' compensation bill, I ask unanimous consent that a short editorial from the Pittsburgh Press be read at the desk.

The PRESIDENT pro tempore. Without objection the Clerk will read as requested.

The reading clerk read as follows:

[From the Pittsburgh Press, Friday evening, May 9, 1924]

POSTAL EMPLOYEES' BILL IN DANGER

It will be a surprise, probably, to most readers to learn there is a real threat against the passage of the bill to increase the pay of postal employees.

Such a situation hardly could have been anticipated in view of the cordial public support given the bill.

It is doubtful if there is a more underpaid class of employees in the country, in view of the present costs of living, than the postal employees.

There was no hesitancy on the part of the people in demanding the passage of the bill when they learned it would add only $300 a year to the pay of the various classes of mail carriers and postal employees, bringing their salaries to $1,700, $1,800, $1,900, and $2,100.

The salary bill is in such a position on the calendar of both the Senate and the House that it can not be reached before the adjournment of Congress unless some heroic measure is adopted.

The rescuer is a resolution presented in both Houses to advance the bill on the calendar so that it can come to a vote before the adjournment.

This resolution should be passed without hesitancy by both branches of Congress.

No toleration should be given to the evident plan of opponents of the bill to let it die in the midst of the jam immediately prefacing adjournment, in order that they may accomplish their object without going on record in a vote.

Just why there is opposition to the bill has not been made clear to the public.

Its passage will only be a belated acknowledgment of the richest Government in the world that it has been paying salaries to an army of faithful employees, of which it should have been ashamed.

PERMANENT INTERNATIONAL COURT

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

Mr. WALSH of Montana. I yield.

Mr. KING. Mr. President, President Harding, in a message to Congress, recommended the adherence of the United States to the protocol of December 16, 1920, accepting the statute providing for the Permanent Court of International Justice. In his message he recommended that such adherence by the United States should not be taken to involve any legal relation on the part of our Government to the League of Nations or the assumption of any obligations under the covenant of the League of Nations. He also recommended that the United States should accept the protocol, with a reservation that it be permitted to participate through representatives designated for the purpose and upon an equality with the other States, members, respectively, of the council and assembly of the league, in all proceedings for the election of

judges or deputy judges of the Permanent Court of International Justice or for the filling of vacancies; also that no amendment to the statute providing for the court should be made without the consent of the United States.

Mr. President, I have believed that the United States should take the lead in any movement looking to the establishment of a Permanent International Court to settle disputes and controversies arising between nations. Indeed, I believed that we should have entered the League of Nations and taken part in the organization of the court and other tribunals for which the league makes provision. The recommendation of President Harding did not go as far as I should have liked, but I believed it to be a forward movement, and therefore gave it cordial approval. Accordingly, I offered a resolution immediately after President Harding's message, in which he dealt with this matter, and before the adjournment of Congress secured a vote upon its adoption. I regret that the Republican Senate repudiated their President and refused assent to his recommendation. There was a rather full attendance of the Senate when the vote was taken, and every Republican Senator present voted against my resolution. And may I add that every Democratic Senator present, except three, voted for it.

President Coolidge followed in the footsteps of President Harding and recommended the adhesion of this Republic to the protocol to which I have referred. On the 10th day of December, 1923, when Congress convened, I offered a resolution containing the same provisions as found in the resolution offered in the preceding Congress, and which, as I have stated, was defeated. I have spoken upon a number of occasions to the chairman of the Committee on Foreign Relations [Mr. LODGE], who is the majority leader in the Senate. I have asked him as well as other Senators for a favorable report by that committee upon my resolution. No action, as I am advised, has been taken, and it would appear as though the Republicans in this Congress proposed to rebuke President Coolidge, as they rebuked President Harding at the last Congress.

A few days ago the Senator from Massachusetts [Mr. LODGE] presented a resolution dealing with the subject of a world court and had it referred to the committee of which he is chairman. His resolution is unacceptable to those who believe in a vital and living international court, one which measures up to the demands of those who believe that the world should be brought into closer relation and should be bound by stronger bonds of fellowship and good will. It looks to me as though his resolution was offered for the purpose of torpedoing the resolution which I offered or any other rational and practical scheme which might be suggested to bring about the establishment of an effective world court.

Mr. President, when I offered the resolution which I have referred to following the message of President Harding I suggested that perhaps the statute should be amended as a condition precedent to our entrance into the World Court. I was advised, however, that the matter had been fully considered and that it was the view of the able Secretary of State that the reservations suggested in the President's message would sufficiently meet the situation. Further reflection has convinced me that it might be wise to provide that the adhesion of the United States to the protocol of December 16, 1920, shall be conditioned upon the amendment of the statute creating the Permanent Court of International Justice in such a manner as to cover the points contained in the reservations set forth in the resolution which I have offered in two Congresses. Accordingly I have prepared a resolution which I think meets the situation in a satisfactory manner. I shall not take the time of the Senate to read it, but ask that it be printed in the RECORD and referred to the Committee on Foreign Relations.

The resolution (S. Res. 233) was referred to the Committee on Foreign Relations, as follows:

The President of the United States having on the 24th day of February, 1923, transmitted to the Senate a protocol, dated December 16, 1920, of adhesion to the statute of the Permanent Court of International Justice adopted by the assembly of the League of Nations on December 13, 1920, and adjoined to the said protocol; and the President having asked the advice and consent of the Senate to the adhesion by the United States to the said protocol accepting the adjoined statute of the Permanent Court of International Justice, excepting the optional clause for compulsory jurisdiction: Now, therefore, be it

Resolved, That the Senate, two-thirds of Senators concurring, advise and consent to the adhesion by the United States to the protocol of December 16, 1920, accepting the adjoined statute of the Permanent Court of International Justice, excepting therefrom the optional clause for compulsory jurisdiction; such adhesion to be upon the condition that the statute of the Permanent Court of International Justice be first amended to empower the United States to participate through representatives designated for the purpose and upon an equality with the other States, members respectively of the Council and Assembly of the League of Nations, in any and all proceedings for the election of members of the Permanent Court of International Justice, or for the filling of vacancies, and to provide that the statute of the Permanent Court of International Justice shall not be amended without the consent of the United States.

The Senate declares that the adhesion by the United States to said protocol and the adjoined statute does not constitute an assumption by the United States of any of the obligations of Part I of the treaty of Versailles.

SENATOR BURTON K. WHEELER

Mr. WALSH of Montana. Mr. President, it would be a work of supererogation on the part of any Senator to attempt to supplement the splendid presentation of the testimony taken on the hearings conducted by the special committee inquiring into charges against my colleague, Senator WHEELER, made by the senior Senator from Idaho [Mr. BORAH] on yesterday. Were it not for the extraordinary report submitted by the Senator from South Dakota [Mr. STERLING], and the even more extraordinary speech made by him in support of it, I should have nothing to say about this matter.

If I understand the Senator from South Dakota aright, he takes the position that the Senate of the United States has no power to inquire into the facts charged in the indictment against the junior Senator from Montana [Mr. WHEELER] or to make any report to the Senate as to whether or not the facts charged are true; and further, that, if the Senate of the United States has any such power, it is against public policy that it should exercise that power. The contention is made that if we undertake to pass upon the facts so charged in the indictment prior to a determination of that question by a petit jury, we are invading the province of the judiciary.

So much has been said recently, Mr. President, about usurpation upon the part of the Senate of the United States that I feel impelled to meet the issue thus raised by the Senator from South Dakota, who, I regret to say, is absent from the Chamber this morning. Some time ago the power of the Senate of the United States respectfully to represent to the President that a high official of the Government was not, in its judgment, a fit person for the place was questioned, and the Senate was charged with usurpation in that matter. Later on the power of the Senate to call witnesses before it or before one of its committees to give information, upon which the Senate might properly discharge its legislative functions, was questioned. The Senate was charged with invading the functions of the judiciary; and the courts are called upon now to pass upon the right of the Senate in that regard, a right which it has exercised without serious question for something over 130 years, namely, since it came into existence.

Now it is charged that the Senate has no power to inquire into the truth of charges of criminality against one of its own Members in order to determine whether or not he is a fit person to sit here; at least, until the question of his criminality is determined by a petit jury.

Pause for one moment, fellow Senators, to reflect upon what that means. A Senator is charged publicly, through the press or otherwise, or through an indictment against him in the courts of some State with some grave offense, possibly treason. The evidence is such as is generally accepted by the community; practically every Member of the Senate believes that he is guilty; indeed, he may even, as has occurred in the history of the United States Senate, proclaim his want of fidelity to the Government of the United States; and yet we must tolerate his presence here among us; we must permit him to vote upon matters that may affect the very existence of the Nation; we can not get rid of him; we can not expel him; we can not inquire into the facts of his guilt at all until, forsooth, by the slow process of criminal procedure, with all of the incidents of delay that ordinarily attend proceedings of that character; his presence must be tolerated here until a jury shall determine whether or not he is guilty. The proposition, Mr. President, is too absurd for serious contemplation; and I propose to demonstrate its falsity and its shallowness so clearly that no Senator shall be able to take refuge, as I do not imagine any Senator will undertake to take refuge, behind the idea advanced—I might say the pretext proposed—by the Senator from South Dakota, to escape a straight vote upon the question of the exoneration of my colleague from these charges.

The Senator from South Dakota told us on yesterday that this procedure was without precedent. Lest I should misstate what he said, I have before me his language. He said:

Mr. President, I say that this case is absolutely without parallel in our legislative history; there is nothing like it, and it is hoped there will be nothing like it in the future.

I shall presently recur to this reference to history.

The committee proceeded under the following resolution adopted on April 9, 1924:

Resolved, That a committee consisting of five Members of the Senate be appointed by the President pro tempore to investigate and report to the Senate the facts in relation to the charges made in a certain indictment returned against Senator BURTON K. WHEELER in the United States District Court for the State of Montana.

In the report of the Senator from South Dakota is the following statement:

The language of the resolution is broad enough to include an inquiry not only as to whether there was probable cause upon which the Federal grand jury for the district of Montana might properly return an indictment against Senator WHEELER but also whether Senator WHEELER was in fact guilty of the charges laid in the indictment.

Bear in mind that the Senator from South Dakota himself declared that the language of the resolution is broad enough to empower the committee to inquire into these facts, but he asserts that there is no constitutional warrant for doing so.

Mr. President, if the committee had reported as they were directed to report, should the facts justify them in so doing, that the Senator from the State of Montana is guilty of the acts charged in the indictment, what would follow? A resolution of expulsion as a matter of course. Before the Senate can expel a Member it must make investigation as to whether he is guilty of conduct warranting his expulsion. The Senator from South Dakota read from the Constitution, as follows:

Each House may determine the rules of its proceedings, punish its Members for disorderly behavior—

And he commented upon the fact that the charges were not of disorderly behavior, which in all probability contemplated disorderly behavior within the Senate. Quite true; but the Constitution continues:

and, with the concurrence of two-thirds, expel a Member.

The resolution had particular reference as a matter of course to the expulsion of Senator WHEELER from the Senate, provided the facts charged in the indictment were established. The offense alleged is of very grave character, it not only subjects the official guilty of it to fine and imprisonment but the statute itself provides that the culprit shall be disqualified from ever holding any office of honor or profit under the United States; and, although a judgment of guilty would not include expulsion from the Senate, it would justify and, indeed, all but require the Senate to expel. Although the Constitution does not specify the grounds upon which a Senator may be expelled it has never been controverted that if it is established that he is guilty of an offense defined in a statute, particularly one involving moral turpitude, he should be expelled. So the constitutional warrant for inquiring into the matter needs no exposition from anyone, and I am astonished that any Senator should rise in his place and question the power of the Senate to make an inquiry of that character.

Mr. President, when charges of this character are made, such as those in the indictment against Senator WHEELER, the Senate has a duty to perform, a duty which it owes to itself, and a duty which it owes to the Member whose conduct has been challenged. It must perform that duty; it can not escape it. If the Member charged is guilty, he ought to be expelled; if he is innocent, it ought to be so declared in order that he might not be embarrassed in the further discharge of his duties.

The Senator from South Dakota generously suggests that he is quite willing that Senator WHEELER should remain in his seat until the matter shall be determined by a petit jury, but any Senator thus accused is under a cloud meanwhile; his services here are affected to a very considerable extent; the influence that he ought to exercise and would otherwise exercise in this body and outside of this body, under such circumstances, would be seriously affected.

But I say, Mr. President, that the Senate of the United States has a duty to perform no matter what may happen before a petit jury. The United States district attorney for the district of Montana conceives that he has a duty to perform, and he has to proceed with the prosecution of the person charged. The Senate has its duty to perform, to see that a Member tainted, as it is charged my colleague is tainted in this matter, shall not longer remain in the Senate.

It has frequently happened in the history of the Senate that a Senator charged with an offense has preferred to ask the Senate to defer an investigation until the matter shall be tried by a petit jury, where he believes, with all the rules applicable to the trial of a criminal offense, he would be better situated in order to establish his innocence, or, at least, meet the accusation of guilt, than he would be before a committee of the Senate. That, however, is a mere matter of comity between this Senate and the judiciary department.

Neither one can claim precedence over the other. But, Mr. President, this question is not a new one. Quite contrary to the statement made on yesterday by the Senator from South Dakota, the very idea he advances was repudiated by the Senate at an early period in its history in a case in every particular identical with the case under consideration so far as the principle to which the Senator appeals is concerned. The whole matter was discussed and determined, and the views expressed by the Senator from South Dakota were entirely repudiated, and the Senate proceeded to consider the expulsion of a Member while an indictment was pending against him. The proceedings grew out of the celebrated Burr conspiracy.

It will be borne in mind that Aaron Burr, after he retired from the office of Vice President of the United States, was charged with having engaged in a conspiracy to set up an empire in the West, and it is generally believed that he was so engaged. One John Smith, a Senator from the State of Ohio, was charged with complicity with Burr in that conspiracy, and it will be borne in mind that Smith was indicted for participation in that conspiracy, and, being so indicted, a resolution was introduced to expel him from the Senate.

I read from the second volume of Hinds' Precedents, at page 816, as follows:

On November 27, 1807, the Senate, after debate, adopted after amendment the following resolution proposed by Mr. Samuel Maclay, of Pennsylvania.

"*Resolved*, That a committee be appointed to inquire whether it be compatible with the honor and privileges of this House that John Smith, a Senator from the State of Ohio, against whom bills of indictment were found at the circuit court of Virginia, held at Richmond in August last, for treason and misdemeanor, should be permitted any longer to have a seat therein; and that the committee do inquire into all the facts regarding the conduct of Mr. Smith as an alleged associate of Aaron Burr, and report the same to the Senate."

A special committee was appointed to inquire into that matter, the indictment thus pending against Smith. That committee was constituted of the following Members:

John Quincy Adams, of Massachusetts; Samuel Maclay, of Pennsylvania; Jesse Franklin, of North Carolina; Samuel Smith, of Maryland; John Pope and Buckner Thurston, of Kentucky; and Joseph Anderson, of Tennessee.

On December 31 Mr. Adams announced that the committee was ready to report, and made the following motion, which was read and agreed to:

Ordered, That John Smith, a Senator from the State of Ohio, be notified by the Vice President to attend in his place.

The Vice President accordingly notified Mr. Smith in the words following:

JOHN SMITH, Esq.,
Senator from the State of Ohio.

SIR: You are hereby required to attend the Senate in your place without delay.

By order of the Senate. GEO. CLINTON,
President of the Senate.

And Mr. Smith attended.

The committee then submitted its report.

After reciting the facts, the committee of which Mr. John Quincy Adams, afterwards President of the United States, was the chairman, attending to contentions identical with those now advanced by the Senator from South Dakota, among other things in its report said as follows:

The committee have never conceived themselves invested with authority to try Mr. Smith. Their charge was to report an opinion relating to the honor and privileges of the Senate and the facts relating to the conduct of Mr. Smith. Their opinion, indeed, can not be expressed in relation to the privilege of the Senate without relating, at the same time, to Mr. Smith's right of holding a seat in this body; but, in that respect, the authority of the committee extends only to proposal, and not to decision.

I omit, then, and continue:

In examining the question whether these forms of judicial proceedings, or the rules of judicial evidence, ought to be applied to the exercise of that censorial authority which the Senate of the United

States possesses over the conduct of its Members, let us assume, as the test of their application, either the dictates of unfettered reason, the letter and spirit of the Constitution, or precedents, domestic or foreign, and your committee believe that the result will be the same; that the power of expelling a Member must, in its nature, be discretionary, and in its exercise always more summary than the tardy process of judicial tribunals.

Mr. STERLING. Mr. President, I just wish to ask the Senator for the reference; that is all.

Mr. WALSH of Montana. The second volume of Hinds.

Mr. STERLING. From what page is the Senator reading?

Mr. WALSH of Montana. Page 816.

Mr. STERLING. I thank the Senator.

Mr. WALSH of Montana. The committee continues:

The power of expelling a member for misconduct results, on the principles of common sense, from the interest of the Nation, that the high trust of legislation should be invested in pure hands. When the trust is elective, it is not to be presumed that the constituent body will commit the deposit to the keeping of worthless characters. But when a man, whom his fellow-citizens have honored with their confidence, on the pledge of a spotless reputation, has degraded himself by the commission of infamous crimes, which become suddenly and unexpectedly revealed to the world, defective indeed would be that institution which should be impotent to discard from its bosom the contagion of such a member; which should have no remedy of amputation to apply until the poison had reached the heart.

The question upon the trial of a criminal cause before the courts of common law is not between guilt and innocence, but between guilt and the possibility of innocence. If a doubt can possibly be raised, either by the ingenuity of the party or of his counsel or by the operation of general rules in their unforeseen application to particular cases, that doubt must be decisive for acquittal, and the verdict of not guilty, perhaps, in nine cases out of ten, means no more than that the guilt of the party has not been demonstrated in the precise, specific, and narrow forms prescribed by law. The humane spirit of the laws multiplies the barriers for the protection of innocence and freely admits that these barriers may be abused for the shelter of guilt. It avows a strong partiality favorable to the person upon trial and acknowledges the preference that ten guilty should escape rather than that one innocent should suffer. The interest of the public that a particular crime should be punished is but one to ten compared with the interest of the party that innocence should be spared. Acquittal only restores the party to the common rights of every other citizen; it restores him to no public trust; it invests him with no public confidence; it substitutes the sentence of mercy for the doom of justice; and in the eyes of impartial reason, in the great majority of cases, must be considered rather as a pardon than a justification.

But when a member of a legislative body lies under the imputation of aggravated offenses and the determination upon his cause can operate only to remove him from a station of extensive powers and important trust, this disproportion between the interest of the public and the interest of the individual disappears; if any disproportion exist it is of an opposite kind. It is not better that ten traitors should be Members of this Senate than that one innocent man should suffer expulsion. In either case, no doubt, the evil would be great. But in the former it would strike at the vitals of the Nation; in the latter it might, though deeply to be lamented, only be the calamity of an individual.

By the letter of the Constitution the power of expelling a Member is given to each of the two Houses of Congress without any limitation other than that which requires a concurrence of two-thirds of the votes to give it effect.

The spirit of the Constitution is perhaps in no respect more remarkable than in the solicitude which it has manifested to secure the purity of the legislature by that of the elements of its composition. A qualification of age is made necessary for the Members to insure the maturity of their judgment; a qualification of long citizenship to insure a community of interests and affections between them and their country; a qualification of residence to provide a sympathy between every Member and the portion of the Union from which he is delegated; and to guard, as far as regulation can guard, against every bias of personal interest and every hazard of interfering duties, it has made every Member of Congress ineligible to office which he contributed to create and every officer of the Union incapable of holding a seat in Congress. Yet in the midst of all this anxious providence of legislative virtue it has not authorized the constituent body to recall in any case its representative. It has not subjected him to removal by impeachment, and when the darling of the people's choice has become their deadliest foe can it enter the imagination of a reasonable man that the sanctuary of their legislation must remain polluted with his presence until a court of common law, with its pace of snail, can ascertain whether his crime was committed on the right or on the left bank of the river; whether a puncture of difference can be found between the words of the charge and the words of the proof; whether the witnesses of his guilt should or should not be heard by his jury; and whether he was punishable, because present at an overt act, or intangible to public justice, because he only contrived and prepared it? Is it conceivable that a traitor to that country which has loaded him with favors, guilty to the common understanding of all mankind, should be suffered to return unquestioned to that post of honor and confidence where in the zenith of his good fame he had been placed by the esteem of his countrymen, and in defiance of their wishes, in mockery of their fears, surrounded by the public indignation, but inaccessible to its bolt, pursue the purposes of treason in the heart of the national councils? Must the assembled rulers of the land listen with calmness and indifference session after session to the voice of notorious infamy, until the sluggard step of municipal justice can overtake his enormities? Must they tamely see the lives and fortune of millions, the safety of present and future ages, depending upon his vote, recorded with theirs, merely because the abused benignity of general maxims may have remitted to him the forefeiture of his life?

Such, in very supposable cases, would be the unavoidable consequences of a principle which should offer the crutches of judicial tribunals as an apology for crippling the congressional power of expulsion. Far different, in the opinion of your committee, is the spirit of our Constitution. They believe that the very purpose for which this power was given was to preserve the legislature from the first approaches of infection. That it was made discretionary, because it could not exist under the procrastination of general rules; that its process must be summary, because it would be rendered nugatory by delay.

The Senate of the United States was not deterred considering or from voting upon the motion to expel John Smith, a Senator from the State of Ohio, notwithstanding an indictment was pending against him.

Mr. President, how can we escape this reasoning? Why, if we are going to delay action in the Senate in every instance, if we have no power in the premises, as asserted by the Senator from South Dakota in his report here, until an accused Senator shall have been tried by a petit jury, as a matter of course if he appeals, we must wait until the determination of his appeal; and then if there should be found, perchance, some error in the introduction of evidence possibly of no very material character, or some error in the instructions of the court to the jury, or some other irregularity should appear, and a new trial should be ordered, we must allow the Senator to remain a Member of this body until the litigation is eventually determined, and his term possibly brought to an end by the lapse of time. As I said, the proposition is too absurd for serious consideration.

Comity ought to exist in this matter, and I do not undertake to say that under ordinary circumstances, where the offense charged against the Senator is not of a grave character, or the proof in regard to the matter is not entirely clear, and the Senator himself desires that he should not be prejudiced in his trial before the petit jury by any proceedings had in the Senate in anticipation of the trial, the Senate might very properly stay its hand until a determination by that tribunal; but whether it shall do so or shall not do so in the particular case is a matter which addresses itself to the good judgment of the Senate.

It is a fact that in the case of Burton, the Senator, my recollection is, chose to take his chances before a jury, which had to be satisfied beyond a reasonable doubt of his guilt before it could convict him, and so he asked no investigation by the Senate, which deferred action to await the result of the trial. I believe the same proceeding was observed in the case of Mitchell, of Oregon; and, as we were advised, that procedure has been observed in the case of Congressman LANGLEY in the House. But it is a matter for the Senate to determine as to whether it shall or shall not go on.

We all know the circumstances here. At the time this indictment was returned Senator WHEELER was engaged in prosecuting in a most vigorous and commendable way charges against the Department of Justice that it was teeming with fraud and corruption; and so well did he discharge that duty, whatever may be said concerning the character of the witnesses and the nature of the testimony that was adduced; so well did he discharge that duty that public opinion drove the Attorney General from his place, even before a report of the committee was filed, and the President of the United States himself called upon the Attorney General to send in his resignation. The country owes a debt of gratitude to my colleague for his excellent services in that connection.

Bear in mind that while he was engaged in that work the Department of Justice sent some one out to the State of Montana to get something on him for the perfectly obvious purpose of hampering and if possible destroying his work upon

the committee of which he was a member. The direct evidence is to that effect and the circumstances attending the return of the indictment points unmistakably to that conclusion.

The Senator from South Dakota says in his report:

In other words the charge of a frame-up failed entirely of proof.

I do not know what view the Senator from South Dakota may take about this matter; but if he does not believe that the indictment against Senator WHEELER was returned for the express purpose of hamstringing him in the prosecution of his work he stands almost alone among the people of the United States.

Under those circumstances the Senate believed that it would be in the interest of the public to have an immediate inquiry; so that should the charges prove to be unfounded, as most Members believed they would be, Senator WHEELER might not be harassed and embarrassed in the prosecution of his work. The Senate chose rather to proceed than to await the determination of the trial jury, particularly as Senator WHEELER himself asked that the investigation go on, and the resolution was introduced by myself, as I stated at the time, at his request.

So much for the power.

Having in mind the views expressed by that great statesman who in later years was very appropriately called "the Old Man Eloquent," I want to call attention to the views expressed in this minority report. The Senator from South Dakota says:

The language of the resolution is broad enough to include an inquiry not only as to whether there was probable cause upon which the Federal grand jury for the district of Montana might properly return an indictment against Senator WHEELER but also whether Senator WHEELER was in fact guilty of the charges laid in the indictment.

He says further:

A grand jury is one of our time-honored institutions, and has special recognition in our Federal Constitution. Neither the Senate nor the President has any power to control the action of grand juries or in any way to overturn indictments returned by grand juries. When a valid indictment has been found the party indicted must be put upon trial, unless the district attorney concludes, and the court concurs, that for some legitimate reason the indictment should be withdrawn. The legislative branch of the Government nor either House of Congress should attempt to exercise the power to determine, in advance of such trial, whether the defendant is in fact guilty, and its right or power so to determine is seriously questioned. Such determination not only encroaches upon the legal functions of the court but is likely so to prejudice public sentiment at the proper place of trial as to make it difficult and perhaps impossible for either the Government or the defendant to obtain a fair and impartial jury. Furthermore, when a committee of the Senate calls before it, in open session, all the witnesses of the prosecution and examines them before trial, the defendant Senator is accorded an advantage to which no other defendant is entitled under the law, an advantage to which he, merely because he is a Senator, is not entitled.

I will refer to that again directly. I want to read first the further argument along the same line toward the close of this rather remarkable report:

In the face of and contrary to what is believed to be sufficient evidence at least to warrant the action of the grand jury, the majority has specifically and definitely found that Senator WHEELER has not committed any act in violation of law. In doing this the majority have encroached upon the functions of the judicial branch of our Government. Their conclusions prejudice the issue made by the pending indictment and a plea of "not guilty" which it is assumed will be entered; and to this extent the majority report obstructs and interferes with the due administration of justice. In the face of the majority report, which will doubtless be given wide publicity in Montana, how can the Government hope to secure an unprejudiced jury to try the case? How can respect for the courts be maintained if their hands are to be tied and their freedom of action embarrassed by the unwarranted interference of a coordinate branch of the Government? The action of the majority of the committee in assuming to act as a petit jury to determine the guilt or innocence of the person accused, without the necessary orderly proceedings and restraints of a court of justice to safeguard the rights of the Government on the one hand and of the defendant on the other is altogether repugnant to our ideas of justice. "Equality before the law" is one of the cherished principles of our free institutions; it must not be violated by recourse to a proceeding which gives to a United States Senator, when charged with an offense, a privilege not enjoyed by the humblest citizen of the land.

Senator WHEELER, having been charged by a Federal grand jury with the violation of a Federal statute, should be remitted to the proper forum where he will have full opportunity to explain, deny, or refute the charges made against him and where the Government likewise, through its counsel, will be accorded the right to present its case in a lawful and orderly way. That forum is the Federal District Court for the State of Montana; and before a jury duly impaneled and sworn to try the case according to the law and the evidence.

The idea in the mind of the Senator apparently is that in some way or other we are going to try Senator WHEELER in the place of his being tried by a petit jury. The use of the language "remitted to the proper tribunal" conveys that idea. When a person is charged with an offense of which he claims the court has no jurisdiction, he sues out a writ of habeas corpus, and if the judge hearing the writ determines that his contention is not sound, he remits him to the court from which he came in order that the case may be tried. We do not remit Senator WHEELER anywhere. We determine simply whether he ought to be expelled from this body or not. We interfere in no way with the proceeding before the court.

Touching the assertion that a privilege is accorded Senator WHEELER not enjoyed by the ordinary person accused of crime, a word may be said.

The difficulty is that every citizen is not a member of this body. There are only 96 Senators who are subject to expulsion from this body. Every citizen of this country is not subject to expulsion from the United States Senate, and that is why the same matter may be heard in this tribunal and heard in another tribunal without either of them encroaching upon the powers or the functions of the other.

It may be true that a hearing here may indirectly ease the situation of a defendant Senator before a jury trying him, but it may as well be an embarrassment to him. But the duty of the Senate is clear whatever may be such indirect influence.

As pointed out, no matter what we do here, the proceedings in Montana will go on. An acquittal of Senator WHEELER in the courts of Montana would not compel us to retain him as a Member of this body. We would still have the power to go on and expel him. It might be a question whether he was not acquitted by reason of some technical failure of the proof, or some frailty in the indictment. We might prosecute an entirely independent inquiry with respect to the facts whatever the adjudication there might be.

The Senator read at some considerable length from the opinion in the Burton case, for the purpose, as he told us, of establishing that it was not necessary that the Senator should actually be entered as an attorney of record in some proceeding before the department before which he is charged with practicing. Some pages were read for that purpose. That kind of thing perhaps impresses some people, but inasmuch as no one ever even intimated in any wise that that was an essential requirement in order to establish a case against a Senator, it seemed to have little if any purpose.

There was a matter that was determined in the Burton case, however, that is exceedingly important in this connection. I read what the court said about the matter to which I have just adverted:

But the final judgment of conviction did not operate, ipso facto, to vacate the seat of the convicted Senator nor compel the Senate to expel him or to regard him as expelled by force alone of the judgment. The seat into which he was originally inducted as a Senator from Kansas could only become vacant by his death or by expiration of his term of office or by some direct action on the part of the Senate in the exercise of its constitutional powers. This must be so for the further reason that the declaration in section 1782 that anyone convicted under its provisions shall be incapable of holding any office of honor, trust, or profit "under the Government of the United States" refers only to offices created by or existing under the direct authority of the National Government as organized under the Constitution, and not to offices the appointments to which are made by the States acting separately, albeit proceeding, in respect of such appointments, under the sanction of that instrument.

The conviction in Montana would have no effect whatever in the Senate. The Senate might accept its judgment, or might proceed entirely independent of it if it so desired.

But I want to follow this matter a little further in the hope that even the Senator from South Dakota, for whom I have abundant reason for entertaining feelings of regard and esteem, may be induced to change his views.

I have read the language of the resolution under which the committee acted. The Senator said, in language which I have heretofore quoted:

The language of the resolution is broad enough to include an inquiry, not only as to whether there was probable cause upon which the Federal grand jury for the district of Montana might properly return an indictment against Senator WHEELER, but also whether Senator WHEELER was in fact guilty of the charges laid in the indictment.

For myself, I can find no room for such division in the resolution. I can find nothing whatever in the resolution which authorized the committee to go into the question as to whether there was probable cause to find the indictment. I can think of no provision of the Constitution which would authorize the committee to engage in any such inquiry unless, indeed, it be prosecuted as a part of an inquiry into the conduct of the Department of Justice.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield.

Mr. BORAH. The committee was very careful not to go into the proposition as to whether the grand jury had probable cause or not.

I did not think that we had any authority to inquire into it. We were authorized to investigate and report upon the facts touching the charge, and that is what we did, and that is the proceeding of the committee. When the question was suggested at one time the Senator from South Dakota seemed to think we had no authority to go into it.

Mr. WALSH of Montana. That was my understanding about the matter—that the committee did not go into that question at all and that there was no room whatever for inquiring into the charge made by the Senator from Montana that he was the victim of a frame-up. I did not understand that the Senate authorized any committee to go into the question as to whether he was the victim of a frame-up.

Mr. STERLING. No; not in terms——

Mr. WALSH of Montana. Certainly the resolution under which the committee acted did not authorize them to do so.

Mr. STERLING. But the Senator from South Dakota very early took the view that the committee had not the power to determine the guilt or innocence of Senator WHEELER but that the facts might assist in determining whether or not the grand jury had probable cause to find him guilty. That is as far as I thought the committee could go, and that belief was induced by the charge made by Senator WHEELER that this was a frame-up and that the prosecuting officers of the Government had been governed by improper motives. I was willing to go into the facts to that extent, but it was difficult to determine, in the investigation by the committee and in the statement of facts or purported facts by various witnesses, as to how far that would reach. I grant that, in the disclosure of facts other than those that were necessary in order to determine whether the grand jury was warranted in finding an indictment or not, it was difficult to draw the line in the examination of the witnesses or in taking their testimony. So without much reference to whether the inquiry was for the purpose of ascertaining whether he was guilty or innocent or not I allowed the testimony to go in.

Mr. WALSH of Montana. But that is a wholly different question. I am not discussing now the question of testimony at all. I am discussing the question of the resolution under which the committee acted. I want to inquire of the Senator from South Dakota where he finds in the resolution any direction to inquire whether the grand jury acted upon sufficient evidence or not?

Mr. STERLING. There is no explicit reference to it in the resolution. I grant that; that is very plain; but I have said that the resolution was broad enough, according to my interpretation of the resolution, to permit the committee to inquire into the question as to whether the grand jury was justified or not, or to go into the whole question of the guilt or innocence of Senator WHEELER.

Mr. WALSH of Montana. I inquire of the Senator, suppose the resolution did expressly direct, and directed nothing else, that the committee inquire into whether there was probable cause for the grand jury to find the indictment, where would the Senator find any justification in the Constitution for that kind of inquiry?

Mr. GEORGE. Why would we want to know it? What interest would it be to the Senate of the United States to know that fact?

Mr. STERLING. This was our interest, and mine as a member of the committee, in finding whether or not the evidence would show any of it or all of it together as to whether there was a frame-up against Senator WHEELER. That was my interest in it.

Mr. WALSH of Montana. I am inquiring of the Senator where he finds in the resolution any direction of the Senate to inquire into either of those questions?

Mr. STERLING. There is no specific direction in the resolution to that effect.

Mr. WALSH of Montana. Very well.

Mr. STERLING. I am free to admit that, but we were to investigate facts, and under my theory of the case the investigation might have been limited to the facts before the grand jury and any facts showing improper conduct or motives on the part of the prosecution.

Mr. WALSH of Montana. I now inquire of the Senator, suppose there were an express direction to the committee to inquire into that subject, where would he find the power in the Constitution to do it?

Mr. STERLING. We would not find the express power in the Constitution to do it no more than we find power in the Constitution to go into the other question.

Mr. WALSH of Montana. Why not? Why is it not involved in the power to expel? The committee in 1807 said that it was.

Mr. STERLING. I have not examined the case decided away back in 1807. There has been no case since that time, practically 120 years ago, in which that proposition was laid down, and that was a case of treason against the United States.

Mr. WALSH of Montana. But the Senator told us yesterday there was no case being a precedent for the present proceeding.

Mr. STERLING. I did; and I was distinctly under the impression that there was no case. The Senator has found a case, decided in 1807.

Mr. GLASS. Does not the Senator think that is a well-seasoned precedent, being 120 years old?

Mr. WALSH of Montana. Moreover, it will be borne in mind that less than 20 years had elapsed since the Constitution was written, and that in all probability not a few of those who contributed to framing it were still in public life.

Mr. STERLING. I will say to the Senator from Virginia that the precedent has never been followed from that time to this, and I do not think there will be another case found where an indictment had been returned when the Senate proceeded to try the guilt or innocence of the defendant.

Mr. GLASS. Perhaps there never was a case—I hope not—just similar to this since that precedent was established.

Mr. STERLING. There is a case pending now in the other House that involves this very principle, and where the committee refused to go on with the investigation until the matter had been decided by the trial court.

Mr. BORAH. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Idaho.

Mr. BORAH. Of course, we could refuse to go on, just as the House refused to go on; but the House did not refuse to go on because it did not have the power to go on. It had the power to do it if it wanted to.

Mr. WALSH of Montana. The Senate did, as a matter of fact, direct an investigation into the facts charged against Senator WHEELER in the indictment. The language is perfectly explicit. It did not direct any inquiry as to whether the grand jury had probable cause to believe that Senator WHEELER was guilty or could be convicted. It did not direct the committee to inquire whether he was the victim of a frame-up or not. It directed the committee to inquire whether he was guilty of the facts charged against him, with a view to his expulsion if he was or his exoneration if he was not.

The Senator from South Dakota made no objection at the time the resolution was offered in the Senate to the effect that to do so was beyond the power of the Senate under the Constitution. He made no objection to the effect, when the resolution was offered in the Senate, that it would be unwise public policy to pursue that course because we would prejudice the administration of justice in the State of Montana. No; he was perfectly silent about it. No one in the Senate at the time, I dare say, doubted what it was the committee was directed to do. The Senator from South Dakota apparently admits that he recognized the full meaning and significance of the language of the resolution and expected that the committee would go into the question of the facts of guilt or innocence. Not only that, Mr. President, but when the committee proceeded to inquire into the facts the Senator from South Dakota made no objection to the introduction of testimony concerning the truth of the charge upon the ground that the committee had no jurisdiction to inquire into them or that it would be unwise upon the ground of public policy to do so. All of the testimony went in.

The Senator complains that the order of the presentation of the testimony was reversed, but upon an exami-

nation of the record I find that he made no objection about it at the time at all. He said in that connection as follows:

In the presentation of evidence before the committee the customary order was reversed, and eight witnesses were heard who, supposedly, had been summoned at the instance of Senator WHEELER with the view of refuting the charges laid in the indictment and of proving Senator WHEELER was not guilty thereof. This was not in accord with my conception of the proper function of the committee, as above stated, but tended to extend the inquiry far beyond any legitimate scope.

But it was within the scope of the resolution, as admitted by the Senator from South Dakota, and no objection was made either about the order of the presentation of the testimony or against the testimony itself. The Senator, having accepted a position upon the committee which was charged with the duty of going into the matter, said this in his report:

The view here expressed is limited to the first of these propositions—

That is, whether there was probable cause—

namely, as to whether the indictment was justified by the evidence before the grand jury. The second proposition, as to whether Senator WHEELER is in fact guilty of the crime, is not, in my opinion, a proper subject of inquiry by the committee, that being solely a matter for determination by the court in which the indictment is pending.

I inquire, as suggested by the Senator from Georgia, to which end should the committee inquire into the question as to whether there was probable cause for the indictment, as to whether the evidence which came before the grand jury was sufficient or not? Suppose it was sufficient but there was other evidence which wholly overcame that; what should the Senate do? To what end, I inquire, should the Senate prosecute an investigation as to whether the evidence was or was not sufficient? If there was other evidence that overcame that, Senator WHEELER would not be expelled from this body. If evidence other than that heard by the grand jury should be adduced inculpating him he might stand in danger of exculpation. What could the Senate do upon a report either that the grand jury did or that it did not hear evidence sufficient to warrant its action?

Not only then was an inquiry of that kind never authorized by the Senate but the Senate probably never could authorize an inquiry of that kind, and, finally, there was no object in prosecuting an inquiry of that character.

There are a couple of other extraordinary passages in the report to which I invite attention, as follows:

The complaint is here made that the indictment by the grand jury was obtained and found through improper motives and upon evidence insufficient in law to show probable cause for belief in the guilt of the accused.

Who makes the complaint? Where is it made? Something was said in the newspapers to that effect. A great many of us believe that is the case, but what was the committee called upon to inquire into?

For the purposes of this case it may be conceded that the occasion is such as to justify an investigation by a committee of the Senate as to the motives which prompted the prosecution in its beginning and the sufficiency of the evidence before the grand jury to sustain it.

Why, Mr. President, that is just exactly the subject that another committee of the Senate, the Brookhart committee, is going into. They are going into the question as to whether the Department of Justice is not reprehensible in this matter and as to whether it did not prosecute this proceeding without any just foundation for it. That was not within the scope of the inquiry which this committee was directed to make at all.

Mr. BORAH. Mr. President——

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

Mr. WALSH of Montana. I yield to the Senator.

Mr. BORAH. The language in the report of the Senator from South Dakota where he says "The complaint is here made," and so forth, would indicate that there was some complaint of that kind in a formal manner before the committee. Of course, no such thing as that was before the committee at all.

Mr. STERLING. I grant that there was no formal complaint of that kind, but I assumed that that complaint was made in the speech delivered by the junior Senator from Montana [Mr. WHEELER] immediately following the publication of the news that an indictment had been found. Here on the floor of the Senate he made a speech charging the indictment with being a frame-up, and I think charging Government officials with being prompted by unworthy or improper motives, holding out the idea that it was his political enemies who were instigating the prosecution. Hence the words in the report, "The complaint is here made." They refer to the complaint as I understood it to be made by the junior Senator from Montana.

Mr. WALSH of Montana. But I remind the Senator that the committee was not charged with the duty of inquiring into the truth of the statements made by the junior Senator from Montana upon the floor here; it was charged with the duty of inquiring into the facts charged against him in the indictment; and the Senator from South Dakota endeavors to shift it from the charges in the indictment to the statements made by the junior Senator from Montana on the floor here as to the truth or falsity of the statements made by him or the soundness or unsoundness of the conclusions that he drew.

Mr. BROOKHART. Mr. President——

Mr. WALSH of Montana. I yield to the junior Senator from Iowa.

Mr. BROOKHART. At the time this resolution was passed I here, on the floor of the Senate, referred specifically to this question and requested that the investigation as to a frame-up be left to my committee. That committee has taken testimony in reference to the matter, which has indicated that it was a frame-up; that the claim of the junior Senator from Montana was true; and we shall take more testimony, and we shall investigate the charge to a conclusion. That is a question apart from the guilt or innocence of the junior Senator from Montana.

Mr. WALSH of Montana. Yes; I dare say that the committee of which the distinguished Senator from Iowa is chairman will in due course inquire into the question of whether this was a frame-up or not or whether the evidence submitted to the grand jury was sufficient to warrant an indictment or not, but I again remind the Senator from South Dakota that that was not the duty imposed upon the committee of which he is a member.

Mr. STERLING. It was a duty that I was willing to concede the committee might perform.

Mr. WALSH of Montana. The committee might perform how? Under the resolution?

Mr. STERLING. Under the resolution.

Mr. WALSH of Montana. The Senator from South Dakota continues:

None of the witnesses thus called at the instance of Senator WHEELER had appeared before the grand jury, and obviously their testimony can serve no useful purpose in determining the question of probable cause. In the testimony of these witnesses there is an utter lack of evidence in any manner substantiating the statement of Senator WHEELER that improper motives actuated the Government officers who either made the investigation or presented the evidence to the grand jury which returned the indictment. In other words, the charge of frame-up failed entirely of proof.

But the Senator was not called upon, as I have said, to inquire into that question at all; neither was the committee of which he was a member.

Mr. CARAWAY. There was not a line of testimony elicited by the Senator from South Dakota or anyone else directed to the point that there was or was not a frame-up.

Mr. OVERMAN. Do I understand that the Senator from South Dakota in his report finds that there was no frame-up?

Mr. CARAWAY. Yes.

Mr. OVERMAN. I am surprised at that.

Mr. WALSH of Montana. I have asserted that if the Senator from South Dakota so believes—and I assume that he does, as he has so stated in his report—he stands practically alone among the people of the United States.

Mr. STERLING. Mr. President, I have abundant evidence to show that I do not stand practically alone in my view of this matter. I think it will be found that there is very good authority in support of the view that I have taken. I have fine legal authority, if the Senator will allow me to say so; I have evidence as to that; and so I do not stand alone by any means.

I want to say now to the Senator, once for all—and I do not think from what I said yesterday and from what I say now there can be any misunderstanding of my position—that I state in the minority report that the right of the committee to go into the question of whether the grand jury was warranted in finding an indictment or not is open to serious question; but in view of the statement made here by the Senator's colleague on the floor of the Senate, I thought we might well go into that question. The junior Senator from Montana gravely and

seriously charged that the indictment was a frame-up and that the officers were governed by improper motives. I was attracted at the time by that statement on the part of the junior Senator from Montana, which he made here on the floor of the Senate, and I thought that the committee might well investigate the question as to whether there was evidence going to show that frame-up.

Mr. OVERMAN. But the question is, Did the Senate committee investigate that question?

Mr. STERLING. Yes; they investigated it in a way; some of the testimony must have gone to that, necessarily.

Mr. OVERMAN. Does the Senator from South Dakota think he is justified in finding that there was no frame-up when his committee did not go into that question and refused to go into it?

Mr. STERLING. The Senator from North Carolina is wrong in that respect.

Mr. OVERMAN. I have taken what the Senator himself has stated.

Mr. STERLING. We did not refuse to go into the question. I did not have control of the introduction of witnesses, so far as that is concerned. Witnesses were called, persons of whom I had never heard and did not know. I once suggested to the Senator from Idaho [Mr. BORAH] as to whether it would not be a good idea, in view of the charge by the junior Senator from Montana, to have the district attorney brought here from Montana. At first blush he seemed to think it would be; but later on, after consideration, he said he did not think it would be a good idea, and I rather agreed with him that it would hardly be proper, perhaps, for the United States district attorney to come here and testify before a committee of the Senate.

It is my position that we had no right to go into the question as to whether there was guilt or innocence, but we might have had a right, under the very serious charge made by the junior Senator from Montana, to go into the question of a frame-up and ascertain whether the evidence showed it or not. If it did show it, no one would be quicker to condemn it than myself and no one would have been more receptive to testimony of that kind than myself; but it was not introduced.

Mr. WALSH of Montana. I want to inquire of the Senator whether he had at any time ever insisted that that subject be gone into?

Mr. STERLING. I did not personally and specifically insist upon it; no.

Mr. WALSH of Montana. Exactly.

Mr. STERLING. I did not think it was necessary.

Mr. WALSH of Montana. Exactly.

Mr. STERLING. That committee being constituted as it was and Senator WHEELER having made the statement that he made, I did not think it necessary to remind the other members of the committee that the committee might inquire into the question as to whether or not there was a frame-up.

Mr. WALSH of Montana. I want to make another inquiry of the Senator.

Mr. STERLING. I thought then, let me say to the Senator from Montana, that if there had been evidence apparent to the other members of the committee to the effect that there was a frame-up they would have been quick enough to have brought it to the attention of the committee.

Mr. WALSH of Montana. I want to ask the Senator another question. If he concedes that the only legitimate inquiry that the committee could make was as to the sufficiency of the evidence before the grand jury to indict, did he object when witnesses were called who were not before the grand jury?

Mr. STERLING. I did not.

Mr. WALSH of Montana. Then, if that is the theory of the Senator, why did he not object?

Mr. STERLING. I began to see the situation so far as that committee was concerned, and that they were going on and trying the question of guilt or innocence, and I did not object to that.

Mr. WALSH of Montana. Exactly.

Mr. STERLING. But I said that in its findings the committee should be limited to the question as to whether there was sufficient evidence to warrant the finding of an indictment.

Mr. WALSH of Montana. I understand that now.

I merely want to say in conclusion, Mr. President, that I wish I might take a more charitable view of this report, but I can not help but feel that this is an afterthought of the Senator from South Dakota; that it never occurred to him——

Mr. STERLING. An afterthought since when?

Mr. WALSH of Montana. Since the testimony was all in, because up to that time the Senator had never advanced the idea; and an afterthought, Mr. President, in order to afford some one an opportunity to evade a direct vote upon the question of the exoneration of my colleague.

Mr. STERLING. The distinguished Senator from Montana may entertain such view as he cares to in regard to its being an afterthought, but it was not an afterthought. Furthermore, when it came to the meeting of the committee in executive session, after hearing the report of the majority read, I submitted the opinion that I could not agree to that report; that I considered our proper function was to make the inquiry only as to whether there was evidence showing a frame-up, and that the indictment was the result of that kind of procedure.

Mr. WALSH of Montana. The Senator must appreciate, as a matter of course, as everybody else will, that his minority report simply gives an excuse to some persons to entertain some suspicion against my colleague; and for other people to scatter slander about him over the United States, notwithstanding the Senate may exculpate and exonerate him.

Mr. STERLING. That minority report——

Mr. WALSH of Montana. I appeal to my fellow Senators upon this floor to be bold enough to vote either for the exoneration of my colleague or for his condemnation, and not seek to hide and get away from that issue by any suggestion that, although he is not guilty, the grand jury had sufficient reason for returning an indictment against him, as proposed by the Senator from South Dakota.

Mr. STERLING. Mr. President, if the Senator will allow me, the minority report contains much more than mere conclusions. It refers to the evidence, including the evidence taken before the grand jury, to the oral evidence and documentary evidence, and I submit that that evidence, without explanation, without denial, would warrant the grand jury in finding as it did. That evidence, as I have stated in the report, may be explained, it may be refuted by the Senator from Montana in the proper place.

Mr. CARAWAY. Mr. President, I realize that no useful purpose can be subserved by continuing to discuss the minority report submitted by the Senator from South Dakota. I hope he does not go away, for I wish to call attention to one statement in that report. In the second paragraph he says:

> The language of the resolution is broad enough to include an inquiry not only as to whether there was probable cause upon which the Federal grand jury for the district of Montana might properly return an indictment against Senator WHEELER but also whether Senator WHEELER was in fact guilty of the charges laid in the indictment.

If that is true, if the views that he was to present were to be confined exclusively to the question of whether there was probably ground to warrant the grand jury in returning an indictment, everybody knows that the Senator from South Dakota should have discussed no testimony except that which the grand jury had before it, because if the whole inquiry was as to whether the grand jury had probable ground for believing Senator WHEELER guilty, then no evidence except that which the grand jury had should have been considered by the committee or should have been discussed by the Senator from South Dakota. That is evident; and yet in his report he discusses matters that the grand jury never had an opportunity to consider, and in his speech on yesterday he sought to bolster up the contention that he was justified in his position by reading an affidavit that was never before the grand jury. I can not understand how the Senator from South Dakota, who is a lawyer, can find any excuse for dragging into this discussion evidence that the grand jury never saw and never heard of in order to uphold his contention that the only thing that the committee had a right to inquire into was whether the grand jury had probable cause for believing Senator WHEELER guilty. That is only one of the inconsistent statements that the Senator from South Dakota has made.

I repeat, because I do not want anybody to vote without having at least an opportunity to know it, that skillfully led as some of the witnesses were by the Senator from South Dakota, there is not a line in the testimony, no witness testified to it, that Senator WHEELER ever at any time undertook, for a consideration or without a consideration, to represent Campbell or any other interest before the Department of the Interior, or that he did so represent anyone. If there is anyone who thinks that statement is inaccurate, I shall be glad to yield for him to point out the testimony by which that fact is established.

If, as the Senator said in the conclusion of his minority report, he was actuated only by a sense of duty, and it was abhorrent to his feelings to have to bring in this minority report, I ask him, then, in fairness to the Senator from Montana

[Mr. WHEELER], to withdraw his report, or else put his finger on some line of testimony that would justify it.

Let us take the Rhea case. I shall not read the testimony, because it has been in the RECORD twice. Rhea made an affidavit. Before that, Coan went to Montana in the pay of the Republican National Committee, according to his own sworn testimony, to "get something on" two Senators. He wanted to "smear" them, as he said, in order that they might be compelled to desist from prosecutions before committees of charges against the Department of Justice. I want to read Coan's testimony, because it is of a very remarkable character. On page 127 of the testimony Coan said:

The CHAIRMAN. Who employed you to go to Montana?

Mr. COAN. Mr. Lockwood—George B. Lockwood—of the Republican National Committee.

Senator SWANSON. Is he a member of the Republican National Committee?

Mr. COAN. Yes, sir.

Senator SWANSON. And he is also interested in the National Republican?

Mr. COAN. Yes, sir; he is secretary of the Republican National Committee.

Senator SWANSON. At that time were they interwoven?

Mr. COAN. I do not know the connection exactly. I did not ask him when he gave me the job whether they were interwoven or not.

The CHAIRMAN. You may take the witness.

Senator SWANSON. Did he tell you the purpose for which he employed you?

Mr. COAN. Yes; I was sent out to Montana to investigate some of these stories about Senator WHEELER. WHEELER had been attacking the administration and everybody in public life here, and nobody seemed to be willing to get up and answer him, and they thought it was up to somebody to find out who this fellow was, and what he had been doing.

Senator SWANSON. Who thought so?

Mr. COAN. The Republican National Committee.

Senator SWANSON. And they sent you there for that purpose?

Mr. COAN. Yes.

Coan went to Montana and got two affidavits. First, he got an affidavit from a man by the name of Glosser, upon whom the Senator from South Dakota relies. In that affidavit Glosser never pretended to say what he had been employed to do, but he did say that Campbell had told him about WHEELER's contract. Coan then took Glosser to Denver, Colo., at his expense or at the expense of the Republican National Committee, I presume—because, I take it, that he was furnished expense money—and found a man by the name of Rhea, the only other witness that the Senator from South Dakota quotes with approval; and from Rhea he had an affidavit. In that affidavit there is not a word that Senator WHEELER ever agreed to do anything touching any matter that Mr. Campbell had, so far as witnesses by competent evidence knew. There was, however, a statement said to have been made by Campbell. When these two witnesses are put upon the witness stand and are pressed for the exact language of WHEELER, both of them said they never heard him at any time say what the scope of his employment was to be, much less that they, or either of them, knew he was to appear before any department of government.

Take the case of the Rhea permit, the James MacGowan permit: That is the one that the Senator discusses. Rhea said this. I shall not read his testimony. If anyone is interested in it, I shall be glad to do it. Rhea said that he and Campbell and Glosser and WHEELER were in room 212 in the Rainbow Hotel in Great Falls, and that in the course of the conversation Campbell said:

If Senator WHEELER can get this MacGowan permit fixed up, you—

Referring to Rhea—

can afford to give him a good slice of it.

It is perfectly obvious—the Senator from South Dakota knows it—that if the MacGowan permit had been within the things that WHEELER had been employed to do, and for which he had been paid, there would have been no occasion then to dicker for a new deal with WHEELER. There would have been no occasion for Campbell to say: "If WHEELER can do something for the MacGowan permit, you can afford to pay him for it," because the answer is obvious that if the MacGowan permit had been within the things that Campbell had employed WHEELER to do and for which WHEELER had been paid, there would have been no occasion to offer to pay him further for those services; and, in addition to that, the answer of Rhea is obviously to the same effect, because if you concede that the thing happened at all—and I will do that much, though I presume there is nobody on earth that believes it except the Senator from South Dakota—Rhea would have said, "Why, that is what we are paying WHEELER to do"; but, instead, he said: "I have got me a lawyer. That is my permit, and I have got me a lawyer to do that, and I have already paid him, and I am not going to pay anybody else." Therefore that ended it; and the Senator from South Dakota knows that under either theory of that testimony WHEELER had nothing to do with the MacGowan permit for a consideration or without one, because, in the first place, as I say again, and I want to repeat here, if that had been within the purview of the first employment of WHEELER by Campbell there would have been no offer upon his part to pay WHEELER additional for this, and there would have been no occasion for Rhea to have said: "I have got a lawyer to look after this meeting."

So, therefore, the only people that testify about that at all make it absolutely impossible for anybody, however anxious he may be to follow out the policy that brought about this indictment of smearing WHEELER, not to know that that permit had nothing to do with WHEELER's employment. It is denied by the very people that are put on the witness stand to prove it.

There is something that I might refer to here if we wanted to talk about frame-ups. I read this testimony yesterday, but I want to read it again in this connection, because here is the origin of this matter. It comes from people who at least are not in sympathy with Senator WHEELER politically. It comes from a Republican of the State of Montana, who was formerly the assistant attorney general of that State, and it shows this, and I will read it largely for this reason:

Here is Coan, under the employ of the Republican National Committee, who went out and framed up these indictments with somebody to help him here in the department; Coan, who admitted that there was nothing in the case, and we find Coan walking the streets to-day, confessed as a man who had entered into a conspiracy to frame up a Senator and to do it by perjured testimony, enjoying his liberty, with no effort to indict him, no desire to prosecute him, no suggestion that he ought to be prosecuted, and the man against whom he hatched up the conspiracy is to be tried upon what is known to be perjured testimony!

I want to look at the statement of this man. I shall skip the parts that merely show who he was.

Did you have any conversation with him about his business out there?

That is, with Coan.

I did; yes.

What did he say to you about that?

Well, he first came to me and wanted to get something on Senator WALSH. In this connection I may state that while I was assistant attorney general I had occasion to make some investigation in Butte, Silver Bow County, in regard to some election frauds.

Mr. STERLING. Mr. President——

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

Mr. CARAWAY. I yield.

Mr. STERLING. I would like to know from what the Senator is reading; that is all.

Mr. CARAWAY. I shall be glad to tell the Senator. I am going to be so much nicer to him than he was to me. He said he would not yield to me, but I am going to yield to the Senator all the time. I was reading from the sworn testimony of a Republican lawyer who was formerly the assistant attorney general of the State of Montana. His name is Grorud, and he testified before the committee investigating the Department of Justice.

Mr. STERLING. Is the Senator reading from the printed testimony?

Mr. CARAWAY. No, sir; it is not in the printed testimony. I have the stenographer's copy.

Mr. BORAH. Transcribed.

Mr. CARAWAY. Oh, yes; taken here under oath before the committee of which the Senator from Iowa [Mr. BROOKHART] is chairman.

I want to read something else that occurred. When Coan was on the witness stand, among other things he testified under the examination first of the Senator from South Dakota:

Senator STERLING. Let me refresh your recollection a little. Do you know the clerk of the hotel at which you were stopping?

Mr. COAN. Oh, yes; Walter Paul.

Senator STERLING. Walter Paul?

Mr. COAN. Yes.

Senator STERLING. Would you like to include Walter Paul?

Mr. COAN. Yes. I would like to have him subpoenaed, Mr. Chairman, Washington, D. C., the Arlington Hotel.

I read that for two reasons. The Senator from South Dakota left me under the impression a minute ago that he was not suggesting witnesses. He was not only suggesting them, but he was asking other witnesses, the men who did the framing, if there was anybody else that they would like to call to help bolster up this case against the Senator from Montana [Mr. WHEELER].

Mr. STERLING. Will the Senator tell us just what he is reading from now?

Mr. CARAWAY. I will do that. I am reading on page 130 of part 3 of the hearings as they appear in the printed copy. Let us go a little further:

Senator STERLING. I think that is all.

The CHAIRMAN. Was there anyone else on your list when you went to Montana aside from WHEELER?

Mr. COAN. What do you mean—anyone else on my list?

The CHAIRMAN. That you were looking after—that you were investigating.

Mr. COAN. Well, yes; I was looking up another Senator. Do you want me to tell you about it?

What happened?

Senator STERLING. No; we submit, Mr. Chairman, that we do not want anything about that.

Of course, that is just one of the coincidences in this case. I want to finish reading this man's testimony. I had never up to that time heard of his having two Senators on the list, but there was a quick objection made by the Senator from South Dakota. I read further.

Now, to Grorud's testimony again:

In this connection I may state that while I was assistant attorney general I had occasion to make some investigation in Butte, Silver Bow County, in regard to some election frauds, illegal voting, and Mr. Coan came to me and wanted an affidavit from me.

Here is the important part of it:

He wanted me to make a strong affidavit.

There is nobody so unsophisticated who does not know that that was an invitation to swear a lie, because if he had wanted only the facts he could have said, "I want you to tell the truth about this," but it shows the great confidence Coan had that if he had the backing of the Republican National Committee he could safely go the limit.

I want you to make it a strong affidavit.

For what purpose? He tells us. I want to show now that he intended the case to be a frame-up.

I told him that I would make an affidavit or testify as to the facts for him, and I also said to him that as far as Senator WALSH was concerned he had nothing to do with that and he was not connected with that in any shape or form.

This is Coan's answer to that statement:

Well, he said he knew that, but he wanted something on WALSH so that he could smear him.

Mr. STERLING. I would like to have the Senator designate just what he is reading from. He is not reading from the hearings here. He is reading the testimony before the Brookhart committee?

Mr. CARAWAY. Yes; and here is a man who admits that he went to a man in this "frame-up," about which the Senator wants to talk, and asked a reputable lawyer—a Republican—a former assistant attorney general of the State of Montana, to make a "strong affidavit," and in the very conversation said, "I know the Senator against whom I want to use it is guilty of no wrongdoing, but I want you to lie about it so that I can smear him." Yet that man is walking the streets of Washington to-day, I presume, unwhipped of justice. Nobody—not even the Senator from South Dakota, who declaimed against frame-ups so eloquently a minute ago—has ever suggested that he ought to be prosecuted for subornation of perjury; oh, no; he is entirely a "reputable" citizen. He is one of the tools of this frame-up.

That is not all.

Well, he said he knew that, but he wanted something on WALSH so that he could smear him because he wanted to stop him in the oil investigations here at Washington.

I am not saying the Senator from South Dakota is consciously aiding in that, but if he were he could not be any more helpful than he is to-day, or was when he proposed the minority report. There is not a thing on God's earth Coan could have suggested had he been permitted to suggest to the Senator from South Dakota that the Senator from South Dakota has not done. I do not say that he would intentionally do it, but it looks to me as if he might pause and see if he is not being used unconsciously by the very crowd that was perfectly willing to commit perjury that they might smear a Senator to make him stop the investigation. That is not all.

The CHAIRMAN. Now go ahead and state what was said about Senator WHEELER.

Mr. GRORUD. Well, in one of the conversations he said something about WHEELER.

I am now quoting what Grorud said:

He knew, of course, that Mr. WHEELER and myself had been law partners, and he said something about having WHEELER smeared.

Senator MOSES. Was that WHEELER or WALSH?

Mr. GRORUD. WHEELER.

Senator MOSES. You testified a moment ago that he wanted to have Senator WALSH——

Mr. GRORUD. That he wanted to have Senator WALSH smeared.

The CHAIRMAN. This conversation occurred after Senator WHEELER'S indictment out there?

Mr. GRORUD. Oh, yes. He has already smeared WHEELER in such a shape that he had him sewed up, he said, and I said to him, "How did you ever happen to put this over?" I said, "You can't get any place with that," because I thought I knew something about the case that he had for Mr. Campbell. "Well," he said, "we don't care anything about that."

That is, "We do not care anything about what we are going to do with it"—meaning the case against WHEELER:

"We do not care anything about that. We just simply want to smear him." I said to him, "Supposing now that the case is set down for trial?" "Well," he said, "we will see to that, that the case don't come up for trial immediately. We will simply hold it over him, because we had to do something to stop him." And he said, "Well"—he said—he just simply wanted to smear him; that is all. He knew that he couldn't get any place.

What is significant is that that is exactly what has happened. WHEELER can not get an immediate trial of this case, but they are holding it over him and they are smearing him, and I want to repeat, the Senator from South Dakota unconsciously is lending his most valuable aid in "smearing" WHEELER, because here is a report that is not sustained by the testimony of any man, living or dead; it is not within the purview of the resolution; it never was suggested by anybody when the testimony was being offered and when the report was being considered; it never found anybody to give it breath of life in the committee until after there had been agreement and the Senator from Idaho [Mr. BORAH] had prepared and was ready to have reported the opinion of the committee, and then for the first time the Senator from South Dakota said, "Oh, well; I do not think that is what we ought to have considered," and then brought this minority report on the floor.

I proceed with the testimony:

Well—

He said—

he just simply wanted to smear him; that is all. He knew he couldn't get any place.

If that means anything—I do not think it needs interpretation—it means that he knew that the testimony against WHEELER was an infamous lie. "We know it will not stand up, but we had to smear him, because we simply had to stop him."

Mr. Crim, of the Department of Justice, or who was formerly of the Department of Justice, an ex-Assistant Attorney General, testified to-day before the Brookhart committee investigating Daugherty that one of the great evils in this country at this time is failure to provide stenographers for grand jury proceedings in many of the Federal courts. He said:

Failure to have stenographic reports of these grand jury proceedings often leads to perjury, fixing, and breaking down of justice.

What is suggestive about that is this—and I presume other people have found it out—in this particular case against WHEELER the grand jury kept no notes. For the first time, so far as I ever knew, a grand jury kept no notes of what took place before it. It would not have been so remarkable, possibly, if that had been the rule; but we had one of the jurors before us and he said:

We kept notes in the Butte case, but we kept no minutes in the Wheeler case.

Mr. STERLING. Mr. President, I think in no other case than the first case.

Mr. CARAWAY. There is no record that the grand jury had any other case before it, and whenever the Senator says "the rest of it," he is drawing on his imagination.

Mr. STERLING. I refer the Senator to the testimony.

Mr. CARAWAY. I have it before me, and we would have gotten more except for the fact that the very next question was objected to by the Senator from South Dakota. He shut off testimony, for the reason that he did not want the witness to answer the question as asked.

Mr. STERLING. Will the Senator give me the page?

Mr. CARAWAY. I will be delighted to do it. It is page 101. It strikes me now as showing such poor taste—I will say that and no more—for the Senator from South Dakota to have been so active and earnest in wanting to shut out testimony and then so insistent that his report shall rest upon testimony that was not produced but might have been. In other words, he objected to having certain testimony introduced and then comes into the Senate and says, "If I had had my witnesses, we could have proved that."

When I am talking about "my witnesses," that reminds me that I want to read the Senator's own language to show that he recognized that he had one side of the controversy and the Senate the other. I read from page 139. When there was some question about closing the hearings, or some suggestion by Senator STERLING that he wanted to call a lawyer here by the name of Nyce, the chairman said:

All right; call him up and get him. We are going to close this this afternoon.

Senator STERLING. I do not know whether we will be prepared to close or not, Mr. Chairman.

The CHAIRMAN. You will have to get ready. I am not going to postpone this any longer.

Senator STERLING. Let me suggest right here that as far as that is concerned, the witnesses have all been called by the chairman in this case, every one of them. Not one has been called at our instance.

Who is "our"? Was it Coan, who had framed this case, who had procured perjured testimony, who sought other perjured testimony? Who was "our"? I asked him that question. I said, "Who is 'our?'"

Senator STERLING. Well, to be frank, I will say——

Senator CARAWAY. That is what I want to know.

Senator STERLING. At the instance of those who would like to get at the facts in this case, and that is not assuming that the rest are not anxious to get the facts, but there are different methods of which we are conscious more or less in the procuring of those witnesses.

Senator SWANSON. Have you asked for any witness that has not been summoned?

Senator STERLING. I have not as yet, but it depends somewhat on the course of the testimony as to whether I want to have some particular witness called, and I might, after the conclusion of the testimony, have some other witness.

He never had another witness.

If the Senator thought this resolution was not a proper one, he ought to have objected to it. If he thought, after he got to be a member of the committee, that the committee was not pursuing the proper line of testimony and in the proper way, he ought to have said something about it. If, when all the testimony was in and before the case was closed, there was any suggestion in his mind that there was any further testimony that had not been adduced, he ought to have said so. He should not have waited until the committee had closed its hearings, until the executive meeting had been had in which he had assented that the report should be prepared by the chairman of the committee. He still said nothing. He never intimated to anybody we know anything about that he had any other view until the report was ready to be signed.

Then he did not ask that we reopen the case, and did not say that he had testimony to support his theory, but he for the first time announced this report; and I do not care to repeat his exact language, although I would be delighted if he would tell what he said about the testimony then in the committee. We all remember that distinctly. This Senator from South Dakota then for the first time suggested this remarkable theory that he has brought in. I say, and I take the privilege of saying it and repeating it, that if he did not intend to find the facts according to the resolution he ought not to have sat upon the committee. If he did not intend to vote yes or no, he ought to have made that fact known before the testimony was closed. He ought, and I suggested it then and I think so yet, and I think the people who read the testimony will think so, to say yes or no to this question, "Did Senator WHEELER violate the law?" if he did, he ought to be condemned, and if he did not, no man ought to lend himself to a cowardly conspiracy to smear and besmirch his reputation. He ought to say yes or no. He ought to say he is guilty or he is not guilty.

Mr. STERLING. I almost think the language the Senator has used is objectionable under the rules.

Mr. CARAWAY. I am not talking about the Senator. However, I am willing to let the Senator state his objection.

Mr. STERLING. The objection is this, and the inference is very plain, that the Senator from South Dakota was lending himself to a conspiracy.

Mr. CARAWAY. Here is what I said about the Senator from South Dakota, and I have tried to make it perfectly clear. I said I did not think he had consciously lent himself to it, but if he had there was not a thing on God's earth he had not done, there is not anybody who could have more effectively lent himself to a conspiracy to blacken the reputation of Senator WHEELER than the Senator from South Dakota has lent himself, though I say again that I do not say that the Senator was conscious of that fact. It simply so happens that his report runs in line with the statement that Coan made to the effect that "We know we can not do anything to WHEELER, but we can smear him until his activities shall be stopped, and then when he demands a trial we will put it off." That is what he said was their purpose. That stands undisputed as the purpose of the indictment against Senator WHEELER. I want to disclaim, because I do not want to be offensive to the Senator from South Dakota, that I say he is lending himself to that. I am not intimating that. I am just saying that it so happens that his report does lend itself to the general scheme—unintentionally, of course.

Let me say this in conclusion. I started to read some more of the testimony, but I will not do it. Every Senator must be the keeper of his own conscience, but I do not see how—it does not appeal to me at least—when a fellow Senator is charged with an offense and here is the testimony that covers the case, and every Senator present can read it, and no Senator ought to vote upon it until he does know what the testimony is, because he is now sitting as a court. He has no more right to vote upon this case until he has read the brief than a juror has to shut his ears to the testimony and then vote guilty or not guilty. If a Senator wants to preserve his honor and self-respect he has to know what the facts are and vote upon them accordingly. I say—and I am willing to stop and go to the record—that when he reads the record he will find there is not a witness anywhere who said that Senator WHEELER was guilty of any offense or detailed facts that would lend a suspicion to that conclusion. Now, let Senators read the evidence and, as they would like to be dealt with themselves, let them have the courage to say that under the testimony he is guilty or innocent. Do not try to bring in a Scotch verdict of not proved as to the question "Did WHEELER violate law?" Let us be frank and say either yes or no.

I can not conceive of a Senator—aside from the attitude of the Senator from South Dakota, and I have not been able to fathom his mental processes, but that is my limitation, I know—when he is face to face with the question and must answer it under his oath as a Senator, "Do the facts show that the Senator from Montana is guilty or innocent," wishing to dodge that question. Every man has the right to have his reputation protected. It is the most valuable thing he has. But to avoid answering that question must lead to the conclusion—and I am acquitting the Senator from attempting to do it—that it is playing into the hands of those who framed this case. It is the most effective way of destroying Senator WHEELER's reputation. It is the process by which Coan boldly admitted that he set out to "smear" him in order that he might stop him from disclosing the corruption in the Department of Justice. It is the process, he said, "we have to adopt, and we are not going to try the case because we know we have no evidence to sustain our charge."

I hope, therefore, that the Senator from South Dakota upon reconsideration will lay aside his minority report and let us be frank and say Senator WHEELER is guilty or he is not guilty. If he is guilty, God knows you owe it to your country to say so, and you can not afford to avoid that responsibility. If he is not guilty, you certainly owe it to Senator WHEELER to say so by your vote. A man can do no less and keep his self-respect.

Mr. STERLING. Mr. President, I wish to say just a few words. I shall not detain the Senate long. I do not want my vote on the question of the adoption of the majority report

to be taken as a vote of "guilty" so far as Senator WHEELER is concerned. It can not and should not be so construed. I want to be understood as voting against the majority report which presumes to pass upon the guilt or innocence of Senator WHEELER here, and no more than that. I hope other Senators in the Chamber will take that same view of their duty and their obligation when the matter comes up for a vote. I had hoped that in what I said yesterday I would disabuse the minds of my colleagues in the Senate of the idea that I wanted to vote to the effect that Mr. WHEELER was guilty of those charges. I tried to make that plain to the committee.

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

Mr. STERLING. I yield to the Senator for a question.

Mr. BAYARD. Just for a question?

Mr. STERLING. Yes.

Mr. BAYARD. As I understand it, the Senator stated that he interprets the resolution under which the committee was appointed to warrant the majority report and to warrant the minority report. Is that right?

Mr. STERLING. That might be, and still that is hardly a proper construction of it. The majority report, of course, passes upon the guilt or innocence of Senator WHEELER. In making the majority report the committee, of course, took for their foundation the evidence in the case, I suppose. My idea is that we have no right to go further than to find whether the grand jury was justified, whether this was a frame-up or not. The grand jury having found its indictment, in the absence of evidence of a frame-up and without any proof of a frame-up, I think the Senate should await the decision of the petit jury that tries the case.

Mr. BAYARD. I think the Senator misunderstood the purport of my question. I would like him to answer, if he will, categorically, yes or no, whether or not his statements heretofore made on the floor of the Senate in regard to this matter have not been in substance that the resolution appointing the committee was broad enough to admit of the majority report and the minority report?

Mr. STERLING. Not to admit of the majority report, but perhaps to admit of an investigation of the facts and all the facts connected with the case. That is what I have said, and that is what I say in my minority report. A full investigation of all the facts connected with the case or that were admissible in evidence on a trial of the case might have been warranted under the terms of the resolution.

Mr. BAYARD. May I ask the Senator one more question?

Mr. STERLING. Yes.

Mr. BAYARD. Assuming that the answer to my question has been "yes," may I ask the Senator whether, in his opinion, any or every Senator on the floor would be warranted in voting on both of those reports, voting to sustain both of those reports—first, the report of the majority that Senator WHEELER is not guilty of the facts as charged in the indictment, and, second, having voted that way, then voting in accordance with the report of the Senator from South Dakota that the facts disclose that the evidence warranted the indictment?

Mr. STERLING. No; I can not concede that that is the correct view of it at all, that a Senator would be warranted in voting for both of these reports.

Mr. BAYARD. They must adopt one or the other.

Mr. STERLING. Yes; the minority report refers the matter without finding whether Senator WHEELER is guilty or not, and takes the position that the case should go to the jury for trial, without our passing upon his guilt or innocence.

Mr. BAYARD. May I ask the Senator another question? Assuming when the matter comes up for vote that a Senator should vote in the affirmative on the majority report, would he, in the opinion of the Senator from South Dakota, be precluded from voting for the minority report?

Mr. STERLING. I am inclined to think he would be precluded from voting for the minority report.

Mr. BAYARD. Will the Senator state why?

Mr. STERLING. Because, having voted for the majority report, he has voted that Senator WHEELER is innocent of the charges contained in the indictment, and therefore is not in a position by voting for the minority report to refer the matter to the jury for trial. He has already passed upon it. That is what the minority report does; without finding Senator WHEELER guilty of the charges, it would refer the matter to the trial jury.

Mr. BAYARD. Does the Senator maintain that, while thus it may be found that Senator WHEELER is not guilty on the facts found, they can still admit the grand jury of Montana had the right to indict him?

Mr. STERLING. They might possibly agree to it, but it seems to me there is an inconsistency in voting for the majority report and then voting for the minority report.

Mr. BAYARD. Does the Senator think such action would be proper action?

Mr. STERLING. That is the way it occurs to me now. It seems to me that would be the correct position, either to vote for the majority report or to vote for the minority report. There would be no mistake as to position then.

Mr. BAYARD. Does the Senator really think it would be consistent?

Mr. STERLING. Rather inconsistent, I say, to vote for the majority report and then for the minority report. That is the way it appeals to me, I will say to the Senator from Delaware.

Mr. BORAH. Mr. President, I wish to ask the Senator a question.

Mr. STERLING. I yield.

Mr. BORAH. Suppose we had gone into the question of whether the grand jury had probable cause to find the indictment, and suppose we had concluded that the grand jury did not have probable cause for finding the indictment, what then would have been the report and what should the action of the Senate have been?

Mr. STERLING. The report would have been, I think, in accordance with the facts, and with that as the report, I hardly think there would have been necessity then for any further consideration of the case by the Senate. If they had reported according to the facts that they believed the finding of the indictment was not warranted, was, in other words, a frame-up, they could have so reported.

Mr. BORAH. After finding the indictment was unwarranted, the Senator would not have felt the necessity of going so far, in justice to a Member of the Senate, as to exonerate him?

Mr. STERLING. There is some question about that. I am not prepared to say positively whether I would or not, but I am inclined to think, I will say to the Senator from Idaho, had the committee found that here was a frame-up and the facts did not warrant the finding of an indictment, that the Senate would have been justified in passing a resolution exonerating Senator WHEELER.

Mr. UNDERWOOD. Mr. President, will the Senator allow me to ask him a question?

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

Mr. STERLING. Yes.

Mr. UNDERWOOD. I have listened to what the Senator has said. He has heard all of the testimony in this case while I have not.

Mr. STERLING. I did not hear quite all of the testimony; there were some witnesses whose testimony I did not hear.

Mr. UNDERWOOD. Do I understand the Senator to say that if he had been a member of the grand jury investigating the case and the evidence that came before the grand jury was the evidence that came before his committee, he would not find an indictment upon that evidence?

Mr. STERLING. Oh, no; the Senator from Alabama misunderstood me if he thought that I so stated; I did not say that. My position has been, and I so state in my report, that I thought the grand jury was warranted in finding an indictment with the evidence, and the inferences that might have been plainly drawn from the evidence which was before it. That is my position.

Mr. UNDERWOOD. The reason I asked the Senator that question was that I understood him to say that he did not report that the junior Senator from Montana was guilty of the charge, and, of course, I assumed from that that he meant that the evidence would not sustain the indictment.

Mr. STERLING. Oh, no; that is not the position; but that, having been indicted by the grand jury, it was Senator WHEELER's business, and without our trial of the case in advance, to appear and stand trial before the petit jury.

Mr. UNDERWOOD. I am not considering that part of the question: I agree with what the other Senators here have stated; that this case can be, and would properly be, tried in the United States Senate; and I am trying to find out the attitude of the Senator from South Dakota. We are proposing to try the case ourselves.

Mr. STERLING. Yes.

Mr. UNDERWOOD. I am one of the judges. I have got to find a verdict. I want to know whether sitting as judges—and the Senator is one of the judges—he thinks the testimony before his committee justifies him in finding a verdict of guilty?

Mr. STERLING. No; I will not say that it does justify me in finding a verdict of guilty.

Now, Mr. President, I wish to call attention to a very few more phases of the evidence in this case.

Much has been made of the testimony of Mr. Coan, testimony taken largely in another proceeding, being the proceed-

ings conducted by the so-called Brookhart investigating committee, which is investigating the activities or nonactivities of the Department of Justice. Mr. Coan testified before the select committee investigating the Wheeler case. Whatever his testimony may have been elsewhere, there is nothing in his testimony before the select committee that warrants any unfavorable opinion of Mr. Coan. In order that I may point out to the Senate his real attitude, why he went to Montana, and so forth, I wish to read from his testimony.

Senator SWANSON. Is he a member of the Republican National Committee?

The Senator from Virginia was referring to Mr. Lockwood. I wish to say here to Senators that I would not know Mr. Lockwood to-day if I should meet him.

Mr. SWANSON. Mr. Lockwood was the person who employed Mr. Coan to go to Montana.

Mr. STERLING. Yes; he was the person who sent him there.

I saw Mr. Lockwood, as I remember, some years ago and have not seen him since. I have had no conversation with him and do not now recall his features. I never knew Mr. Coan or that there was such a person as Mr. Coan until he appeared here in connection with the work of this committee. Senator SWANSON asked:

Is he a member of the Republican National Committee?

Mr. COAN. Yes, sir.

Senator SWANSON. And he is also interested in the National Republican?

Mr. COAN. Yes, sir; he is secretary of the Republican National Committee.

Senator SWANSON. At that time were they interwoven?

Mr. COAN. I do not know the connection exactly. I did not ask him when he gave me the job whether they were interwoven or not.

The CHAIRMAN. You may take the witness.

Senator SWANSON. Did he tell you the purpose for which he employed you?

Mr. COAN. Yes; I was sent out to Montana to investigate some of these stories about Senator WHEELER.

According to this testimony, Mr. Coan did not go out there to make a story to begin with, but to investigate stories that were afloat concerning Senator WHEELER. I do not know what those stories were; I never heard any of them as against Mr. WHEELER. I never interested myself in his campaign or to learn what his prospects for election were, and I had no feeling one way or the other in regard to it. Mr. Coan says:

Yes; I was sent out to Montana to investigate some of these stories about Senator WHEELER. WHEELER had been attacking the administration and everybody in public life here, and nobody seemed to be willing to get up and answer him, and they thought it was up to somebody to find out who this fellow was and what he had been doing.

If it were true that Mr. WHEELER was attacking the administration—and I did not know of it; I had not heard about it—then there was nothing particularly reprehensible in sending somebody out there to investigate the stories that were in circulation regarding Senator WHEELER.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him?

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

Mr. STERLING. Yes.

Mr. SWANSON. Do I understand the Senator from South Dakota to occupy the position that if a Senator of this body inaugurates an investigation of the Department of Justice, the proper response is to send somebody to investigate him instead of meeting the question?

Mr. STERLING. As I have said, Mr. Coan went out there to investigate certain stories, as he says, in regard to Mr. WHEELER, and I do not know but what it was proper, if the stories were in circulation, that he should go out and investigate them.

Mr. SWANSON. But that is not the reason he gave. The reason he gave was that WHEELER was attacking the administration——

Mr. STERLING. And everybody in public life here.

Mr. SWANSON. Of course, "everybody in public life" was merely an expression that he put in, but Mr. WHEELER's main activity was against the Department of Justice.

Mr. STERLING. Exactly; this is the version of the Senator from Virginia.

Mr. SWANSON. Do I understand that the Senator approves of the suggestion that when any Senator undertakes to inaugurate an investigation of any department the counter reply should be an investigation by that department of that Senator?

Mr. STERLING. If this were a Democratic administration and a Republican had been elected Senator and there were stories about that Republican Senator elect and he had been attacking everybody in the Democratic administration, I would not blame the administration or the national committee of the Democratic Party for sending somebody out to investigate the stories that had been circulated in regard to that Republican Senator elect.

Mr. SWANSON. It is all right for a Senator to be investigated on account of rumors and reports, but that is not the reason he gave; the reason he gave was Mr. WHEELER's activities and attacks against the Department of Justice. Does the Senator approve the action that was taken?

Mr. STERLING. I suggest that the Senator read the statement. I have read it, and I do not think there can be any question about it.

Mr. SWANSON. Very well. Let the Senator read it again.

Mr. STERLING. Then the Senator from Virginia asked:

Who thought so?

Mr. Coan replied:

The Republican National Committee.

Senator SWANSON. And they sent you there for that purpose?

Mr. COAN. Yes; I went out there, and of course I did not want any stories of dead men or train robbers, and I took affidavits where I got the stories.

What affidavits did he take? He took the affidavits of two men, of Glosser and Rhea. Those affidavits were produced, and they are in the Record. Aside from that, however, the two witnesses, Glosser and Rhea, appeared before the committee and testified and were subjected to cross-examination by members of the committee, but in no instance that I recall was that testimony on the stand before the committee different from the statements in the affidavit which they had already made.

Mr. President, as a basis for the minority report, and the position in the report as to the functions of the committee or what the committee should do, whatever the broad terms of the resolution might permit it to do, there comes in addition to the testimony of Glosser and Rhea, who were witnesses before the grand jury—and I am confining my statement now to evidence before the grand jury—the documentary evidence showing what transpired here and before the Interior Department at Washington after Mr. WHEELER came here. Take Glosser's testimony and Rhea's testimony as to what happened in room 212 at the Rainbow Hotel in Great Falls, Mont., together with the documentary evidence that has been produced in this case with regard to permits, in regard to Senator WHEELER's interest in the permits, in regard to his connection with the solicitor of the Interior Department, Mr. Booth, as shown by telegram after telegram and by letter after letter, and I can not help but think that these things, unexplained and undenied by Mr. WHEELER, furnished evidence enough to warrant the grand jury in acting as it did.

I call attention to another piece of testimony about which comment has been made by the Senator from Arkansas [Mr. CARAWAY].

He refers to the testimony of Mr. Sparling. Mr. Sparling was one of the grand jurors that found this indictment. Mr. President, it is an unusual if not an unallowed proceeding for a grand juror to testify as to what happened before the grand jury, or as to the testimony given before the grand jury, in advance of the final trial before the petit jury in a case. The proceedings of the grand jury are secret.

He testifies:

The CHAIRMAN. What is your business?

Mr. SPARLING. I am in the hotel business, or rooming-house business.

The CHAIRMAN. You were a member of the grand jury which returned the indictment against WHEELER?

Mr. SPARLING. I was.

The CHAIRMAN. Were there any minutes kept of the proceedings of your grand jury?

Mr. SPARLING. Not on this case.

The CHAIRMAN. Nothing at all?

Mr. SPARLING. Nothing.

Senator SWANSON. Did you keep minutes of other cases?

Mr. SPARLING. Well, when the grand jury was first called we kept the minutes of the first case that was called, the Butte case, and after that there were no minutes kept of any cases.

Then he goes on and says:

For information I might say that this case was a sort of a—

Then comes the blank, and I interposed with an objection:

Senator STERLING. Now, I think we will object to any statement as to the case. The question, as I understood the chairman, was simply whether minutes were kept or not?

The CHAIRMAN. Yes.

Senator STERLING. That was all.

The CHAIRMAN. Are there any questions?

Senator WHEELER. I would like to request the committee to ask him as to the number of ballots that were taken.

Senator STERLING. I object to that. I do not think that is proper at all. They might in any given case have a dozen or 20 ballots and it would not be material to any question at issue in the case.

Neither would it have been material. Think of its being testified by a member of the grand jury, in advance of the trial by the petit jury, as to how many ballots the grand jury took, probably for the purpose of prejudicing the petit jury in the trial of that case!

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

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from South Dakota yield to the Senator from Alabama?

Mr. STERLING. Yes.

Mr. HEFLIN. Does the Senator know whether or not two or three members of the grand jury have stated that they balloted seven or eight times and never returned an indictment against Mr. WHEELER, and that they then were permitted to separate and they were taken out to dine by Republican politicians and told that it was necessary to indict WHEELER, and after that they did indict him?

Mr. STERLING. Let me say that the Senator from South Dakota does not know anything of the kind. I know that it would have been improper to inquire as to the number of ballots taken, and the Senator from Alabama knows that it would have been improper to have given out how many ballots had been taken by that grand jury.

Mr. HEFLIN. Well, it is a fact that members of that grand jury have conveyed that information to Senator WHEELER.

Mr. STERLING. That is aside from the record, and I am confining myself to the record made in the testimony before the committee.

Mr. HEFLIN. But I understand that the Senator objected to having the testimony come out before the committee.

Mr. STERLING. I did object to this testimony. It would not have been proper in any case.

Mr. HEFLIN. It could not get in if the Senator objected to it.

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. STERLING. Yes.

Mr. SWANSON. The Senator now says the charge is whether or not this was a frame-up and whether the grand jury were parties to a frame-up. The evidence as to whether or not there was a frame-up involved the conduct of the grand jury and whether the district attorney appeared before them repeatedly and insisted on an indictment. The Senator from South Dakota objected to that being investigated. It seems to me the best proof he could have had of a frame-up would have been the issue made by him of the conduct of the grand jury. Was the grand jury a party to it? Was the district attorney a party to it? We wanted to investigate. The suggestion was made by Senator WHEELER, but we did not think it was pertinent, in which the Senator from South Dakota concurred with us. It was held that we were not discussing the conduct of the grand jury or the conduct of the district attorney; and yet after suppressing this evidence the Senator comes here and says that is the issue.

Mr. STERLING. If the Senator will bear with me, I for the first time here and now have heard that the United States district attorney appeared before the grand jury several times and urged the finding of an indictment. There was no evidence offered before the committee to that effect—not one scintilla of evidence.

Mr. SWANSON. No; and the Senator objected to going into anything in connection with the grand jury to see whether or not it was a frame-up, and now he comes in and makes a report on that line.

Mr. STERLING. Oh, no; the specific question was not submitted to the committee, and the Senator knows that it was not suggested that the United States district attorney might be subpœnaed or that evidence as to his proceedings and conduct before that grand jury might be presented. Not one suggestion of that kind was made.

Mr. SWANSON. I do not know whether it was true or not, but I had heard that the district attorney did appear before the grand jury and that they adjourned without finding the indictment. I did not think we were trying the grand jury, however, nor did the Senator think at that time that we were trying the grand jury. I did not go into it; I did not ask any questions about it, because at that time the Senator's mind and mine were concurring that we had nothing to do with the grand jury. It was as a result of later developments that the Senator and I parted company.

Mr. STERLING. Mr. President, I will read the statement of the chairman. I said:

I object to that. I do not think that is proper at all. They might in any given case have a dozen or 20 ballots, and it would not be material to any question at issue in the case.

And it would not, either from the majority or from the minority standpoint, be material how many ballots were taken.

The CHAIRMAN. I am not so certain about that, but I am not certain enough of it to approve of it at this time. I shall want to look into the law before I make up my mind whether we ought to do that or not. If the effect of taking more than one ballot is what some very able lawyers think, why, we would like to hear it. But I have not made up my mind about it. That is all for the present, Mr. Sparling.

Mr. Sparling, a member of the grand jury, was the witness. No effort was made, following that, by the chairman or any other member of the committee, to prove how many ballots were taken by the grand jury.

Mr. SWANSON. Mr. President, I should like to ask the Senator a question. If he thought the issue was whether or not there was a frame up in the indictment, or whether there was probable cause, why did he not pursue the investigation at that time to ascertain that fact?

Mr. STERLING. That matter was largely in the hands of the other members of the committee.

Mr. SWANSON. It was not a bit more in our hands than in the hands of the Senator from South Dakota. None of us had an idea that that was an issue, except the Senator.

Mr. STERLING. I supposed that the committee were bringing out all the evidence that would affect the case, and in doing so of course we would necessarily bring out the evidence that was before the grand jury.

Mr. SWANSON. But it has been disclosed—the Senator was a member of the committee—that nobody had an idea, except the Senator, that we were passing on the conduct of the grand jury; and he did not conduct the investigation or have any witnesses summoned.

Mr. STERLING. I want to refer briefly to other evidence which has been spoken of here.

I said that the testimony of Glosser and Rhea, unimpeached—their oral testimony before the committee being the same as their testimony by affidavit given to Mr. Coan—together with the documentary evidence before the grand jury, would have warranted the finding of this indictment.

Mr. WHEELER writes on March 8, soon after he came to Washington, to Mr. Gordon Campbell, whose attorney he was:

I wish that you would have your office send me a detailed report of the condition of your permit that we discussed with the Standard Oil Co. of California, in order that when I take it up with the Department of the Interior that I will be able to intelligently discuss the matter.

And then to Mr. Beaulieu, the land-title attorney, he wires on March 13:

Secure and mail at once complete list Gordon Campbell Syndicate and individual holdings, giving each separate legal description and character of title, dividing acreage into two classes, that in which title is absolute and unquestionable and that in which title may be in doubt. Am writing letter in full to-morrow.

That does not refer to this or that one particular permit, Mr. President, but it refers to all the permits—those with undoubted titles and those with questionable titles.

Then Mr. Campbell wires Mr. WHEELER:

Received wire. Am forwarding map and list of all acreage with explanation and condition of titles—

And so forth.

Later Mr. WHEELER wires Mr. Campbell as follows: This is on March 14:

Leaving Saturday for Europe. Have taken your matter up with parties writing Baldwin. Suggest see him.

And the "parties" evidently meant, as the whole testimony would clearly show, I think, Mr. Booth, the Solicitor of the Interior Department.

Mr. President, I think I have nothing more to say, except to call attention to just one phase of the report of the committee in the old case alluded to by the Senator from Montana [Mr. WALSH], with a view to the construction we would at this day put upon certain language of this report.

The report was made by Mr. Adams, apparently the chairman of the committee. It was an investigation of the facts concerning an indictment of Mr. Smith, a Senator from Ohio, for complicity in the Aaron Burr conspiracy, and treason against the Government was involved, the most serious of crimes involving capital punishment. He said, in his report:

> The question upon the trial of a criminal cause before the courts of common law is not between guilt and innocence but between guilt and the possibility of innocence.

I disagree with that interpretation of the law by Mr. Adams, and I say that it is not the interpretation we put upon it to-day.

> If a doubt can possibly be raised, either by the ingenuity of the party or of his counsel or by the operation of general rules in their unforeseen application to particular cases, that doubt must be decisive for acquittal.

Nor is that quite right, Mr. President. It must be a reasonable doubt entertained by the jury under all the evidence in the case and under proper instructions from the court as to what a reasonable doubt is before they can acquit.

Viewed as we now view jury trials in criminal cases under modern rules of procedure, without the extreme technicalities of the common law to govern as at the time of the report in the Smith case, persons charged with offenses are not apt to be acquitted from a mere possible doubt; hence, one important reason for the action of the Senate at that time does not now exist. It is assumed, it is presumed, that there will be a fair and impartial trial by the petit jury without unreasonable delay, and that a defendant may not be acquitted on the possibility of a doubt instead of a reasonable doubt.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate Nos. 1 and 2, and had disagreed to the amendment of the Senate No. 3 to the bill (H. R. 9192) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and for other purposes.

PERMANENT COURT OF INTERNATIONAL JUSTICE

Mr. PEPPER. Mr. President, I ask unanimous consent, out of order, to introduce a Senate resolution, and request its reference to the Committee on Foreign Relations.

There being no objection, the resolution (S. Res. 234) was read and referred to the Committee on Foreign Relations, as follows:

Whereas the Senate has had under consideration the message from the President of the United States dated February 24, 1923, in which the Senate is asked to consent to the signature by the United States of the protocol of December 16, 1920, establishing the Permanent Court of International Justice, and has likewise had under consideration the message from the President of the United States dated December 6, 1923, in which this proposal is again commended to the favorable consideration of the Senate; and

Whereas the proposal thus submitted and commended contemplates the signature of the protocol by the United States upon such conditions as will enable the United States to give its adherence to the court while remaining wholly free from any legal relationship to the League of Nations; and

Whereas it is desirable to express with greater precision the safeguards suggested in general terms in the message of President Harding: Now, be it therefore

Resolved by the Senate of the United States—

First. That the Senate approves the pending proposal and advises the adherence of the United States to the Permanent Court of International Justice upon the terms hereinafter specified.

Second. That permission to the United States to participate in the election of future judges should, in the opinion of the Senate, take the form of an amendment to those portions of the statute of the court which prescribe that the election shall be by the assembly and Council of the League of Nations.

Third. That the Senate advises the President to communicate with the States which have adhered to the court for the purpose of securing assent to such amendments to the protocol and the statute as will accomplish the disassociation of the court from the League of Nations.

Fourth. That the Senate advises and consents to the signature by the United States of the protocol of December 16, 1920, when the same shall have been amended as specified in the first annex to this resolution and when amendments shall have been made to the adjoined statute as specified in the second annex hereto.

Fifth. That the signature of the United States of America shall be understood to be affixed subject to the declaration that the United States disclaims all responsibility for the exercise by the court of the jurisdiction to render advisory opinions, and subject to the further declaration that the United States intends to adhere to the Monroe doctrine as a national policy and assumes no obligations inconsistent therewith.

Sixth. That the signature by the United States herein referred to is a signature to the protocol as set forth in this resolution but not to the so-called optional clause referred to in article 36, paragraph 2, of the statute of the court.

Seventh. That the Senate advises the President that a third international conference similar to The Hague conferences of 1899 and 1907 be called not later than the year 1926 for purposes which shall include the giving of effect to the recommendation of the committee of jurists upon the basis of whose report the court was established, regarding the clarification and further development of international law, and the codification thereof.

FIRST ANNEX TO THE RESOLUTION

PROTOCOL OF SIGNATURE

The signatories of this protocol, through the undersigned, duly authorized, declare their acceptance of the adjoined statute of the Permanent Court of International Justice, and hereby declare that they accept the jurisdiction of the court in accordance with the terms and subject to the conditions of the above-mentioned statute.

The present protocol shall be deposited, after ratification, with the secretary general of the permanent court of arbitration at The Hague. The said protocol shall remain open for signature by all nations generally recognized by treaty or diplomatic relations with the signatories.

The adjoined statute shall come into force as an amendment of or substitute for the existing statute as soon as all the signatories of the protocol of 16th December, 1920, shall have deposited their assent thereto with the secretary general of the permanent court of arbitration at The Hague in a single copy, the French and English texts of which shall both be authentic.

SECOND ANNEX TO THE RESOLUTION

A. Substantive amendments to the adjoined statute

(1) Strike out article 4 and substitute a new article, as follows:

"ARTICLE 4

"The present judges and deputy judges constituting the Permanent Court of International Justice shall retain their offices under the statute of the court."

(2) Strike out the first paragraph of article 5 and substitute the following:

"ARTICLE 5

"Vacancies which occur either by expiration of term or otherwise shall be filled by the States which at that time are signatories to the protocol. At least three months before the date of an election to fill any such vacancy the secretary general of the Permanent Court of Arbitration shall address a written request to the members of the Permanent Court of Arbitration inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the court."

(3) Strike out article 8 and substitute a new article, as follows:

"ARTICLE 8

"Representatives of all the signatories to this protocol shall meet at such time and place as may be designated by the said secretary general and shall proceed to an election. The representatives of all signatories shall ballot as an electoral assembly. The States named in the Versailles treaty as the principal allied and associated powers, together with such five of the other signatory States as shall be selected by the signatories, shall ballot as a separate electoral council. The assembly of signatories and the council of signatories shall proceed independently of one another to elect, first, the judges, then the deputy judges. In each electoral body each signatory State shall have one

vote; but not more than one vote shall be cast in either assembly or council by the British Empire and the States included therein."

(4) Strike out article 10 and substitute a new article, as follows:

"ARTICLE 10

"Such nominee as shall receive a majority of votes in the electoral assembly and a majority of votes in the electoral council shall be elected a judge or deputy judge, as the case may be. In the event of more than one national of the same signatory State being elected by the votes of both the assembly and the council, the eldest of these only shall be considered as elected."

(5) Strike out article 34 and substitute a new article, as follows:

"ARTICLE 34

"Only States can be parties in cases before the court."

(6) Strike out article 35 and substitute a new article, as follows:

"ARTICLE 35

"The court shall be open to all States generally recognized by treaty or diplomatic relations with the signatories.

"When a State which is not a signatory is a party to a dispute, the court will fix the amount which that party is to contribute toward the expenses of the court."

B. Formal amendments to carry the foregoing into effect

(1) In the following articles strike out "assembly (or "assembly of the League of Nations") and "council" (or "council of the League of Nations") and substitute "assembly of signatories" or "council of signatories," as the case may be:

Articles 3, 12, 32, and 41.

(2) In the following articles strike out "member of the League of Nations" and substitute "signatory State":

Articles 26 and 27.

(3) In the following articles strike out "the Secretary General of the League of Nations" and substitute "the Secretary General of the Permanent Court of Arbitration," articles 7 and 18.

(4) In article 1, after "established," substitute a period for a comma and strike out "in accordance with article 14 of the covenant of the League of Nations."

(5) In article 7 strike out the last six words and substitute "each of the signatories."

(6) Transfer the last two paragraphs of article 12 to a new article to be numbered article 13.

(7) Strike out in articles 12 and 31 "articles 4 and 5" and substitute "article 5."

(8) Strike out the first sentence of article 14 and transfer the residue of the article so that it shall become the last sentence in article 5 as amended.

(9) In article 36 strike out the first 17 words of paragraph 2 and substitute "a State," and for the words "they recognize," in the same paragraph, substitute "it recognizes."

(10) In article 40 strike out the last paragraph.

Mr. PEPPER. I ask leave also to submit a memorandum explanatory of the resolution, which I move be printed as a Senate document with the resolution and referred to the Committee on Foreign Relations.

The motion was agreed to.

URGENT DEFICIENCY APPROPRIATIONS

Mr. WARREN. Mr. President, I ask that the action of the House of Representatives relative to the amendments of the Senate to House bill 9192, being the urgent deficiency appropriation bill, be laid before the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, agreeing to the amendments of the Senate Nos. 1 and 2 to the bill (H. R. 9192) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and for other purposes, and disagreeing to the amendment of the Senate No. 3.

Mr. WARREN. I move that the Senate recede from its amendment No. 3.

Mr. ROBINSON. Mr. President, I ask the Senator from Wyoming to state the substance of the amendment.

Mr. WARREN. Amendment No. 3 embodies the legislation proposing to correct the account against the Freer estate. We shall have to consider that matter at a later time, for the House of Representatives will not now agree to the Senate amendment.

Mr. ROBINSON. The result of the motion which the Senator has made, if agreed to, will be that the Senate amendment will go out of the bill?

Mr. WARREN. Yes; and that will leave the matter stand for the present in the same position it now occupies.

Mr. ROBINSON. No action is taken upon it?

Mr. WARREN. No action is taken upon it, so far as this bill is concerned.

Mr. ROBINSON. Very well.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate recede from its amendment No. 3.

The motion was agreed to.

CLAIMS OF THE CHOCTAW AND CHICKASAW INDIANS (S. DOC. NO. 114)

Mr. HARRELD submitted the following conference report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5325) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Choctaw and Chickasaw Indians may have against the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, and 6, and agree to the same.

That the Senate recede from its amendment numbered 7.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out the language proposed to be inserted by the Senate and in lieu thereof insert the following: "*Provided, however,* That the attorney or attorneys employed as herein provided may be assisted by the regular tribal attorney or attorneys employed under existing law under direction of the Secretary of the Interior"; and the Senate agree to the same.

J. W. HARRELD,
CHARLES CURTIS,
JOHN B. KENDRICK,
Managers on the part of the Senate.

HOMER P. SNYDER,
FREDK. W. DALLINGER,
W. W. HASTINGS,
Managers on the part of the House.

AFFAIRS OF THE EASTERN BAND OF CHEROKEE INDIANS OF NORTH CAROLINA (S. DOC. NO. 115)

Mr. HARRELD submitted the following report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3852) providing for the final disposition of the affairs of the Eastern Band of Cherokee Indians of North Carolina, 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 amendments of the Senate numbered 2, 3, and 4; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out the language proposed to be inserted by the Senate and in lieu thereof insert the following: "That in the preparation of said roll the act of the State of North Carolina of March 8, 1895, chapter 166, entitled 'An act to amend chapter 211, laws of 1889, relating to the charter of the Eastern Band of Cherokee Indians' shall be disregarded"; and the Senate agree to the same.

J. W. HARRELD,
CHARLES CURTIS,
JOHN B. KENDRICK,
Managers on the part of the Senate.

HOMER P. SNYDER,
FREDK. W. DALLINGER,
W. W. HASTINGS,
Managers on the part of the House.

CALL OF THE ROLL

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

The PRESIDENT pro tempore. The principal clerk will call the roll.

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

Ashurst	Fernald	Keyes	Shortridge
Ball	Ferris	King	Simmons
Bayard	Fess	Ladd	Smith
Borah	Fletcher	Lodge	Smoot
Brandegee	Frazier	McKinley	Spencer
Brookhart	George	McLean	Stanfield
Broussard	Gerry	McNary	Stanley
Bruce	Glass	Neely	Stephens
Bursum	Gooding	Norbeck	Sterling
Cameron	Hale	Norris	Swanson
Capper	Harreld	Oddie	Trammell
Caraway	Harris	Overman	Underwood
Colt	Harrison	Pepper	Wadsworth
Copeland	Heflin	Pittman	Walsh, Mass.
Cummins	Howell	Ralston	Walsh, Mont.
Curtis	Johnson, Calif.	Ransdell	Warren
Dale	Johnson, Minn.	Reed, Pa.	Weller
Dial	Jones, N. Mex.	Robinson	Wheeler
Edge	Jones, Wash.	Sheppard	Willis
Edwards	Kendrick	Shipstead	

The PRESIDENT pro tempore. Seventy-nine having answered to the roll call, there is a quorum present.

ORDER OF BUSINESS

Mr. EDGE. Mr. President, I understand that under the unanimous-consent agreement the Senate will go into executive session in about five minutes. Inasmuch as under another unanimous-consent agreement we are to meet at 8 o'clock to-night to consider unobjected bills on the calendar, I am going to ask that at the conclusion of the executive business we continue in regular session until 8 o'clock in order to give us an opportunity to go forward with the unfinished business. Likewise I have been asked by the chairman of the Committee on Appropriations——

Mr. ROBINSON. Mr. President, I am sympathetic with the purpose of the Senator to make progress with the bill he has in charge, but there has been a tacit arrangement for some days that the Senate would recess until 8 o'clock to-night at the conclusion of our proceedings to-day, and a number of Senators have made arrangements with that procedure in view. I do not think the Senate can remain in session continuously. I believe we ought to take a recess. I suggest that the Senator ask that his bill be temporarily laid aside and that the consideration of it be resumed to-morrow. I myself would make no objection to an earlier meeting to-morrow, if the Senator thinks it desirable.

Mr. EDGE. I was just about to conclude my statement by saying that I have been requested by the chairman of the Committee on Appropriations to lay the unfinished business aside temporarily in order that the Agricultural appropriation bill may be considered. I had intended to do that at the conclusion of the executive session. So I am meeting the request of the Senator from Arkansas as well as the request of the Senator from Wyoming.

Mr. ROBINSON. The Senator's proposal contemplated a continuous session.

Mr. EDGE. My proposal in addition contemplated a continuous session for the dual purpose of aiding in having the consideration of the Agricultural appropriation bill concluded, if possible, and that I might go on with the bill I have in charge.

Mr. ROBINSON. We all want to expedite the Agricultural appropriation bill, but it will be impracticable to remain in session until 8 o'clock and then proceed with the calendar after that hour.

Mr. EDGE. I am very glad indeed to try to meet the request of the Senator from Arkansas. May I make the suggestion, that at the conclusion of business this evening, at 11 o'clock, we take a recess until 12 o'clock to-morrow, and that the unfinished business then be proceeded with, with the understanding that if the consideration of the Agricultural appropriation bill shall not have been concluded it will, of course, take precedence. I am extremely anxious to get some action on the bill I have in charge, and in that I believe I have the sympathy of a large majority of the Members of the Senate. I appreciate thoroughly that under the rules any subject can be taken up, and I also appreciate the importance of various subjects being taken up, but at the same time legislation is important, and I sincerely hope, without asking for unanimous consent, that on the convening of the Senate to-morrow we will be enabled to proceed with the unfinished business.

Mr. HEFLIN. Mr. President, I am very anxious that we shall take up the bill in charge of the Senator from New Jersey, to which he has just referred. I think it ought to be considered speedily and passed at the earliest moment possible. I was about to suggest to him that if he finds he can not get his arrangement for this afternoon, that we proceed with the bill to-morrow, and see if we can not get a night session to-morrow night and finish its consideration.

Mr. EDGE. I suggested yesterday that we have a night session to-morrow night, and I shall certainly suggest it again to-morrow, if we are not able to complete the consideration of the bill in the meantime.

Mr. WARREN. Mr. President, as far as possible I would like to have some agreement, or at least some understanding, for the consideration of appropriation bills. The Agricultural appropriation bill has been ready for more than a week, and if we can conclude our business in executive session in a short time, I would like to have the Senate go back into legislative session and proceed as far as we can with that appropriation bill, fulfilling the engagement for a recess from 6 to 8, after which we will consider the calendar.

Then, when we adjourn to-night, I would like to have an adjournment taken until 11 o'clock to-morrow morning, when, if we have not already finished the Agricultural appropriation bill, we could complete it. The point is that there are other appropriation bills ready for consideration, and we are very anxious to have them acted on at the earliest possible time. All I have to state now is that I shall ask, in executive session, if there be any time left this afternoon, that the Senate shall return to legislative session for the purpose of considering the Agricultural appropriation bill.

EXECUTIVE SESSION

The PRESIDENT pro tempore. The hour of 3 o'clock having arrived, under the unanimous-consent agreement entered into the Senate will now proceed to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After 3 hours and 35 minutes spent in executive session the doors were reopened and, on motion of Mr. CURTIS (at 6 o'clock and 35 minutes p. m.), the Senate took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

The PRESIDENT pro tempore. The Clerk will report Order of Business 464, the first order of business on the calendar.

SCHOONER "ITASCA"

The bill (S. 51) for the relief of the owner of the schooner *Itasca* and her master and crew was announced as first in order, and was considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the claim of the owner of the schooner *Itasca* arising out of the collision between said schooner and the United States submarine *R-8* off Brenton Reef lightship, Newport, R. I., on the 20th day of August, 1920, for and on account of the losses alleged to have been suffered in said collision by the owner of said schooner *Itasca* and by her master and crew, may be submitted to the United States court for the district of Massachusetts, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs and interest at the rate of 4 per cent per annum until said judgment or decree is satisfied, as in like cases in admiralty between private parties with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. OVERMAN. I think an explanation should be made of the bill.

Mr. ROBINSON. The Senator from Maryland [Mr. BRUCE] reported the bill and asked me to look after it in the event it was called this evening. The bill refers the claim to the Court of Claims for adjudication. It was called on a former occasion, and I myself objected to its consideration because it authorizes the court to render judgment, but I found that it is in the usual form in such cases, and I think there is no objection to it. A number of other bills following it on the calendar are in the same situation, Nos. 466, 467, 468, and 469. Those bills all merely provide for referring cases to the Court of Claims for hearing and determination, and I think they should be passed.

Mr. OVERMAN. I am not going to make any objection to them, but it has been against our rule to allow the Court of Claims to render judgment.

Mr. ROBINSON. In this class of cases I myself made that statement on a former occasion, but upon investigation found that I was in error. The bill conforms to the precedents.

Mr. OVERMAN. Is it not for tort?

Mr. ROBINSON. Yes.

Mr. OVERMAN. The Court of Claims has no jury to assess damages. If the Senator has examined it, however, I do not object.

Mr. ROBINSON. I have examined it and find that the bill conforms to precedents.

Mr. KING. Mr. President, may I inquire of the Senator from Arkansas whether it is usual to allow interest in favor of any claimants after judgment?

Mr. ROBINSON. After judgment is rendered, the judgment usually bears interest, but interest is not allowed on the claim prior to the judgment.

Mr. KING. Yes; I know that, but I do not have any recollection of a case in which provision was made that interest should be allowed after judgment.

Mr. ROBINSON. That is the uniform rule.

Mr. KING. It would seem to me that ought not to be the case until after final judgment. The bill would seem to indicate that interest would begin to run from the judgment rendered by the Court of Claims.

Mr. OVERMAN. We had a case like that before the Committee on Appropriations where interest was claimed from the time judgment was taken in the court below when there was an appeal, and we refused to allow interest until after the final adjudication.

Mr. ROBINSON. The bill provides only for interest after judgment and until judgment is satisfied, and I think that is proper. If an appeal should be erroneously made and the judgment of the lower court affirmed, every reason which would justify interest in case no appeal was taken would apply to justify interest where an appeal was taken.

Mr. KING. I agree with the Senator, if we allow interest at all, but I do not have any recollection of a case where interest was allowable even after judgment.

Mr. ROBINSON. I think that is the rule. All judgments bear interest.

Mr. KING. I shall rely upon the judgment of the Senator from Arkansas. I have no knowledge of it.

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

HARRY SIMPSON

The bill (S. 773) to extend the benefits of the employers' liability act of September 7, 1916, to Harry Simpson was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

EASTERN TRANSPORTATION CO.

The bill (S. 785) for the relief of the Eastern Transportation Co. was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the claim of the Eastern Transportation Co., a corporation organized and existing under the laws of the State of Delaware and doing business in the city of Norfolk, Va., owner of the barge *Sweetser Linthicum*, against the United States for damages alleged to have been caused by collision between the said barge and the United States barge *Old Dominion* in tow of the United States tug *Sagamore* in Chesapeake Bay on the 25th day of August, 1918, may be sued for by the said Eastern Transportation Co. in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and enter judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Eastern Transportation Co. or against the Eastern Transportation Co. in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

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

BROOKLYN EASTERN DISTRICT TERMINAL

The bill (S. 1038) for the relief of the Brooklyn Eastern District Terminal was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the claim of the Brooklyn Eastern District Terminal, a corporation organized and existing under the laws of the State of New York, with its principal place of business in the city of New York, in said State, owner of the tugboat *Integrity*, against the United States for damages alleged to have been caused by collision between the said tugboat and the United States hopper dredge *Raritan*, in New York Harbor, New York, on or about the 30th day of September, 1920, may be sued for by the said Brooklyn Eastern District Terminal in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found due against the United States in favor of the Brooklyn Eastern District Terminal, or against the Brooklyn Eastern District Terminal in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same right of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

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

SCOW "W. T. C. NO. 35

The bill (S. 1039) for the relief of the owner of the scow *W. T. C. No. 35* was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of William T. Charlesworth, a citizen of the State of New York, and owner of the scow *W. T. C. Numbered 35*, alleged to have been injured in Hell Gate, New York Harbor, N. Y., by reason of damages sustained in the collision with the United States ship *Lake Tahoe* on the 23d day of July, 1918, for and on account of the alleged damage to said *W. T. C. No. 35* by reason of said collision with the United States ship *Lake Tahoe*, may be submitted to the United States District Court for the Southern District of New York, under and in compliance with the rules of said court sitting as a court in admiralty, and said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained by reason of said collision, and damage, if any, shall be found to be due said owner, on the same principles and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That the libel in the suit herein authorized shall be filed not later than six months after the passage of this act.

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

NEW YORK SANITARY UTILIZATION CO., SCOW "NO. 14"

The bill (S. 1040) for the relief of the owners of the New York Sanitary Utilization Co., scow *No. 14*, was considered as in Committee of the Whole, and we read, as follows:

Be it enacted, etc., That the claim of the New York Sanitary Utilization Co., owner of the scow *No. 14*, alleged to have been injured in a collision with the United States dredge *Raritan* in the upper bay of New York, on the 9th day of March, 1916, for and on account of the alleged damage to said scow *No. 14*, by reason of said collision, may be submitted to the United States District Court for the Southern District of New York, under and in compliance with the rules of said court, sitting as a court of admiralty; and said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained by reason of said collision, if any, shall be found to be due said owner, on the same principles and measure of liability with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That the libel in the suit herein authorized shall be filed not later than six months after the passage of this act.

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

MAINTENANCE OF RECLAMATION PROJECTS

The bill (S. 2836) relating to the deposit of funds available for maintenance of reclamation projects was considered as in Committee of the Whole.

The bill had been reported from the Committee on Irrigation and Reclamation with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That hereafter funds available for the operation and maintenance of Federal irrigation projects may, in the discretion of the Secretary of the Interior, be kept on deposit in banks within or near such projects, and the Secretary of the Interior shall require surety bonds in suitable amounts executed by acceptable surety companies to protect the United States against loss.

The amendment was agreed to.

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

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

AMENDMENT OF MERCHANT MARINE ACT, 1920

The bill (H. R. 6202) to amend sections 11 and 12 of the merchant marine act, 1920, was considered as in Committee of the Whole.

Mr. JONES of Washington. Mr. President, I desire to state just briefly that this is a House bill, and the purpose of it is simply to amend sections 11 and 12 of the merchant marine act of 1920 so that part of the funds set aside for construction purposes may be used for Dieselizing some of the ships, up to the amount of $25,000,000, but those ships are not to be Dieselized until some one is ready to purchase the ships or they can be leased for a period of five years. It is a House measure and the Dieselizing development is considered of very great importance. It is being put into effect in ships of foreign countries, and it is hoped that we can follow the same policy.

Mr. KING. Reserving the right to object, I understand that the bill calls for an authorization to expend $25,000,000.

Mr. JONES of Washington. No; it does this. Under the shipping act a ship construction loan fund was created out of the funds received from the sale of ships, and so forth, up to $125,000,000 that may be loaned under certain restrictions for the construction of new ships. I understand there is about $66,000,000 in that fund. The bill simply permits the use of a part of that fund up to $25,000,000, if it should be required, in Dieselizing the ships. That can not be done with the funds under the law as it is now. Under the law as it is now the fund can be used only for the construction of new ships. This would permit the use of a part of the fund for Dieselizing ships that we already have.

Mr. FLETCHER. It would help very greatly in the disposition of some of the ships which we can not otherwise sell.

Mr. JONES of Washington. We think so.

Mr. FLETCHER. The Government is entirely protected because under the terms of the bill we are bound to get back more than the amount we loan, and in addition to that we will get back the fair valuation of the ships.

Mr. JONES of Washington. Under the law as it is they can loan up to two-thirds of the value of the ships, but under the amendment proposed in the bill they can only loan up to 50 per cent unless additional security of a satisfactory character to the board is furnished.

Mr. ROBINSON. Is the report of the Senate committee unanimous?

Mr. JONES of Washington. It is.

Mr. KING. Mr. President, I confess that I do not like to object to a measure which two such distinguished Senators indorse, but I can not bring myself to support a bill until I know more about it. We know that the expenditures of the Shipping Board have been so unsatisfactory as to bring criticism if not condemnation from every quarter. Any recommendation by the Shipping Board I confess that I should look upon with—I will not say suspicion, but I should like to scrutinize it before I approve it. We have appropriated more than $3,000,000,000 to the Shipping Board, and all of its assets would not sell for $200,000,000. This is an authorization for an expenditure of $25,000,000 more, and will perhaps more quickly effectuate the complete liquidation of the entire concern. It will go into the hands of receivers, of course, and the sooner it is wiped off the map and charged to profit and loss the better for the Government.

Mr. JONES of Washington. Let me read one clause from the bill:

Provided further, That no part of such fund shall be expended upon the reconditioning of any vessel unless the board shall have first made a binding contract for a satisfactory sale of such vessel in accordance with the provisions of this act, or for the charter or lease of such vessel for a period of not less than five years.

This is not specially a recommendation of the Shipping Board. The Merchant Marine Committee of the House spent, I think, a couple of months working over the problem and considering the question and preparing the bill. I believe it is really for the very great interest of the merchant marine. It will help us out. We have our troubles, and there is no question about it. We are trying to work to get out of the matter as best we can and build up our merchant marine. I hope there will be no objection to it.

Mr. FLETCHER. The cost of operating a Dieselized ship would be much less than the operating cost of a coal burner.

Mr. JONES of Washington. From the investigations, which I have made quite fully, if we are going to keep up at all with the other shipping countries, we have to have many of our ships Dieselized to meet the situation.

Mr. KING. Let me ask just another question, and I shall not object. Does not the Senator think it is unwise to permit this organization to sell its resources, its assets, its ships, and make no accounting to Congress, but utilize the funds which it receives in further expenditures? It seems to me that the organization, as well as every other public agency, when it sells property ought to cover the proceeds derived therefrom into the Treasury, and then the Congress may make an appropriation, if it desires to do so, for purposes of this character or any other purpose; but to turn the funds back into the Treasury and permit their expenditure by these agencies without authorization of Congress, it seems to me to be a very unwise and a very fatuous policy.

Mr. JONES of Washington. We require that now, except as to this particular fund which they have to spend in a certain prescribed way. The Senator will remember that we appropriated $30,000,000, I think, in the last bill to help defray the expenses of the board, although we do allow them to use some of the proceeds in this way. It seems to me that it is absolutely essential in carrying on the business, which is really a commercial business. If we should require them to get out of the Treasury every dollar that they spend and to put every dollar of income they get from voyages, and so forth, into the Treasury, there would be a further handicap.

Mr. KING. I had reference more particularly to proceeds derived from the sale of property, from the sale of ships and accumulated stores and assets to the extent of hundreds of millions of dollars. They have not accounted to the Treasury for the proceeds derived from the sale of those properties.

Mr. JONES of Washington. I think the proceeds from the sale of their ships must go into the Treasury, except as they go into this fund, which must be accounted for.

The bill had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 2, line 7, after the word "economical," to insert the word "engines," and in line 10, after the word "with," to insert the word "engines," so as to make the clause read:

That section 11 of the merchant marine act, 1920, be, and the same is hereby, amended to read as follows:

"SEC. 11. (a) That during a period of five years from the enactment of this act (merchant marine act of 1920) the board may annually set aside out of the revenues from sales and operations a sum not exceeding $25,000,000, to be known as its construction loan fund. The board may use such fund to the extent it thinks proper, upon such terms as the board may prescribe, in making loans to aid persons citizens of the United States in the construction by them in private shipyards or navy yards of the United States of vessels of the best and most efficient type for the establishment or maintenance of service on lines deemed desirable or necessary by the board, provided such vessels shall be equipped with the most modern, the most efficient, and the most economical engines, machinery, and commercial appliances or, in the equipment by them in private shipyards or navy yards of the United States of vessels already built, with engines, machinery, and commercial appliances of the type and kind mentioned."

The amendment was agreed to.

The next amendment was, on page 3, line 21, after the word "If," to insert the words "sufficient and satisfactory," and in line 24, after the word "but," to strike out the words "such additional amount shall not exceed one-half the market value of the additional security furnished, and," so as to make the clause read:

(e) No loan shall be for a greater sum than one-half the cost of the vessel or vessels to be constructed, or than one-half the cost of the equipment hereinbefore authorized for a vessel already built:

Provided, however, If sufficient and satisfactory security is furnished in addition to the mortgage on the vessel or vessels the board may increase the amount loaned, but in no case shall the total loan be for a greater sum than two-thirds of the cost of the vessel or vessels to be constructed, or than two-thirds of the cost of the equipment and its installation for vessels already built.

The amendment was agreed to.

Mr. JONES of Washington. On page 2, line 6, after the words "shall be," I move to insert the words "fitted and," so that it will read "shall be fitted and equipped."

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

Mr. JONES of Washington. On page 2, line 8, after the words "or in the," I move to insert the words "outfitting and," so that it will read "in the outfitting and equipment."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

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

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

The bill was read the third time and passed.

PROTECTION OF ALASKAN FISHERIES

The bill (H. R. 8143) for the protection of the fisheries of Alaska, and for other purposes, was announced as next in order.

Mr. JONES of Washington. The Senator from Utah [Mr. KING] desires to speak probably 15 or 20 minutes on this bill, so that I will ask that it go over to-night in the hope that in the very near future we shall be able to take up the bill when he may have the time he desires.

The PRESIDENT pro tempore. The bill will go over.

BRIDGE ACROSS THE TUG FORK OF BIG SANDY RIVER, W. VA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5218) granting the consent of Congress to the Pittsburgh Coal, Land & Railroad Co. to construct a bridge across the Tug Fork of Big Sandy River at or near Nolan, in Mingo County, W. Va., to the Kentucky side, in Pike County, Ky.

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

BILLS PASSED OVER

The bill (S. 1638) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. OVERMAN. Let that bill go over.

Mr. SHEPPARD. This bill has passed the Senate on two or three former occasions. It proposes to authorize the Court of Claims to pass upon the claim of Captain Shearer.

Mr. OVERMAN. If Captain Shearer patented his inventions while he was an officer, the patents belong to the Government.

Mr. CURTIS. The senior Senator from Utah [Mr. SMOOT] asked me to object to the consideration of the bill.

Mr. OVERMAN. I object to the consideration of the bill. We can never get the bill passed. If Captain Shearer was an Army officer when his patent was granted, I repeat, it belongs to the Government.

Mr. SHEPPARD. Mr. President, allow me to say that Captain Shearer claims that he developed his patents not as a result of any direction or employment by the Government, and that the Government, under the decision of the Supreme Court, is not entitled to take these patents without compensation. He wants the court to pass upon the claim.

Mr. OVERMAN. Congress has always turned such bills down. It has done so time and again.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1740) to provide relief for the victims of the airplane accident at Langin Field was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3011) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, was announced as next in order.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The senior Senator from Utah [Mr. SMOOT] desires that this bill be passed over, and the bill will go over.

The bill (S. 1574) for the relief of John O'Neil was announced as next in order.

Mr. KING. Let that bill go over.

Mr. CAPPER. Mr. President, may I ask that the bill be temporarily passed over? The Senator from New Jersey [Mr. EDGE] who introduced the bill will be here shortly, and he is very much interested in it.

The PRESIDING OFFICER. The bill will be passed over.

BLACKFEET INDIAN ALLOTTEES, MONTANA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2879) to provide for the disposal of homestead allotments of deceased allottees within the Blackfeet Indian Reservation, Mont. It provides that the allotments of Blackfeet Indians designated as homesteads under section 10 of the act of June 30, 1919 (41 Stat. L. p. 16), imposing restrictions on alienation, shall after the death of the original allottee be subject to partition, sale, issuance of patents in fee, or any other disposition authorized by existing law relating to Indian allotments.

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

BILLS PASSED OVER

The bill (S. 626) to prevent the sale of cotton and grain in future markets, was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 147) for the relief of Albert Wood was announced as next in order.

Mr. DIAL. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1230) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1642) to provide for the purchase and sale of farm products was announced as next in order.

Mr. OVERMAN. I suppose that bill will have to go over, as the Senator from Nebraska [Mr. NORRIS], who reported it, is not present.

The PRESIDING OFFICER. The bill will be passed over.

SALE OF LANDS AT ADGER, IDAHO

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7500) to authorize the sale of certain lands at or near Adger, Ada County, Idaho, for railroad purposes.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized to sell and convey to the Oregon Short Line Railroad Co., a corporation organized under the laws of the State of Utah, and authorized to do business in the State of Idaho, its successors and assigns, for a sand and gravel pit for railroad purposes, and at a price to be fixed by appraisement at not less than $25 per acre, and under such terms, conditions, and regulations as the Secretary of the Interior may prescribe, the following-described lands, situated in Ada County, Idaho:

All that part of the south half of the northeast quarter, the north half of the southeast quarter, and the southeast quarter of the southeast quarter of section 25, township 1 north, range 2 east, Boise meridian, and lot 3 and lot 4 of section 30, township 1 north, range 3 east, Boise meridian, within the following-described area:

Beginning at the intersection of the present southwesterly right-of-way boundary of the main line of the Oregon Short Line Railroad Co., with the range line common to township 1 north, range 2 east, and township 1 north, range 3 east of the Boise meridian, 100 feet southwesterly, measured at right angles, from the center line of main track of said railroad, said intersection also bearing north, 1,619.63 feet from the section corner common to sections 25 and 36 of said township 1 north, range 2 east, and sections 30 and 31 of said township 1 north, range 3 east; thence north 51° 7' west, along said southwesterly right-of-way boundary, being 100 feet southwesterly from and parallel to said center line of main track for a distance of 2,060.22 feet; thence south 642.32 feet to a point in the east and west center line of said section 25, which is 600 feet southwesterly, measured at right angles, from the said center line of main track; thence south 51° 7' east along a line which is 600 feet southwesterly from and parallel to said center line of main track for a distance of 2,660.22 feet to a point in the said range line common to township 1 north, range 2 east, and township 1 north, range 3 east; thence north 89° 56' east, 795.36 feet, to a point in the said southwesterly right-of-way boundary; thence north 51° 7' west, along said southwesterly right-of-way boundary, being 100 feet southwesterly from and parallel

to said center line of main track, for a distance of 1,021.76 feet, to the point of beginning, and containing, in all, 36.39 acres, more or less: *Provided*, That there shall be reserved to the United States all gas, oil, coal, or other mineral deposits found at any time in the said lands and the right to prospect for, mine, and remove the same.

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

BILLS PASSED OVER

The bill (H. R. 2647) for the relief of Lena Garagnon Owens was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4012) to reimburse William H. Flagg and others for property destroyed by mail airplane No. 73, operated by the Post Office Department, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

EVA B. SHARON

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5136) for the relief of Eva B. Sharon. It directs the Secretary of the Treasury to pay to Eva B. Sharon, for repairing damages to her dwelling caused by blasting of rock in connection with construction of Le Claire Lock in the Mississippi River at Le Claire, Iowa, in September, 1916, the sum of $267.25, in full settlement of all damages against the Government.

Mr. KING. I should like to inquire whether the work referred to in this bill was being done by contract or by the Government?

Mr. CUMMINS. As I understand, the work was done by the Government, and as the result of blasting, a poor woman's house which stood on the banks of the Mississippi River was damaged. The amount involved is only $267.25, and the claim is approved by the War Department and the engineers in charge.

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

BILLS PASSED OVER

The bill (S. 2518) for the relief of Austin G. Tainter was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TRANSFER OF LANDS TO COLORADO NATIONAL FOREST

The bill (H. R. 2713) to transfer certain lands of the United States from the Rocky Mountain National Park to the Colorado National Forest, Colo., was considered as in Committee of the Whole. It proposes to transfer those portions of the following-described tracts now within the Rocky Mountain National Park to the Colorado National Forest, and that they shall hereafter be subject to all laws relating to the use and administration of the national forests: Section 10; northwest quarter of southeast quarter, southwest quarter of the northeast quarter, and the southwest quarter of section 11; northwest quarter of the northeast quarter, north half of the northwest quarter, and the southwest quarter of the northwest quarter of section 15; and the northeast quarter of section 16; township 6 north, range 75 west, sixth principal meridian.

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

LAND IN FLOMATON, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4437) to quiet titles to land in the municipality of Flomaton, State of Alabama.

The bill was read as follows:

Be it enacted, etc., That all the right, title, and interest of the United States of America in and to the lands situated in the municipality of Flomaton, State of Alabama, being 40 acres of land described as southwest quarter of the southwest quarter of section 34, township 1 north, range 8 east, of St. Stephens meridian, be, and the same are hereby, granted, released, and relinquished by the United States to the equitable owners of the equitable titles thereto and to their respective heirs and assigns forever, as fully and completely in every respect whatever as could be done by patents issued according to law: *Provided*, That the confirmations granted hereby shall amount only to a relinquishment of any title that the United States has or is supposed to have in and to any of said lands, and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, and interest of any person or body corporate whatever, the true intent of this act being to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama including the laws of prescriptions, in the absence of said interest, title, and estate of the United States.

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

EDGAR WILLIAM MILLER

The bill (S. 3170) for the relief of Edgar William Miller was announced as next in order.

Mr. KING. Mr. President, I shall object to the consideration of the bill unless I have an explanation of it.

Mr. WADSWORTH. Mr. President, this is a case which appealed very strongly to the members of the Committee on Military Affairs. This officer was court-martialed in 1914 for what I might describe as bad habits. He was reduced a large number of files eventually, but the first sentence of the court-martial was dismissal from the Army.

Mr. KING. Was he a West Pointer?

Mr. WADSWORTH. No. He is a medical officer; he is a Regular Army officer, however. As I have said, he was at first sentenced to dismissal from the Army. General Crowder, who was Judge Advocate General of the Army at that time, in consultation with the then Secretary of War persuaded the Secretary to lighten the sentence into a heavy reduction of files. A letter from General Crowder in the case indicates that he assured Secretary Baker that he would be personally responsible, if such a thing were possible, for this officer's future good behavior. The Secretary of War modified the sentence in that way. Two years later he went into the World War.

This officer became the commander of the ambulance companies of the Second Division and finally chief surgeon of the Second Division and was with that division through its entire active service in France. He received, as I recollect, three citations for bravery and excellent administrative ability and came out of the war with splendid credit to himself.

We are now in the year 1924. His dereliction took place 10 years ago. His habits have been perfect since then, and in the meantime he has distinguished himself. The present Judge Advocate General of the Army and the Secretary of War join in a recommendation to Congress to the effect that this officer has been punished enough. He has lost six years of promotion, being now six years in the matter of promotion behind the place which he would have occupied on the promotion list of the Medical Corps had he not been court-martialed back in 1914.

This bill is to restore to that splendid officer the place that he would have occupied to-day in the Medical Corps list were it not for that old court-martial. The officer has earned it, and the Military Affiairs Committee begs the Senate to do justice to him.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President of the United States, in his discretion, to appoint, by and with the advice and consent of the Senate, Edgar William Miller, now a major in the Medical Corps, Regular Army, a lieutenant colonel of the Medical Corps, Regular Army, to take rank at the foot of the list of lieutenant colonels, Medical Corps; but no back pay or allowance shall accure as a result of the passage of this act.

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

CONSTRUCTION OF WATER AND SEWER MAINS, CORINTH, MISS.

The bill (S. 3026) authorizing the Secretary of War to permit the city of Corinth, Miss., to construct, operate, and maintain water and sewer mains under and along the Government approach roadway to the Corinth National Cemetery, was considered as in Committee of the Whole. It authorizes the Secretary of War to permit the city of Corinth, Miss., to construct, operate, and maintain water and sewer mains under and along the Government approach roadway to the Corinth National Cemetery, on such terms and conditions as he deems advisable, and without expense to the United States.

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

AMERICAN ACADEMY IN ROME

The bill (S. 2834) relating to the American Academy in Rome was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That the act entitled "An act to permit the American Academy in Rome to enlarge its purposes, and for other purposes," approved June 6, 1912, is amended by striking out "$3,000,000" and inserting in lieu thereof "$10,000,000."

SEC. 2. That section 3 of the act entitled "An act to incorporate the American Academy in Rome," approved March 3, 1905, as amended, is hereby repealed.

Mr. FLETCHER. Mr. President, will the Senator from Pennsylvania explain what this bill means? Does it involve simply an increase in the capital stock of this corporation?

Mr. PEPPER. Mr. President, the American Academy in Rome was organized by artists, sculptors, and painters at the time of the Chicago World Fair in order to establish and maintain in Rome a center for the artistic education of American students studying abroad. At that time the Congress granted a charter to the academy, but, because it was supposed the academy might become a suppliant for appropriations of public money, a very low limitation was placed upon the value of the property which it was to be permitted to acquire and a provision was inserted in the charter to the effect that nobody who was an officeholder of the Federal Government should be a trustee in the institution.

Time has passed on, and the academy has always been self-sustaining; it has never made and never will make an application for appropriations, but it has acquired valuable real estate, and endowments have been given to it by will and deed. It is one of the greatest institutions now maintained by Americans in the Old World.

The two amendments which if this bill passes will be perfected are, first, to raise the limit of the total value of property which the institution may acquire, and, in the second place, to remove the provision to the effect that the office of trustee is incompatible with the holding of office under the Government.

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

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. PEPPER. I yield to the Senator from Arkansas.

Mr. ROBINSON. Does the bill impose any liability or obligation on the Government of the United States?

Mr. PEPPER. None whatever.

Mr. ROBINSON. Will any appropriation or expenditure of public funds be necessary to effectuate its purposes?

Mr. PEPPER. None at all, sir. The institution is abundantly self-supporting, and it is because it is so prosperous that it has become necessary to ask for an amendment raising the limit of the value of the property which the institution is permitted to hold. The bill has been reported by unanimous vote of the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

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

HAINES STREET, PHILADELPHIA, PA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4981) to authorize the Secretary of War to grant permission to the city of Philadelphia, Pa., to widen Haines Street in front of the national cemetery, Philadelphia, Pa. It authorizes the Secretary of War, in his discretion, to permit the city of Philadelphia, Pa., to use and occupy for street purposes all or any part of a strip of land, 8 feet 6 inches in width, off the south side of the Philadelphia National Cemetery, in that city, and along the Haines Street frontage of the cemetery, but the city shall remove the present stone wall marking the boundary line between the cemetery and the street, and grade, build, and maintain a sidewalk and curb along the frontage of the cemetery and care for and maintain the street the same as other public streets of the city.

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

BILL PASSED OVER

The bill (S. 2570) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. I do not think we can consider that bill under the unanimous-consent rule. The bill was incorporated as an amendment in the tariff law that was passed in the preceding Congress, but went out in conference. Under the circumstances I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

PROTECTION OF ANTELOPE AND OTHER GAME ANIMALS AND BIRDS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2761) to authorize the withdrawal of lands for the protection of antelope and other game animals and birds.

The bill was read as follows:

Be it enacted, etc., That, subject to valid existing rights and entries heretofore initiated under the public land laws, any or all of the following-described lands in Government ownership may be withdrawn from entry and disposition by proclamation of the President for the purpose of protecting and propagating antelope and other game animals and birds: National forest lands—Township 18 north, range 7 east, Black Hills meridian, section 24, south half, and south half north half; section 25, all; township 18 north, range 8 east, sections 17 to 20, inclusive; section 21, west half; sections 29 to 32, inclusive. Public lands—Township 18 north, range 7 east, section 5 to 9 inclusive; sections 13 to 23, inclusive; section 24, north half north half; sections 26 to 36, inclusive; and those parts of sections 3, 4, 10, and 11 lying south and west of the Riva Road: *Provided*, That the withdrawal of the lands herein authorized shall not affect existing withdrawals for national forest purposes.

SEC. 2. That the State of South Dakota is hereby authorized and permitted to erect and maintain a good, substantial fence inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 1 hereof. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in the administration of the national forest lands embraced therein, or to provide ingress and egress to persons occupying lands within said inclosure. The right of the State to maintain said fence shall continue so long as the area designated by the President shall be given protection by the laws of the State of South Dakota as a game refuge.

Mr. KING. Mr. President, I should be glad to have an explanation of the bill, particularly the second section which grants to the State of South Dakota permission to fence certain lands. I am not quite clear as to what is involved.

Mr. NORBECK. Mr. President, complying with the request of the Senator from Utah, I wish to state that the purpose of this bill is to give the State permission to include some Government lands in a game preserve that we are about to provide for the protection of a remaining band of antelope, that species being nearly extinct. The State owns a great deal of land right next to the forest reserve, and this bill will permit them to include 6,000 acres in the United States forest reserve. There is no obligation on the part of the Government and there will be no appropriation asked for. The State will maintain it. It is merely a question of providing grazing grounds for the animals.

Mr. KING. I was about to inquire of the Senator whether there was any possibility of the State applying to the Federal Government for a part of the maintenance charge or the cost of upkeep?

Mr. NORBECK. No; I can assure the Senator they will not even ask for any.

Mr. KING. Does the Senator think that the language of the bill would exculpate the Government from any liability?

Mr. NORBECK. Absolutely. The State government has no such thought. They have all the funds ready with which to do the work. It will be maintained by the game department of the State, which has a good annual revenue.

Mr. KING. It may not always be so prosperous.

Mr. NORBECK. Of course, that is a possibility.

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

JOINT RESOLUTIONS PASSED OVER

The joint resolution (S. J. Res. 47) establishing a congressional committee to consider ways and means through legislation to lighten the responsibilities of the President was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The joint resolution (H. J. Res. 184) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

CUSTER STATE PARK GAME SANCTUARY

The bill (S. 2699) to amend an act creating the Custer State Park Game Sanctuary in the State of South Dakota was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That upon recommendation of the Secretary of Agriculture the area designated as the Custer State Park Game Sanctuary under the provisions of the act of June 5, 1920 (41 Stat. L. p. 986), may by proclamation of the President be enlarged to embrace a total of not to exceed 46,000 acres, and the act of June 5, 1920, shall otherwise apply with equal force to the additional area authorized by this act.

Mr. KING. Mr. President, does this bill purpose to create another national park?

Mr. NORBECK. No; it does not. The State now has a game sanctuary in South Dakota adjoining the State park. The State has a State park 8 miles by 12 in the forest. It already has 40 miles of game-tight fence inclosing herds of elk, deer, buffalo, and so forth; and in the State sanctuary itself the State has spent several thousand dollars for highways. The purpose of this bill is to enlarge the boundary so as to get the fence out of the rocky ridges and down on more level ground. It proposes no transfer of any property to the State. No money will be asked for. The Government retains the timber. The State has the right to fence the area for the protection of the animals, but is not allowed to kill them.

Mr. KING. Mr. President, I should like to inquire what reservations or restrictions there are by which the control of the property may be assumed by the Government later on if it should desire to do so?

Mr. NORBECK. This is not a new bill. This is an amendment to an act passed about four years ago increasing the acreage. That is the only change that is made. They will have the same powers that they have under the present law.

Mr. KING. Mr. President, this may be all right, but it does seem to me that where the Government transfers land to the State by proclamation or otherwise, giving the State control over it, there ought to be some restrictive provisions in the bill, some conditions under which the Government may reassert its title and resume control over the territory.

Mr. NORBECK. May I explain? I am afraid the Senator misunderstood me. There is no transfer of title. The title remains in the Government of the United States. The State of South Dakota will be permitted to fence this land and have the control of the grazing as long as it is used for that purpose. The Government retains all other control of it.

Mr. KING. Is there a unanimous report from the committee?

Mr. NORBECK. Yes, sir; there is a unanimous report. A similar bill has also been reported from the House committee.

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

ALASKA GAME COMMISSION

The bill (S. 2559) to establish an Alaska game commission, to protect game animals, land fur-bearing animals, and birds in Alaska, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry, with amendments.

Mr. KING. Let the bill be read.

The reading clerk proceeded to read the bill.

Mr. ROBINSON. Mr. President, I inquire of the Senator reporting the bill what expense is contemplated to the Government or to Alaska?

Mr. NORBECK. None whatever. This is a measure in the interest of efficiency and economy. There are two or three reasons for passing it, but the main one is that at the present time there are two departments enforcing the game laws of Alaska. The Agricultural Department has game wardens looking after the fur-bearing animals and certain other things; the Interior Department has game wardens looking after the elk and moose, and so forth; and frequently two game wardens will be in the same territory, one under the Interior Department and the other under the Agricultural Department.

Mr. ROBINSON. This bill concentrates them in which department?

Mr. NORBECK. It makes the money that has been appropriated for the two departments available to be used under one of them.

Mr. ROBINSON. Which department?

Mr. NORBECK. Under the Agricultural Department.

Mr. ROBINSON. The members of the commission receive no compensation?

Mr. NORBECK. The members of the commission will receive compensation. I said there were two or three reasons for the passage of the bill. One reason is that the people of Alaska complain bitterly about the rigidity of the present law and the lack of any chance to express themselves on it; so the purpose of the bill is to provide for a commission of five members, four of whom will be residents of Alaska, one from each of the judicial districts. Only one of them will be salaried. The others will have per diem and expenses, but the intention is to have a commission of five.

We must keep in mind the fact that Alaska is about half the size of the United States proper, that some of these wardens may be 2,000 miles apart and at places more, and this bill places more responsibility and authority on the people up there, hoping to get their cooperation. This is the one bill that has met with the approval of the people of Alaska and the two departments affected and all the animal lovers and the outdoor people, men like Hornaday, of New York City, and the Boone and Crockett Club, and other people who are trying to preserve our native game animals from extinction.

One of the troubles with the present law is that hunters may exterminate some species, whereas if we can get a regulation that is elastic they can set aside certain areas and protect them, and make the hunters go perhaps a little farther, in order to save certain species that are threatened with extinction.

Mr. ROBINSON. Of course, I think the object of conserving the game in Alaska is a meritorious one. I have had no opportunity of studying the provisions of this bill. I inquire of the Senator from North Dakota if the committee is unanimous?

Mr. NORBECK. Yes; it is. We had hearings.

Mr. FLETCHER. May I inquire of the Senator whether it meets with the approval of the Delegate from Alaska?

Mr. NORBECK. It does. Mr. SUTHERLAND is here, and interested in the bill.

Mr. COPELAND. Mr. President, I should like to say that a number of my constituents seem to be very much interested in this bill. They seem to be urging strongly that the bill be put through in the interest of conservation.

The PRESIDING OFFICER. The amendments of the committee will be stated.

The first amendment of the Committee on Agriculture and Forestry was, on page 13, line 1, after the word "sold," to strike out "for use within the Territory but not for export" and to insert "under such restrictions as the Secretary may deem to be appropriate"; in line 9, after the word "serving," to strike out "and" and to insert "or"; and in line 11, after the word "cannery," to insert "or other commercial," so as to make the section read:

SEC. 10. Regulations: That the Secretary of Agriculture, upon consultation with or recommendation from the commission, is hereby authorized and directed from time to time to determine when, to what extent, if at all, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests or eggs of birds may be taken, possessed, transported, bought, or sold, and to adopt suitable regulations permitting and governing the same in accordance with such determinations, which regulations shall become effective 90 days after the date of publication thereof by the Secretary of Agriculture; but no such regulation shall permit any person to take any female yearling or calf moose, any doe yearling or fawn deer, or any female or lamb mountain sheep except under permit for scientific, propagation, or educational purposes; or to use any dog in taking game animals; or to sell the heads, hides, or horns of any game animals, except the hides of moose, caribou, deer, and mountain goat which the regulations may permit to be sold under such restrictions as the Secretary may deem to be appropriate; or to use any shotgun larger than a No. 10 gauge; or to use any airplane, steam or power launch, or any boat other than one propelled by paddle, oars, or pole in taking game animals or game birds; or to sell any game animals, game birds, or parts thereof, to the owner, master, or employee of any coastal or river steamer or commercial power or sail boat, or to procure for serving or to serve any such game animals, game birds, or parts thereof, in any cannery or other commercial mess house, or to the employees on any such steamer or boat; nor, except as herein provided, shall prohibit any Indian or Eskimo, prospector, or traveler to take animals or birds during the close season when he is in absolute need of food and other food is not available; but the shipment or sale of any animals or birds or parts thereof so taken shall not be permitted, except that the hides of animals so taken may be sold within the Territory; but the Sec-

retary, by regulation, may prohibit such native Indians or Eskimos, prospectors, or travelers from taking any species of animals or birds for food during the close season in any section of the Territory within which he shall determine that the supply of such species of animals or birds is in danger of extermination; nor shall any such regulation contravene any of the provisions of the migratory bird treaty act and regulations.

The amendment was agreed to.

The next amendment was, on page 14, line 6, before the word "license," to insert "and trapping," so as to make the paragraph read:

SEC. 11. License: Subdivision A. Nonresident hunting license.—That, except as otherwise permitted by this act, or by regulation made pursuant thereto, no nonresident shall take or possess any of the animals or birds protected by this act without first having procured a nonresident hunting and trapping license as herein provided.

The amendment was agreed to.

The next amendment was, on page 14, line 17, after the word "legally," to strike out the word "taken" and to insert "acquired," and at the end of line 17, after the word "him," to strike out "not to exceed the number he could legally have taken during the two years immediately preceding his removal from the Territory," so as to make the paragraph read:

Subdivision B. Resident shipping license.—That no resident of the Territory shall export any game animal or part thereof, except that he may export for mounting and return to the Territory in any one year but not for sale, not to exceed two heads or trophies of each species of game animal legally killed by him, upon first procuring a resident shipping license as herein provided, but the Secretary may by regulation permit a citizen of the United States who has been a resident of the Territory for at least two years and who is removing his residence from the Territory to export trophies of game animals legally acquired by him, upon first procuring a resident shipping license as herein provided.

The amendment was agreed to.

The next amendment was, on page 15, line 5, after the word "half-breeds," to insert "who have not severed their tribal relations by adopting a civilized mode of living or by exercising the right of franchise," so as to make the paragraph read:

Subdivision C. Resident hunting and trapping licenses: That the commission, whenever it shall deem expedient, may by regulation require residents of the Territory to procure resident hunting and trapping licenses authorizing them to take animals and birds protected by this act, and when such licenses shall have been required of residents the fee therefor shall be as follows: For each hunting license the sum of $2, and for each trapping license the sum of $2, but no such license shall be required of native-born Indians, Eskimos, or half-breeds who have not severed their tribal relations by adopting a civilized mode of living or by exercising the right of franchise. After the expiration of 60 days from the adoption of such regulation no resident shall take any animal or bird protected by this act without having first procured resident hunting and trapping licenses as herein provided.

The amendment was agreed to.

The next amendment was, on page 16, line 25, after the word "half-breed," to insert "who has not severed his tribal relations by adopting a civilized mode of living or by exercising the right of franchise," so as to make the paragraph read:

Sudvision H. Fur dealers, licenses, fees: No person shall buy or sell the skins of fur-bearing animals, or engage in, carry on, or be concerned in the business of buying, selling, or trading in the skins of fur-bearing animals protected by this act without first having procured a license as herein provided, but no license shall be required of a native-born resident Indian, Eskimo, or half-breed who has not severed his tribal relations by adopting a civilized mode of living or by exercising the right of franchise, or of a hunter or trapper selling the skins of such animals which he has lawfully taken, or of a person not engaged or employed in the business of trading in such skins to purchase them for his own use but not for sale.

The amendment was agreed to.

The next amendment was, on page 18, line 5, after the word "the," to strike out "executive officer" and to insert "members of the commission"; in line 6, after the word "issued," to insert "by members of the commission and"; after line 17, to strike out "Nonresident big game hunting license, $50," and to insert "Nonresident big game, small game, and fur-bearing animal hunting and trapping license, $50"; after line 20, to strike out "Nonresident trapping license, $50"; after line 21, to strike out "Nonresident small game license, $10" and to insert "Nonresident small game hunting license, $10"; on page 19, line 1, before the word "for," to strike out "$20" and to insert "$5"; at the end of line 1, after the word "each," to strike out "moose"; in line 2, after the word "trophy," to strike out the comma and the words "and for each other trophy of big game, $10" and to insert "of big game"; and at the end of line 6, to strike out "$5" and to insert "$2," so as to make the subdivision read:

Subdivision I. Fees and applications for, and issuance of licenses: Licenses, with the exception of alien special licenses and resident shipping licenses, shall be issued by the commission through its members, game wardens, and other persons authorized by it in writing to sell licenses. Alien special licenses shall be issued only by the members of the commission, and resident shipping licenses shall be issued by members of the commission and by the collector of customs at the port of shipment. Application blanks for licenses shall be furnished by the commission and shall be in such form as the commission may by regulation determine; and each application shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths in the Territory; and the members of the commission, and its game wardens and other persons authorized in writing by it to issue licenses are hereby authorized to administer oaths to applicants for such licenses. The applicant for a license shall accompany his application with a license fee as follows:

Nonresident big game, small game, and fur-bearing animal hunting and trapping license, $50.
Nonresident small game hunting license, $10.
Resident shipping and return license, $1 for each trophy.
Resident removing from Territory, $5 for each trophy of big game.
Registered guide license, $10.
Alien special license, $100.
Fur farm license, $2.

The amendment was agreed to.

The next amendment was, on page 23, after line 6, to insert the following additional section:

SEC. 17. That nothing in this act contained shall be construed as repealing or modifying in any manner section 6 of the act of Congress approved February 26, 1917 (39 Stat. L. p. 938), entitled "An act to establish the Mount McKinley National Park in the Territory of Alaska."

The amendment was agreed to.

The next amendment was, on page 23, line 13, to change the section number from "17" to "18."

The amendment was agreed to.

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

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

AMENDMENT OF JUDICIAL CODE

The bill (H. R. 714) to amend section 101 of the Judicial Code was considered as in Committee of the Whole.

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

BILL PASSED OVER

The bill (S. 2155) to amend and modify the war risk insurance act was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ROCK CREEK AND POTOMAC PARKWAY COMMISSION

The bill (S. 3016) to enable the Rock Creek and Potomac Parkway Commission to improve the parkway entrance was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the authority of the Rock Creek and Potomac Parkway Commission, as created in section 22 of the public buildings act, approved March 4, 1913 (37 Stat. p. 885), is hereby extended so as to enable them to acquire, by purchase, condemnation, or otherwise, under the same procedure as authorized in the above-mentioned act, that portion of the piece or parcel of land now described on the records of the assessor of the District of Columbia as parcel 66/2, which lies between Waterside Drive and Adams Mill Road and the southern boundary of the National Zoological Park and the street laid down to the north and west of square No. 2547 on the present plan of the permanent system of highways for the District of Columbia.

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

PUBLIC UTILITIES COMMISSION OF THE DISTRICT

The bill (S. 3077) to amend the act of Congress approved March 4, 1913, creating the Public Utilities Commission of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I see the Senator from Delaware here. I should like him to explain this bill.

Mr. BALL. Mr. President, this bill increases the Public Utilities Commission from three to five. At present the Commissioners of the District are the Public Utilities Commission for Washington. Their time is so thoroughly taken up with other matters concerning the District that they do not have time to go thoroughly into the public utility valuations so that they can properly fix rates. This bill provides that one attorney shall be president of the board and shall devote his entire time to the work, and that one Army officer above the grade of captain shall be added.

Mr. COPELAND. Mr. President, I should like to ask the Senator from Delaware whether the Senator from Tennessee [Mr. McKELLAR] would not be very much interested in this bill?

Mr. BALL. Very much.

Mr. COPELAND. Is he in favor of it?

Mr. BALL. The hearings that have been conducted on the street railway fare question gave rise to the necessity for this amendment.

Mr. COPELAND. Does the Senator from Tennessee favor this amendment?

Mr. BALL. I am very sure he would. He discussed it with me one day, and I explained to him that we were so amending the law.

Mr. COPELAND. Mr. President, I should like to be very sure that the Senator from Tennessee is satisfied, because he has given a great deal of study to this problem. I hate to interfere in the matter, but I think the bill ought to go over unless the Senator from Delaware is very certain that the Senator from Tennessee is satisfied with it.

Mr. BALL. Mr. President, I hope the Senator from New York will not object, because unless this bill passes to-night there will be no chance for it to become a law at this session, as it has to go over to the House; and in my judgment it is very important, in settling the controversy in which the Senator from Tennessee is interested, that this bill be passed.

Mr. WALSH of Massachusetts. Mr. President, will the Senator state what salaries are paid the members of this commission?

Mr. BALL. The Army officer, of course, receives no additional salary except an amount sufficient to bring his compensation up to that of the other commissioners. The attorney is paid the same salary as the present commissioners, which now, I think, is fixed at $6,000. Formerly it was $5,000.

Mr. WALSH of Massachusetts. What salary is to be paid the permanent commissioner?

Mr. BALL. The same salary, I think, as the other commissioners.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, section 8 of which creates the Public Utilities Commission of the District of Columbia, be, and the same is hereby, amended by striking out paragraph 97 of said section 8 and inserting in lieu thereof the following paragraph:

"PAR. 97. That all the powers created by this section and the duty of carrying this section into effect and enforcing the provisions thereof are hereby vested in a public utilities commission of the District of Columbia, to be composed of a citizen of the District of Columbia learned in the law, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall be chairman of said commission, the Commissioners of the District of Columbia, and an officer of the Corps of Engineers of the United States Army, whose lineal rank shall be above that of captain. The Commissioners of the District of Columbia shall be members of said public utilities commission by virtue of their office and shall exercise the duties of public utilities commissioners as additional and superadded powers to their powers and duties as Commissioners of the District of Columbia. The member of the commission to be appointed by the President and confirmed by the Senate and the officer of the Corps of Engineers who shall be detailed by the President of the United States as a member of said commission shall hold said office for the term of four years. The Commissioners of the District of Columbia shall not receive any additional compensation for their added duties as members of said public utilities commission. The chairman of said commission shall receive a compensation equivalent to that of a Commissioner of the District of Columbia. The officer of the Corps of Engineers detailed as a member of said commission shall be paid such amount in addition to his Army pay and allowances as is necessary to make his salary equivalent to that of a Commissioner of the District of Columbia. The powers, authority, and duties heretofore imposed upon and granted the Commissioners of the District of Columbia as members of the public utilities commission shall be permanent and are hereby imposed on and granted to the present Commissioners of the District of Columbia and their successors in office. The chairman of said commission shall, in addition to his duties as chairman, act as the legal officer of said commission in any action pending before said commission or before any of the courts in which under the provisions of said section the commission is authorized to be represented by counsel, and shall be assisted in said duties by the general counsel of said commission now authorized by law. A majority of said commissioners shall constitute a quorum to do business, and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission. Any investigation, inquiry, or hearing within the powers of the commission may be made or held by any commission, whose acts and orders when approved by the commission shall be deemed to be the order of the commission. The commission shall have power to adopt and publish rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings pertaining to public utilities.

"No commissioner shall be interested directly or indirectly in any public utility or in any stock, bond, mortgage, or contract of any such public utility; and if any such commissioner shall voluntarily become so interested, his office shall ipso facto become vacant; and if any such commissioner shall become so interested otherwise than voluntarily, he shall within a reasonable time divest himself of such interest, and if he fails so to do his office shall become vacant. Before entering upon the duties of his office each commissioner, the secretary of the commission, the counsel of the commission, and every employee of said commission shall take and subscribe the constitutional oath of office and shall in addition thereto make oath or affirmation before and file with the clerk of the Supreme Court of the District of Columbia that he is not pecuniarily interested, voluntarily or involuntarily, in any public utility in the District of Columbia or elsewhere."

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

CHANGE OF NAME OF JEWETT STREET

The bill (H. R. 6628) to change the name of Jewett Street west of Wisconsin Avenue to Cathedral Avenue was considered as in Committee of the Whole.

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

BILL PASSED OVER

The bill (S. 893) for the relief of John H. Rheinlander was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MEMORIAL TO DISTRICT OF COLUMBIA SERVICE MEN

The joint resolution (S. J. Res. 73) providing for the appointment of a commission for the purpose of erecting in Potomac Park, in the District of Columbia, a memorial to those members of the armed forces of the United States from the District of Columbia who served in the Great War was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Library, with an amendment, on page 1, line 6, after the word "Stephan," to insert "J. R. McDonald, Gist Blair," so as to make the joint resolution read:

Resolved, etc., That a commission to be composed of Charles A. Baker, Edward F. Colladay, John Joy Edson, Mrs. William Corcoran Eustis, Isaac Gans, E. Lester Jones, Arthur D. Marks, Frank B. Noyes, Anton Stephen, J. R. McDonald, Gist Blair, and any other person who with the approval of a majority of the commission is added thereto or substituted for any member thereof, is hereby created to be known as the District of Columbia Memorial Commission for the purpose of erecting in Potomac Park in the District of Columbia a memorial to those members of the military and naval forces of the United States from the District of Columbia who served their country in the Great War. Such memorial shall be of artistic design suitable for military music and shall take the place of the present wooden band stand in Potomac Park.

SEC. 2. That the Chief of Engineers of the United States Army is hereby authorized and directed to select the site for the memorial and to grant permission for the erection of said memorial thereon: *Provided*, That the site, design, and plans for the memorial shall have been approved by the Joint Committee on the Library acting with the advice of the Commission of Fine Arts: *Provided further*, That the

memorial shall be erected under the supervision of the said Chief of Engineers and that no part of the cost of erection shall be borne by the United States.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 87) authorizing the erection of a flagstaff at Fort Sumter, and for other purposes, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

ALMEDA LUCAS

The bill (S. 149) for the relief of Almeda Lucas was announced as next in order.

Mr. DIAL. Mr. President, I should like to have the Senator make an explanation of that bill.

Mr. BAYARD. Mr. President, I report the bill out from the committee.

Lucas obtained a grant of land in Tillamook County, Oreg., which was surveyed by the Government surveyors, and he located upon it and cleared about 10 or 14 acres and built some buildings on it. The testimony shows, under oath, that the buildings cost him upward of nine or ten thousand dollars. A neighbor located another survey, and when the neighbor's survey was put on the ground plan of the county by the Government surveyor it was found that there had been a mistake in Lucas's survey, and that this particular portion of land which he had cleared and built upon did not belong to him. Therefore it was taken away from him, so that he lost his labor and time of clearing 12 or 14 acres and the expense to which he had been put in erecting these buildings.

Mr. KING. Mr. President, it seems to me that if we allow this it will be a very dangerous precedent. Frequently in the West, where we have public surveys and where we know that most of the original surveys were erroneous, we know of very great hardships which resulted from them, and I want to state now that if we adopt this precedent we will be opening the door to subject the Government to claims for very large sums.

Mr. OVERMAN. Let the bill go over, then, Mr. President.

Mr. BAYARD. May I not finish?

Mr. McNARY. I feel that I should say in reply to the statement made by the Senator from Utah that frequently since I have been in the Senate, during my short service, we have had similar legislation passed. Here is the case of a widow with nine children, whose husband died on the land. The land was surveyed by the Government, and this man went on it and put up improvements costing $10,000. The Government subsequently found that the survey was erroneous, and this bill will award the widow one-half of the money her husband expended there during a period of 20 years. The Government's error was so apparent and so obvious to all those who looked into it, from the department and the committee, that the committee reported unanimously in favor of the relief for this widow and her children.

Mr. KING. Let me ask the Senator if he does not know that many of the surveys, both upon agricultural as well as mining land, because of errors, errors oftentimes of the surveyors, and sometimes without their fault, sometimes because the datum line which had been established by the Government had been destroyed, resulted in duplicate entries, and in duplicate patents, in many instances, and that if we adopted this precedent, we would subject the Government to claims for compensation for all who have suffered by reason of any erroneous survey which was made. I ask the Senator if he does not regard it as a dangerous precedent?

Mr. BAYARD. May I interrupt the Senator for a moment? I will state to the Senator from Utah that this claim passed the Senate last year.

Mr. KING. Mr. President, that would not influence me at all.

Mr. BAYARD. I would further state to the Senator that he was present when it was passed. I sat beside him.

Mr. KING. There is no sanctity in our decisions, no certainty that they are right.

Mr. McNARY. Mr. President, it does not establish a precedent at all. There have been literally thousands of claims less meritorious, involving the same principle, that have passed Congress. Here is an instance where the Government told a pioneer he could go on certain land and establish certain improvements; and taking upon that land a large family, he cleared of stumps 13 acres and constructed a home and substantial outbuildings to the extent of $10,000. He died, and his widow, after a resurvey was made, found that the Government had placed him on land on which the Government was not entitled to place him. The Government gets the land back, and all she is asking is to return her 50 per cent of the construction charges put upon the land by her husband.

Mr. KING. If the Government owns the land, and if, as the Senator says, the Government would get it back——

Mr. McNARY. The Government has it back.

Mr. KING. Then why does not the Government convey it to her?

Mr. McNARY. The Government has no opportunity so to do. If the Senator from Utah knew the history of public lands in the West, he would not propound such an inquiry.

Mr. KING. I object to the bill.

The PRESIDING OFFICER. It will go over.

ALICE E. O'NEIL

Mr. EDGE. I ask unanimous consent that we return to order of business 480, Senate bill 1574, for the relief of John O'Neil, which was reached before I arrived in the Chamber and was passed over until I could be present. I would like to have the bill brought before the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, on page 1, line 5, to strike out "$10,000" and insert in lieu thereof "$2,500"; in the same line to strike out "John O'Neil" and insert "Alice E. O'Neil"; and in line 7 to strike out "his" and insert "her," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to Alice E. O'Neil, of Newark, N. J., as compensation for the death of her son, Edward L. O'Neil, seaman, first class, U. S. S. *Wyoming*, who was drowned in Guantanamo Bay, Cuba, when obeying an order of a superior officer.

The amendments were agreed to.

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

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

The title was amended so as to read, "A bill for the relief of Alice E. O'Neil."

JAMES W. LAXSON

The bill (S. 367) for the relief of James W. Laxson, was announced as next in order.

Mr. DIAL. Let that go over.

Mr. BAYARD. Will the Senator withhold his objection a moment until I explain the bill?

Mr. DIAL. Very well.

Mr. BAYARD. This bill is to pay the sum of $182 to the claimant, James W. Laxson. Laxson made an entry on a homestead and started to cut the timber off the land before the entry was completed. That was forbidden under the Government rules, unless he would use the timber himself; so the Government took the timber which was cut and sold it for $182, and paid the money by mistake into the Public Treasury instead of into a fund in the Interior Department.

At the end of five years, under the act, Laxson made good his entry. After he completed his entry the land was granted to him, but when he made his demand for the sum of $182, for which the timber had been sold, it was found that the money had been improperly turned into the General Treasury and not into the special fund provided, into which the money should have been paid.

Mr. DIAL. Very well; I do not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $182 to James W. Laxson for a refund covering timber taken from his homestead entry.

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

HANGARS IN FLYING FIELDS FOR THE AIR MAIL SERVICE

The bill (S. 1051) to authorize and provide for the payment of the amounts expended in the construction of hangars and the maintenance of flying fields for the use of the Air Mail Service of the Post Office Department was announced as next in order.

Mr. DIAL. Let the bill go over.

Mr. ODDIE. Mr. President, I will ask the Senator to listen a moment before the objection is insisted on.

Four States are very much interested in this bill, the States of Nevada, Utah, Wyoming, and Nebraska. This question has been studied at length by the department and by the subcommittee, of which I am chairman, of the Committee on Post Offices and Post Roads, and the department has recommended that the bill be passed. I hope the Senator will withdraw his objection, and that the bill will be allowed to pass.

Mr. DIAL. I am on the same committee, and I would like to accommodate my friend, but I shall have to insist on the bill going over.

Mr. WARREN. Mr. President, I hardly think the Senator would want to have the bill go over if he understood the circumstances. I happen to know something of this matter personally, because at my home, and in my private office, Otto Praeger, Assistant Postmaster General some four years ago, called on me in the interest of locating the through mail service. He made a very frank statement that the appropriation they had was not large enough, that on the North Platte they were going to arrange to build the hangars, and while he was not authorized to and could not make a contract, he stated to me that in the next estimate he would certainly cover these expenses.

He besought me to go out and try to raise the money, which I did. The city and county of Cheyenne put up $5,000 apiece, and the Commercial Club put up the balance, a matter of ten or twelve thousand dollars, to build a hangar. Then the citizens clubbed with me to clean up a tract of 200 acres, perfectly level, making it clean, and the Government is using it every day and every night, and has since that time, and has not paid a nickel. The Government has the use of the land and the use of the hangar.

I presume the other locations are much the same. Certainly it was an investment made with the expectation of receiving payment, and nothing prevented payment by the Government but the failure of the department in not sending in an estimate. It has been thoroughly investigated by the Post Office Department, and the Postmaster General has asked that we secure this legislation to cover these four places.

Mr. PHIPPS. Mr. President, I want to ask the Senator from Wyoming if it is not a fact that every one of the stations named in this bill is now being used in the air mail service?

Mr. WARREN. Every day and every night.

Mr. PHIPPS. Every one of them is covered in the bill?

Mr. WARREN. Every one of them. They are the only ones in that thousand miles or more.

Mr. DIAL. Mr. President, there are claims for hangars at different places over the West, and some of those routes have been abandoned. They were merely put in as experimental routes; the cities were anxious for the mail service, and they offered these inducements in order to get the Post Office Department to come out there.

Mr. PHIPPS. Mr. President, if the Senator from South Carolina will allow me, I wish to say that we conferred in the committee at one time over the bill, and that it was the opinion of the Committee on Post Offices and Post Roads that it would not be proper to make allowance for those stations where the Government was not deriving any benefit and was not continuing to use the stations.

The bill in its modified form as it now appears is strictly limited to those stations which are in actual daily, and I will also say nightly, use by the air mail service of the Post Office Department, and I hope the Senator will not insist upon his objection. This matter has had very long and careful consideration.

Mr. DIAL. My recollection is that some of these sites were offered without any contract having been made. The people were anxious to get the mail, and there was no contract made, and perhaps no expectation of any money being paid.

Mr. WARREN. The Senator is very much mistaken in that.

Mr. DIAL. Afterwards they would come in with a bill, not only for these, but for other stations in different parts of the West.

Mr. WARREN. There are none others similar to these.

Mr. DIAL. If the Government takes people's property and uses it, it ought to pay for it. If it needs it in transporting the mail, it ought to pay for it. This air mail business is an experiment, anyway. Of course, the Government ought to pay for the stations if it uses them, but I am not willing to have the Government pay for some place where the people offer some location temporarily for the Government to experiment with it, to get the mail quickly in order to advertise the town.

Mr. ODDIE and Mr. PHIPPS addressed the Chair.

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

Mr. DIAL. I prefer not to yield. Let the bill go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

HOSPITAL FACILITIES FOR WORLD WAR VETERANS

The bill (S. 3181) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide additional hospital facilities, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and out-patient dispensary facilities for patients of the United States Veterans' Bureau, by purchase and remodeling or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto; and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital plants to be constructed shall be of fireproof construction and existing plants purchased shall be remodeled to be fireproof, and the location and nature thereof, whether for the treatment of tuberculous, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President: *Provided, however,* That the director, with the approval of the President, may utilize such suitable buildings, structures, and grounds now owned by the United States as may be available for the purposes aforesaid, and the President is hereby authorized, by Executive order, to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof.

SEC. 2. That for carrying into effect the preceding paragraph relating to additional hospital and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,500,000, to be immediately available and to remain available until expended. That not to exceed 3 per cent of this sum shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants at the customary rates of compensation, exclusively to aid in the preparation of the plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses and field-office equipment and supplies in connection therewith.

Mr. REED of Pennsylvania. Mr. President, I offer the following amendments.

The PRESIDING OFFICER. The Secretary will report the first amendment.

The READING CLERK. On page 1, line 6, after the word "Bureau," the Senator from Pennsylvania moves to insert the words "and facilities for a permanent national training school, at a cost not exceeding $350,000, for the blind who are beneficiaries of the United States Veterans' Bureau."

Mr. REED of Pennsylvania. Mr. President——

Mr. FERNALD. I am very glad to accept the amendment.

Mr. ROBINSON. Mr. President, I think a brief statement should be made explaining the amendment.

Mr. REED of Pennsylvania. I would be very glad to have the speech dispensed with, but I really feel that perhaps I should not ask an appropriation of this size without explaining it.

The Government now maintains in the suburbs of Baltimore precisely such a training school as is intended to be erected out of this additional appropriation. The trouble is that the present school is built on leased ground; it is not at all fireproof, and the Government is housing in framed buildings, lined with beaver board, a large group of the most pathetic of all disabled veterans, men who are absolutely blind and absolutely helpless. Those buildings must be made fireproof, or fireproof buildings must be erected. I have been over them myself carefully, and I have always come away heartsick at the thought of the awful consequence of any possible fire there.

Mr. ROBINSON. I think the Senator has well justified the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment offered by the Senator from Pennsylvania.

The READING CLERK. On page 2, line 7, after the word "plant," insert the words "and training schools."

The amendment was agreed to.

The READING CLERK. On page 2, line 25, strike out "$6,500,000" and insert in lieu thereof "$6,850,000."

Mr. REED of Pennsylvania. In justice to the amendment I ought to say that this has been submitted to the Director of the Veterans' Bureau and approved by him, to the Director of the Budget and approved by him, and to President Coolidge himself, and approved by him.

The amendment was agreed to.

Mr. FLETCHER. I offer the amendment which I send to the desk, to add a new section.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. Add a new section to read as follows:

SEC. 3. That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed, namely:

(a) For increase in the limit of cost of construction of those certain public buildings, heretofore authorized by Congress to be constructed and for which appropriations were made, referred to in Senate Document No. 28, Sixty-eighth Congress, first session, $15,130,780, or so much thereof as may be necessary.

(b) For the construction of public buildings on those certain sites, heretofore acquired, for the construction of which buildings no appropriations were made, referred to in Senate Document No. 28, Sixty-eighth Congress, first session, $23,557,500, or so much thereof as may be necessary.

Mr. JONES of Washington. Is that a general public-building proposition? If it is, I am afraid I shall have to object to the consideration of the bill and I do not like to do that.

Mr. FLETCHER. It provides for completing buildings where appropriations have already been made, but not in sufficient amount to complete the building. It is to complete buildings on sites that have already been purchased.

Mr. JONES of Washington. I do not think that it should go on this bill, and if the Senator insists upon it I shall have to object to the consideration of the bill.

The PRESIDING OFFICER. Does the Senator from Florida insist upon his amendment?

Mr. FLETCHER. I do not want to jeopardize the veterans' hospital bill. I thought the Senator would let us have a vote on the amendment.

Mr. JONES of Washington. I do not think so.

Mr. FERNALD. I could hardly permit that myself.

Mr. FLETCHER. If the Senator insists on objecting to the consideration of the whole bill, I will withdraw the amendment.

The PRESIDING OFFICER. The Senator from Florida withdraws his amendment.

Mr. WALSH of Montana. Mr. President, I would like to inquire of the Senator from Pennsylvania if I understood aright that the bill provides for the construction of a single hospital building?

Mr. REED of Pennsylvania. No; it contemplates the erection of six buildings, a school building with rooms for instruction work in music and trades the blind can be taught, a dormitory building, including an infirmary, a recreation building, superintendent's quarters, houses for educational director and chief engineer, and eight double houses for married blinded veterans.

Mr. WALSH of Montana. Is it a single group of buildings?

Mr. REED of Pennsylvania. Yes; it is a single group of buildings.

Mr. WALSH of Montana. How many patients is it expected to accommodate?

Mr. REED of Pennsylvania. At present there are something less than 100, but there are nearly 700 blinded veterans of the last war and it is desired to accommodate more than are now in readiness. It contemplates about 200. It will be capable of some expansion at a comparatively small cost.

Mr. WALSH of Montana. It seems to me to be an enormous amount.

Mr. REED of Pennsylvania. Three hundred and thirty-three thousand dollars is the preliminary estimate.

Mr. WALSH of Montana. But the bill appropriates $6,500,000.

Mr. REED of Pennsylvania. Oh, $6,500,000 includes a great number of hospitals all over the United States. I did not catch the Senator's question. The details of the program are shown in full in the committee's report.

Mr. COPELAND. Mr. President, I am sure that the bill ought to have the unanimous indorsement not alone of Congress, but of the United States, because my mail has been filled for the last two weeks with letters from people who say, "Millions and millions for those who were injured, but nothing for those who are able-bodied." We who were in favor of the bonus have voted for the able-bodied, and certainly all of us are going to vote those who need help such as we have heard described to-night.

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

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

OLDROYD COLLECTION OF LINCOLN RELICS

The bill (S. 2434) for the purchase of the Oldroyd collection of Lincoln relics was announced as next in order.

Mr. DIAL. Let the bill go over.

Mr. WILLIS. I hope the Senator will withhold his objection to the bill for a moment, until I can explain what it is.

Mr. DIAL. Very well.

Mr. WILLIS. Senators understand of course to what the bill applies. In this city is the house in which Abraham Lincoln died. In that house is the greatest collection of Lincoln mementos and Lincoln relics in the world. It has been collected by an old gentleman, Mr. Oldroyd, who commenced the collection early in the sixties, perhaps in 1861 or 1862. A public-spirited citizen of this country has already made the offer to the old gentleman that is embodied in the bill. Within a few days another offer has been made larger than the amount contemplated in the bill.

It seems to me, Mr. President, it would be a mistake to permit that great collection of relics of the greatest American to pass into private hands. Mr. Oldroyd is a gentleman with practically no income.

At his advanced age he has got to the place where some disposition must be made of the collection. It seems to me a matter of patriotic duty almost that the Government of the United States should take such action as to prevent the collection going into private hands which, if it did, in all probability would mean that it would be taken out of the city. At any rate the Lincoln relics ought to belong to the people. I trust the Senator from South Carolina will not insist upon his objection.

Mr. DIAL. Mr. President, I have a very high regard for the memory of President Lincoln. It possibly might be well for these relics to belong to the Government, but this is a pretty sorry bill to my mind. It simply undertakes to appropriate $50,000 out of any money in the United States Treasury not otherwise appropriated for the purchase of the entire Oldroyd collection of Lincoln relics, and so forth. There is no competent official designated to pass upon the value of the relics. The Government would not know what it was getting, but would just take the word of some one about it. I submit it has been a long time since Mr. Lincoln's death for anyone to come here now and talk about buying his relics. If we are going to pass a bill at all it ought to be so framed as to put the matter in charge of some responsible person to see what we are buying and to know something as to the value.

Mr. WILLIS. Mr. President——

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

Mr. DIAL. Not right now. I know nothing about Mr. Oldroyd and say nothing against him. I never heard of him before so far as I know. This is a loose way to legislate and I am going to object to the bill in its present shape. If it is put in the right shape and provision is made to have somebody investigate who knows something about it, that might be different, but under the bill as now worded the public would not know whether we were buying relics of Mr. Lincoln or relics of some other statesman.

Mr. WILLIS. Mr. President, will the Senator permit the bill to go over without prejudice?

Mr. DIAL. I shall be glad to hear from the Senator, but I will not change my mind until he changes the bill.

The PRESIDING OFFICER. The bill will be temporarily passed over.

BICENTENNIAL OF THE BIRTHDAY OF GEORGE WASHINGTON

The joint resolution (S. J. Res. 85) authorizing an appropriation for the participation of the United States in the preparation and completion of plans for the comprehensive observance of that greatest of all historic events, the bicentennial of the birthday of George Washington, was considered as in Committee of the Whole, and was read, as follows:

Whereas on February 22, 1932, will occur the two hundredth anniversary of the birth of George Washington, the father and founder of the American Republic; and

Whereas the significance of this event transcends in importance any other historic event of a similar kind that has ever before been commemorated by the Nation; and

Whereas past experience has taught that it takes from 5 to 10 years to complete fitting and adequate plans for the commemoration of outstanding historic events; and

Whereas heretofore the celebration of epochal events has always been marred by the incompletion of preparations, monuments, etc., necessitating delays in the inauguration of commemorations; and

Whereas if any commemoration of the bicentennial of the birth of George Washington that is commensurate with its importance and significance to the American people be held, then the time between the present day and the year 1932 is by no means too long for the completion and carrying out of plans: Therefore be it

Resolved, etc., That there is hereby established a commission to be known as the United States commission for the celebration of the two hundredth anniversary of the birth of George Washington (hereinafter referred to as the commission) and to be composed of 19 commissioners, as follows:

The President of the United States; the President pro tempore of the Senate and the Speaker of the House of Representatives, ex officio; eight persons to be appointed by the President of the United States; four Senators by the President pro tempore of the Senate; and four Representatives by the Speaker of the House of Representatives. The commissioners shall serve without compensation and shall select a chairman from among their number.

SEC. 2. That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of ——— to be expended by the commission in accordance with the provisions of this resolution.

SEC. 3. That it shall be the duty of the commissioners, after promulgating to the American people an address relative to the reason of its creation and of its purpose, to prepare a plan or plans and a program for the signalizing of the event, to commemorate which they are brought into being; and to give due and proper consideration to any plan or plans which may be submitted to them; and to take such steps as may be necessary in the coordination and correlation of plans prepared by State commissions, or by bodies created under appointment by the governors of the respective States and by representative civic bodies; and if the participation of other nations in the commemoration be deemed advisable, to invite foreign governments to send representatives to engage in such participation.

SEC. 4. That when the commission shall have approved of a plan of celebration, then it shall submit for their consideration and approval such plan or plans, in so far as it or they may relate to the fine arts, to the Commissioner of Fine Arts, in Washington, for their approval, and in accordance with statutory requirements.

SEC. 5. That the commission, after selecting a chairman and a vice chairman from among their members, may employ a secretary and such other assistants as may be needed for clerical work connected with the duties of the commission and may also engage the services of expert advisors; and may fix their respective compensations within the amount appropriated for such purposes.

SEC. 6. The commissioners shall receive no compensation for their services, but shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their duties.

SEC. 7. The commission shall on or before the 4th of March, 1925, make a report to the Congress, in order that enabling legislation may be enacted in the carrying out of the plan or plans finally approved.

SEC. 8. That the commission hereby created shall expire within (one) (two) year after the expiration of the celebration, December 31, 1932.

SEC. 9. This joint resolution shall take effect immediately.

Mr. FESS. Mr. President, I desire to offer an amendment. On page 3, in line 1, in the blank space, I move to insert the numerals "$10,000."

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 3, line 1, after the words "sum of," insert "$10,000."

Mr. KING. Mr. President, I would like to inquire of the Senator whether this is to pay for the celebration or merely for the formulation of the program?

Mr. FESS. This is merely for the use of the commission of 19, or so much of it as may be necessary to plan the celebration.

Mr. KING. I do not see the necessity of any appropriation for merely planning the celebration. Of course, when we come to execute the plan we will require a very much larger sum than $10,000.

Mr. FESS. Very much larger; but there will have to be some clerical force to do the preliminary work. We have never yet had a celebration of this kind when time enough was given to put it into execution by the date it was to conducted. This is eight years hence, and that is not too much time, I think. This is merely to create the commission of 19, headed by the President, to make the recommendations. There will be some clerical assistance that we shall have to provide.

Mr. SPENCER. Do the members of the commission receive any compensation?

Mr. FESS. They do not.

Mr. KING. Does the Senator think he is anticipating if the joint resolution provides, as I understand him, eight years in advance?

Mr. FESS. That is not too long. We have never yet had a celebration that was carried out at the time it was intended to be carried out, as the Senator knows.

Mr. KING. We celebrate the birthday of President Washington every year in a dignified way throughout the country, and very properly. I shall not object.

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

The amendment was agreed to.

Mr. FESS. On page 4, in line 14, the committee desires to have it provide for two years. I therefore move to amend by striking out "one year" and inserting "two years," so as to read:

That the commission hereby created shall expire within two years after the expiration of the celebration, December 31, 1932.

The amendment was agreed to.

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

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA

The bill (S. 2284) to provide for the construction of certain public buildings in the District of Columbia was announced as next in order.

Mr. KING. Let the bill go over.

Mr. FERNALD. May I make just a brief statement to the Senator? He is a very shrewd, candid, careful, conservative business man, and he and I as a rule agree on many of these propositions. The matter involved in the bill is a cold proposition. The Government of the United States is paying rentals in this city to the amount of nearly $800,000 annually for public buildings. The rentals are increased all the time, from year to year, in a tremendous way. I shall be very brief. I realize that the bill involves apparently a large appropriation. But recalling that $700,000 to $800,000 in rental is being paid every year, and we are asking in the bill an appropriation of $10,000,000 for the erection of these buildings, Senators will readily appreciate the saving that will be made to the Government.

The rental is but a part of the expense to the Government. For instance, in the Agricultural Department there are 45 different units, and there are 28 of them in buildings rented by the Government. Every Senator knows, if he starts out for any one of those bureaus, that he has to go to a dozen or fifteen different places before he is liable to locate the man he wants to find.

The Director of the Internal Revenue Bureau has stated that there would be a saving in that particular bureau of more than $250,000 a year in his help. The same thing is true as to one or two of the other departments.

It seems to me it is time for the Government to begin erecting its own buildings. Since I have been chairman of the Committee on Public Buildings and Grounds we have expended little or no money for the past six years. I believe that as a business proposition the bill ought to be passed.

Further, I desire to say that in some of the departments they are working the men and women under such conditions that if they were in the employ of a private company or corporation that company or corporation would be dragged into the courts. For instance, 125 young women working in one of the buildings last winter had to be dismissed day after day on account of the cold, it being impossible to keep the building properly heated. It is unwise to continue such conditions.

Now, we are about to add to our employees 4,000 more persons to administer the bonus law which has recently passed. I expect to bear the burdens imposed upon me with Christian fortitude, but I do believe that the Government ought to make provision for those employees now the bill has become a law. We ought to begin to provide for the administration of that act. I made the statement on the floor of the Senate in debating the bill that it would require about 2,000 additional employees, but I find that it will require more than 4,000.

Mr. KING. Mr. President, will the Senator from Maine yield to me?

Mr. FERNALD. I yield.

Mr. KING. The statement was made before the Finance Committee that the number would not exceed 2,000. Of course, everybody knew that when the bill should be passed 4,000 would be required, and very soon 8,000 will be needed.

Mr. FERNALD. That doubtless will be true. The best estimate that we now have is 4,135, to be accurate. Those employees must be housed somewhere; they must have facilities for handling that business. It seems to me we ought to begin the erection of these public buildings now.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Arkansas?

Mr. FERNALD. I yield.

Mr. ROBINSON. The bill for which the Senator from Maine [Mr. FERNALD] asks consideration authorizes the appropriation in the aggregate of the sum of $50,000,000. I inquire of the Senator whether that is the estimated amount which the buildings will cost, or whether it is expected that additional authorizations will be required in order to carry out the program which is contemplated in the bill?

Mr. FERNALD. It is expected that that sum will complete the buildings. I wish to say further that this bill has the approval of the President, and also of the Director of the Bureau of the Budget. I repeat, it is simply a business proposition.

Mr. KING. Mr. President, will the Senator from Maine yield to me?

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

Mr. FERNALD. Yes; I yield.

Mr. KING. Does not the Senator think that a bill of such importance as this ought not to be discussed under the five-minute rule? If the Senator will answer that affirmatively, I think I can assure him that some of us will be glad to join with him in asking its consideration immediately at the conclusion of the bill that is now before the Senate. I have some amendments that I should like to offer to the bill, but we can not consider them under the five-minute rule.

Mr. FERNALD. I realize that.

Mr. KING. I appreciate the necessity of the construction of some of the buildings provided for in this bill, and we, it seems to me, ought to have embarked upon their construction several years ago.

Mr. OVERMAN. Mr. President, I think that an amendment should be added to the bill providing that these buildings shall be erected wherever it is possible to do so on Pennsylvania Avenue. We have a beautiful city here, but the main artery is the commonest street in the town. Under the present system magnificent buildings have been erected in places where they are out of sight. The Interior Department Building, for instance, is in an out-of-the-way place, some distance from other Government buildings where it is inconvenient to go to transact business. We ought to erect all these buildings on the south side of Pennsylvania Avenue, which was the original design of the architects who laid out the city of Washington.

The PRESIDING OFFICER. The time of the Senator from Maine has expired.

Mr. OVERMAN. I merely wish to suggest that I will offer such an amendment to the pending bill if the Senator from Maine does not do so.

Mr. KING. Mr. President, will the Senator from North Carolina yield to me?

Mr. OVERMAN. I yield.

Mr. KING. I will now propound to the Senator from Maine, with the permission of the Senator from North Carolina, a question. I ask the Senator from Maine to let the bill go over to-night, and some of us will join with him in having it called up at an early date.

Mr. FERNALD. I will allow the bill to go over, but will call it up at the first opportunity.

The PRESIDING OFFICER. The bill will go over.

Mr. DIAL. Mr. President, I should like to ask the Senator from Utah [Mr. KING] to allow this bill to go through. I am on the committee from which it has been reported. I am accused of being a little economical, but I desire to say that this bill has had the most careful consideration. As has been stated by our able chairman, of course, we need the buildings; otherwise we are throwing money away by reason of the very high rentals which we have to pay for buildings entirely out of proportion of their worth. The only reason I dislike to advocate the passage of the bill is on account of the high cost of building, but it is a question either of the Government owning its buildings or giving away an equal amount and possibly more money in a short space of time for rent. The committee have discussed the bill most carefully, and it has been thoroughly considered. I think it ought to pass. The session is drawing to a close, and if we do not get the bill through now we shall not get the buildings for some time.

Mr. KING. The "king," the chairman of the committee, having spoken, the "premier" ought to accede to his request.

Mr. DIAL. I think the passage of the bill would be in the interest of real economy—that is the point—and I am glad to have some additional help from the "king."

The PRESIDING OFFICER. The bill will be passed over.

MARINE HOSPITAL SERVICE

The bill (S. 2232) to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," was announced as next in order.

Mr. KING. Let that bill go over, Mr. President.

Mr. JONES of Washington. I hope the Senator will withhold his objection to the bill for a moment.

Mr. KING. I withhold the objection.

Mr. JONES of Washington. I desire to read a couple of sentences from a report on the bill which will explain its purpose. What I shall now read is from a letter of the Secretary of the Treasury. He says:

> In reply I beg to state that the effect of the passage of this bill will be to expedite the business of certain American steamship lines engaged in the coastwise commerce which have found it advantageous to touch at foreign ports, such as Victoria and Vancouver, British Columbia, near the northern frontiers of the United States. Under existing law and regulations, vessels engaged in this commerce are required to obtain bills of health and await quarantine inspection if their itinerary includes ports beyond those that may be classed as adjacent to the border. Inasmuch as the proposed law will not jeopardize in any way the public health of the United States, it is recommended that the same be enacted.

I hope the Senator from Utah will not object to the consideration of the bill.

Mr. KING. I have no objection to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

> *Be it enacted, etc.*, That section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," as amended February 27, 1921, is hereby amended by inserting at the end of the first paragraph thereof a new paragraph, as follows:
>
> "The provisions of the preceding paragraph shall not apply to vessels operating exclusively in trade between foreign ports on or near the northern frontier of the United States and ports in the United States; but the Secretary of the Treasury is hereby authorized, when, in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels."

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

PERLEY MORSE & CO.

Mr. COPELAND. Mr. President, I ask unanimous consent to return to Order of Business No. 439. I was unavoidably absent in the earlier part of the session this evening.

Mr. CURTIS. Mr. President, the unanimous-consent agreement provided that we should begin the consideration of the calendar at Order of Business No. 464. Therefore, it will be impossible under the unanimous-consent agreement to go back to the point suggested by the Senator from New York.

LUKE RATIGAN

The bill (H. R. 1475) for the relief of Luke Ratigan was considered as in Committee of the Whole. It directs the Secretary of the Treasury to place the name of Luke Ratigan on the retired list of the Coast Guard as an oiler, first class, retired, at the rate of pay he would be entitled to receive had he held the rating of oiler, first class, when retired.

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

VESSEL FOR COAST GUARD DUTY IN ALASKA

The bill (H. R. 6817) to provide for the construction of a vessel for the Coast Guard was announced as next in order.

Mr. KING. Let that bill go over.

Mr. JONES of Washington. Mrs. President, I do not know whether the Senator has had an opportunity to read the report or not, but I should like to read just a sentence or two from it. The bill does not involve an actual appropriation, but it

authorizes one, so that we can prepare to have a ship to take the place of the cutter *Bear*, that is now about 47 years old. Here is what is said in a letter from the Secretary of the Treasury, which is printed in the report:

The Coast Guard cutter *Bear*, a wooden vessel built in 1874, has for many years made an annual cruise into the Arctic Ocean for Coast Guard purposes and to extend medical and other aid to the inhabitants along the Arctic shores of Alaska. Her work in that section is too well and favorably known to need comment and too important to permit of interruption. The vessel has performed valiant service, but the duty has been strenuous and the craft has become worn out. It would not be economy to repair her further to keep her in condition for cruising in the Arctic Ocean, and there is no other Coast Guard vessel to take her place. A vessel to replace her must be specially constructed for working in the ice. There is an urgent necessity that a replacement of the *Bear* be provided for at the earliest practicable date.

If we should authorize this vessel, it would probably be a couple of years before it would be constructed. I merely suggest that for the consideration of the Senator.

Mr. KING. I suggest to the Senator that persons have stated to me that the Government now owns vessels which, with but light repairs, could be made suitable for service in this particular kind of work.

Mr. JONES of Washington. Of course, if that is true I would not ask for another vessel, but I think it will be found that there are no vessels now constructed that could be changed at any reasonable cost to perform that service. However, I am willing to let it go over for the present, and I will make inquiry concerning the matter from those who are in a position to know the facts.

Mr. KING. Very well.

The PRESIDING OFFICER. The bill will be passed over.

PRELIMINARY EXAMINATION OF SUNDRY STREAMS

The bill (H. R. 8070) authorizing preliminary examinations and surveys of sundry streams with a view to the control of their floods was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. ROBINSON. I hope the Senator will not do that.

Mr. JONES of Washington. I hope the Senator will not object to the bill. Let me say to the Senator that after preliminary examinations have been made, before anything can be done toward the adoption of a project a survey must be made and a report made to Congress. All that this bill does is to provide for certain preliminary examinations and surveys with a view to controlling floods. The preliminary examinations that must be made entail only the expenditure of about $4,700. There are only two surveys provided for, one for the North Branch of the Susquehanna River, where a preliminary examination has been made at a cost of $8,000, and the other for the Allegheny and Monongahela Rivers, where $25,000 is authorized to make the survey on the condition that the Commonwealth of Pennsylvania shall contribute $25,000 more. I hope the Senator will not object.

Mr. KING. Let me ask the Senator whether he believes that it is a wise and prudent and proper thing for the Government under the guise of furnishing navigable streams to appropriate further for the Trinity River—we know what the record of appropriation is with respect to that river—and the Brazos River and the Canadian River in New Mexico?

Mr. JONES of Washington. It is not proposed to improve them with a view to navigation at all.

Mr. KING. But it is with a view to making surveys in order to authorize the expenditure of money upon them.

Mr. JONES of Washington. It is for the purpose of flood control and not for navigation at all.

Mr. ROBINSON. It is for the purpose of flood control, under the act of March, 1917. I join with the Senator from Washington in expressing the hope that the Senator from Utah will not object to the consideration of the bill?

Mr. KING. Has the Senator any idea as to the ultimate cost that may be involved?

Mr. ROBINSON. That will depend entirely upon the result of the surveys. The flood control act requires before any existing project shall be modified or changed or a new project adopted that a survey shall be made and a report submitted to Congress and accepted by Congress. The object of a survey is to ascertain the cost, what Federal interest is involved, and the share of expense, if any, which the Federal Government should bear in making the necessary improvements.

Mr. JONES of Washington. Let me say that much more care is exercised than with reference to river and harbor matters. In the case of river and harbor improvements the survey, both preliminary and final, is authorized at one time, but in this instance a preliminary examination must be made and a report submitted to Congress, and then we must provide for a survey, and the report on that survey must be submitted to Congress before an appropriation is made.

Mr. FLETCHER. In addition to that the cost of each one of these undertakings is estimated for before the bill is prepared and the cost is specified in the bill. Each item is known in advance; so that we know exactly what its cost will be because it is set out in the bill.

Mr. JONES of Washington. I hope the Senator from Utah will not object.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Washington yield to me merely to make a short statement?

Mr. JONES of Washington. Certainly.

Mr. REED of Pennsylvania. The State of Pennsylvania has already appropriated the $25,000 which is stated in the second section of the bill to be its share. It is a matter of vital importance to the people of the Allegheny and Monongahela and Ohio Valleys, and I hope very much that the Senate will pass the bill.

Mr. KING. I withdraw my objection.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examinations to be made of the following streams with a view to the control of their floods in accordance with the provisions of section 3 of "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917:

Trinity River, Tex.; Brazos River, Tex.; Canadian River, N. Mex., Tex., and Okla.; North Fork Canadian, Tex. and Okla.; Deep Fork, Virdigris, and Little River, Okla.; Cimarron River, N. Mex. and Okla.; Wolf and Fox Rivers, Wis.; West Fork of White River, Ind.; Guadalupe River, Tex.; Columbia River, between Martins Bluff and mouth of Lewis River, Wash.; Skagit River, Wash.; Pond River, Ky.; Colorado River, Tex.; Red River, Ark.

The sum of $4,700, or so much thereof as may be necessary, is hereby authorized to be expended, out of any funds heretofore appropriated for examinations, surveys, and contingencies of rivers and harbors, to carry out the provisions of this section.

SEC. 2. That the Secretary of War is hereby authorized and directed to cause surveys to be made of the following streams with a view to the control of their floods, in accordance with the provisions of section 3 of "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917:

North Branch of the Susquehanna River, Pa. and N. Y., and the sum of $8,000 is hereby authorized to be appropriated for this purpose.

Allegheny and Monongahela Rivers, and the sum of $25,000 is hereby authorized to be appropriated for this purpose: *Provided*, That no money hereby authorized to be appropriated shall be expended unless and until assurances have been given satisfactory to the Secretary of War that the Commonwealth of Pennsylvania will contribute a like sum of $25,000 for the purpose of making the survey hereby authorized; and the Secretary of War is hereby authorized to receive from the Commonwealth of Pennsylvania such sum of $25,000 and to expend the same as the $25,000 hereby authorized to be appropriated may be expended.

Mr. ROBINSON. I propose the following amendment: At the end of line 6 of page 2, strike out the period and insert a semicolon and the words "and Arkansas River in Kansas, Oklahoma, and Arkansas."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. JONES of Washington. Mr. President, since this bill passed the House a preliminary survey has been made and has come to Congress on the Puyallup River, Wash., recommending a final survey. So I propose the following amendment.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment.

The READING CLERK. After the word "purpose," on line 21, page 2, it is proposed to insert the following:

Puyallup River, Wash.; and the sum of $5,000 is hereby authorized to be appropriated for this purpose.

The amendment was agreed to.

Mr. ROBINSON. Mr. President, to effectuate the amendment already agreed to, which I proposed a few minutes ago, I sug-

gest the following amendment: In line 7, page 2, strike out "$4,700" and insert "$6,000."

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 2, line 7, it is proposed to strike out "$4,700" and insert "$6,000."

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

CAROL E. REEVES

The bill (S. 2519) to extend the benefits of the employees' compensation act of September 7, 1916, to Carol E. Reeves was announced as next in order.

Mr. KING. Let that go over.

Mr. JOHNSON of Minnesota. Mr. President, I sincerely hope the Senator from Utah will not object to the consideration of this bill, but will let it go through.

Mr. WILLIS. Mr. President——

Mr. JOHNSON of Minnesota. Does the Senator from Utah withdraw his objection?

Mr. KING. I will withhold my objection in order to have an explanation from the Senator.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Carol E. Reeves, on account of the death in 1919 of her husband, Harry L. Reeves, from disease incurred in the performance of his duty as a civilian employee of the War Department in Porto Rico during 1918, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

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

The title was amended so as to read: "A bill to extend the benefits of the United States employees' compensation act of September 7, 1916, to Carol E. Reeves."

BILL PASSED OVER

The bill (S. 1898) to readjust the compensation of postmasters and reclassify and readjust the salaries and compensation of employees in the Postal Service was announced as next in order.

The PRESIDENT pro tempore. This bill is the unfinished business.

Mr. CURTIS. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

OLDROYD COLLECTION OF LINCOLN RELICS

Mr. WILLIS. Mr. President, a few moments ago Senate bill 2434 was temporarily passed over. I ask unanimous consent to return to that bill, having conferred with the Senator from South Carolina [Mr. DIAL].

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. WILLIS. Mr. President, I have conferred with the Senator from South Carolina and also with the Senator from North Carolina. I move to strike out all after the enacting clause and to insert the matter which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. It is proposed to strike out all after the enacting clause and to insert:

That the Secretary of State, the Secretary of War, and the Attorney General are hereby designated as a commission with authority, in their discretion, to purchase the Oldroyd collection of Lincoln relics, and that the sum of $50,000, if so much is by the commission deemed necessary, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, to enable the commission to consummate such purchase.

Mr. ROBINSON. Mr. President, I suggest to the Senator from Ohio that the language is somewhat ambiguous. It authorizes the appropriation of $50,000 if the commission finds that amount is necessary. Why does it not use the usual language—"or so much thereof as may be necessary"?

Mr. WILLIS. I accept that amendment if the Senator will suggest where he desires it to come in. That is what I had in mind.

Mr. ROBINSON. I suggest, too, in connection with the remarks made by the Senator from South Carolina, that this collection should be deposited in the Smithsonian Institution or in the National Museum in Washington.

Mr. WILLIS. I thought of that, and it seemed to me quite as well to let that go over until after it had been determined whether or not the purchase should be made. I accept the amendment suggested.

The PRESIDENT pro tempore. The modification proposed by the Senator from Arkansas, and accepted by the Senator from Ohio, will be stated.

The READING CLERK. It is proposed to strike out "if so much is by the commission deemed necessary" and insert "or so much thereof as may be necessary."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Ohio, as modified.

The amendment, as modified, was agreed to.

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

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

HANGARS AND FLYING FIELDS FOR AIR MAIL SERVICE

Mr. PHIPPS. Mr. President, I ask unanimous consent to return to Senate bill 1051, Order of Business 518. The Senator from South Carolina objected under a misunderstanding, and has now been assured that the amendments he desires have been incorporated in the bill by the committee.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post Offices and Post Roads, with amendments.

The amendments were, on page 1, line 4, after the words "directed to," to insert "investigate"; in line 5, after the word "citizens," to insert "found to be"; on page 2, line 1, after the word "Nebraska," to insert "and"; in the same line, after the word "Nebraska" where it occurs the second time, to strike out "or elsewhere"; in line 5, after the words "understanding with," to strike out "an" and insert "a duly authorized"; and in line 8, after the word "hereby," to insert "authorized to be," so as to make the bill read:

Be it enacted, etc., That the Postmaster General is hereby authorized and directed to investigate, adjust, reimburse, and pay to municipalities and citizens found to be entitled thereto the proper and just amounts heretofore expended in the construction of hangars and the maintenance of flying fields, including the lease and clearing of fields therefor, insurance, and other necessary expenses incurred in connection therewith, at Reno, Nev.; Salt Lake City, Utah; Cheyenne, Wyo.; North Platte, Nebr.; and Omaha, Nebr., for the use of the Air Mail Service of the Post Office Department, where such hangars were constructed and such flying fields maintained under an understanding with a duly authorized officer or agent of the Post Office Department that reimbursement therefor would be made.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $175,000, or so much thereof as may be necessary to carry out the provisions of this act.

The amendments were agreed to.

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

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

OGDEN CHAMBER OF COMMERCE

The bill (S. 660) for the relief of the Ogden Chamber of Commerce, was announced as next in order.

Mr. McNARY. Let that go over.

Mr. SPENCER. Mr. President, I should like the Senate to know the facts of that bill.

Mr. ROBINSON. May I ask why no printed report or other report accompanies the bill?

Mr. SPENCER. There is a report. The Senator merely does not happen to have it.

Mr. ROBINSON. It does not appear in my file.

Mr. SPENCER. There is a report.

Mr. ROBINSON. I thank the Senator.

Mr. SPENCER. Mr. President, in 1922 the Government requested the Chamber of Commerce of Ogden, Utah, to buy a tract of land which they needed for a water-supply station. The Ogden Chamber of Commerce bought it for $21,000, and held it for the Government for a number of months; and then the Government exercised their option, and bought it for the very same price for which the Chamber of Commerce had originally purchased it. During that time the Chamber of Commerce

had to spend $630 in interest on the money which they had borrowed in order to buy this land, and this bill is to repay that interest money. Nobody made a cent of profit out of it. It is recommended by the Department of War as a bill in common honesty.

Mr. McNARY. Mr. President, I am very much afraid it will create a precedent, and therefore I object to it.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

BILLS PASSED OVER

The bill (S. 2586) for the relief of Robert June was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 1438) for the relief of D. H. MacAdam was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PROTECTION OF PERSONS EMPLOYED ON RAILWAY BAGGAGE AND EXPRESS CARS

The bill (S. 863) for the protection of persons employed on railway baggage cars and railway express cars was considered as in Committee of the Whole.

The bill had been reported from the Committee on Interstate Commerce with an amendment to strike out all after the enacting clause and to insert:

That when used in this act—

(a) The term "carrier" means any carrier by railroad or partly by railroad and partly by water subject to the interstate commerce act, including express companies, car-ferry companies, interurban and suburban railway companies, irrespective of whether steam, electricity, or other kind of motive power is used.

(b) The term "commission" means the Interstate Commerce Commission.

(c) The term "express car" means any railway car used for the transportation of money, freight, or other substance by express; the term "baggage car" means any railway car used for the transportation of baggage; the term "express-baggage car" means any railway car used for the transportation of both express and baggage.

SEC. 2. That from and after July 1, 1927—

(a) All express cars, baggage cars, and express-baggage cars, and all parts of such cars used in interstate commerce, shall be of such construction, style, and strength and furnished in such manner as shall be required by the commission and shall be constructed, fitted up, maintained, heated, lighted, and cleaned by and at the expense of the carriers in whose service used.

(b) No express car, baggage car, or express-baggage car shall be used by or in the service of any carrier which is not sound in material and construction and which is not equipped with safety-appliance devices approved by the commission, and with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned.

(c) The commission shall not allow to be used by any carrier any express car, baggage car, or express-baggage car not constructed of steel or steel underframe or of equally indestructible material, except as hereafter provided, and all such cars accepted for service or contracted for by carriers shall, from and after July 1, 1927, be constructed of steel, and the material used in the construction of such cars or in underframing shall be of such strength, dimensions, weight, and gauge as the commission shall, by regulation and order, prescribe: *Provided, however,* That in the exercise of the power conferred upon the commission by this act the commission may, upon application of a common carrier, after public hearing, and upon final determination on such application, grant such common carrier relief from the provisions of this act, upon a showing, in such cases as where a common carrier operates short trains or operates trains only short distances at a low rate of speed where safety and convenience are not impaired: *Provided further,* That common carriers are relieved from the operation of this act in so far as applicable to cars locked or sealed, when not carrying any person or persons while such cars are in motion.

SEC. 3. The commission shall have power to enforce this act and to make reasonable rules and regulations for that purpose: *Provided,* That any person a citizen of the United States may file with the commission a complaint or an information, supported by affidavit and oath or affirmation, of a violation of this act, and in such case the commission shall take cognizance and proceed to investigate and act as the circumstances warrant.

SEC. 4. Any person, persons, corporation, or any agent or officer of a corporation violating or permitting the violation of any of the provisions of this act shall be guilty of a misdemeanor and shall be fined in any sum not less than $250 nor more than $1,000.

Mr. KING. Mr. President, I should like some explanation about this bill. Is it unanimously reported by the committee?

Mr. ROBINSON. It is unanimously reported by the committee. The committee considered the bill very carefully and amended it by striking out all after the enacting clause and inserting new provisions.

Mr. HARRIS. Mr. President, day before yesterday, near Raleigh, N. C., six people were killed. If this bill had become a law, they would have been alive to-day.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill for the protection of persons employed on railway baggage cars and railway express and baggage cars, and for other purposes."

BILL PASSED OVER

The bill (S. 412) authorizing the President of the United States to appoint Sergt. Alvin C. York as a captain in the United States Army and then place him on the retired list was announced as next in order.

Mr. WADSWORTH. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF TRADING WITH THE ENEMY ACT

The bill (S. 1548) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved March 4, 1923, as amended, was announced as next in order.

Mr. KING. Let that go over.

Mr. SHORTRIDGE. Mr. President, I ask the Senator to listen for a moment and, if he will, withdraw his objection.

Mr. KING. Mr. President, let me say to the Senator that I have had some complaints about this bill. Hearings were had, as I was told, before the House committee, and they refused to assent to the provisions of the bill. It seems to me, from the information I possess, that it lacks merit, and I think we ought to have more time to discuss it than we would have under the five-minute rule. I have several amendments to the bill. I shall be glad to join with the Senator in getting it taken up at a time when they can be discussed.

Mr. SHORTRIDGE. Mr. President, the purpose of this bill is to permit some 300 or more——

Mr. ROBINSON. Objection is made, Mr. President.

Mr. SHORTRIDGE. I want to appeal to the equitable sense of the distinguished Senator from Utah.

The purpose of the bill is to permit some 300 and more claimants to commence and maintain in one proceeding an action to set aside probably 350 contracts. The purpose of the bill, stated in somewhat different words, is, first, to permit a joinder of plaintiffs in one action, it being thought that under the present law of procedure in the Federal courts that may not be done; and, second, to provide that this action which is to be brought shall be tried upon its merits; in other words, that the prospective defendants shall not be permitted to interpose the statute of limitations.

Mr. ROBINSON. Has the statute already run?

Mr. SHORTRIDGE. I think it has.

Mr. ROBINSON. And the bar already operates?

Mr. SHORTRIDGE. I think so.

Mr. ROBINSON. It is a rather remarkable suggestion, after the statute of limitations has already run against a claim, to revive it by congressional legislation.

Mr. SHORTRIDGE. If the Senator will permit me, it is not a vested right; and it is perfectly constitutional, as decided by the Supreme Court in many cases, to provide that the statute may not be interposed.

This bill grows out of the catastrophe in San Francisco. There were a great many losses incurred. There were certain contracts entered into, and it is claimed, it will be alleged, that those contracts were entered into through such misrepresentations as amounted to fraud, and that if the fraud be established a court of equity would set aside such contracts. The property which it is sought to recover is in the custody of the Alien Property Custodian. There it is held, and the only purpose of this bill is to permit a joinder of plaintiffs, to the end that the action may be tried upon its merits. I think the case is just. I think the bill should pass. It involves no more than one action, and the truth will be ascertained, and I assume that justice will be done.

I hope the Senator will permit the matter to be considered on its merits to-night.

Mr. KING. Mr. President, I listen always with delight to the able Senator from California. I have made some little ex-

amination of this matter. It came before the House committee, who gave careful consideration to all of the claims made to arguments perhaps not as able as those which may be made by the Senator from California, and the committee refused to accept the view of the Senator. I think they were right. It is a dangerous thing for the Federal Government to go into a State, set aside a statute of limitations, and by Federal statute revive actions that are already dead. We could debate the matter here, and I think I could convince the Senator himself that he is wrong; but it would take more time than we have under the 5-minute rule. Therefore, I object.

Mr. SHORTRIDGE. Finally, I never heard of this matter being considered by the House committee. When was it heard?

The PRESIDENT pro tempore. The Chair is constrained to say that the time of the Senator from California has expired. The bill will be passed over on objection.

AMENDMENT OF CLASSIFICATION ACT OF 1923

The bill (S. 3010) to amend the classification act of 1923, approved March 4, 1923, was announced as next in order.

Mr. CURTIS. The senior Senator from Utah [Mr. SMOOT] desires that this bill shall go over.

The PRESIDENT pro tempore. The bill will be passed over.

SALE OF MILK IN THE DISTRICT OF COLUMBIA

The bill (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and certain milk products, and for other purposes, was announced as next in order.

Mr. JOHNSON of Minnesota. Mr. President, I object to the bill. My attention has just been called to it to-night. I have not had time to look it over, and I would like to have it go over to-night.

Mr. COPELAND. Mr. President, I hope the Senator from Minnesota will not object to the passage of this bill. It is a progressive bill. It makes for the safety of this community, for the safety of the children and of everybody. It is a well worked out bill, which has been thoroughly studied not only by the author but by the committee, and it would be a calamity to have it go over with the possibility that it might not be enacted.

Mr. JOHNSON of Minnesota. I would like to say to the Senator that I have been told to-night by some parties from Wisconsin that they would like to look into the bill. I think a bill of that nature ought to have gone to the Committee on Agriculture and Forestry instead of to the Committee on the District of Columbia, because there are a lot of dairy products shipped here from Minnesota. I know lots of dairy products are shipped also from the State of Wisconsin.

Mr. GLASS. Mr. President, of course, if there is going to be a specific objection to the bill, it would be a waste of time to discuss it. I simply want to say, in a moment, that this bill was unanimously indorsed by the Commissioners of the District of Columbia; it was considered by a subcommittee of the District Committee, of which the distinguished Senator from New York [Mr. COPELAND], who is a physician, familiar with all such matters, was a member; it was unanimously reported by the subcommittee and unanimously reported by the District Committee, and a similar bill has been reported by the District Committee at the other end of the Capitol, and is now on the House Calendar.

I trust that Senators who have received inspired objections from ice-cream dealers in Washington to this bill will speedily make examination into the merits of these objections, so that when we go on with the calendar again we may have objections, if there are to be objections, which may be defended.

Mr. COPELAND. Mr. President, I would like to make one more appeal to the Senator from Minnesota. The objection that is raised is that under the terms of this bill milk can not be shipped in from an outside State unless it has been passed upon by the health officer of the District. That is the law of every city in the country; and by reciprocity this city will permit milk to come in from Wisconsin which has been passed upon by the health commissioner of Chicago or of Milwaukee. The objection presented to Senators is only a subterfuge on the part of persons who wish to break down the high standard of milk in the District, and I sincerely hope that the bill may be passed to-night.

Mr. JOHNSON of Minnesota. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. WILLIS. I yield.

Mr. JOHNSON of Minnesota. Mr. President, I would not stand in the way of any bill that was an effort to better conditions for the people in the District. I know that I have been for all the legislation in my own home State which had for its object the making of sanitary conditions better among the farmers and also among the dairymen in the cities, but I have not had time to study this bill, and, as I told the Senator from New York, I had not heard anything about the bill before. Therefore I object. Some letters have come to the Senator from Ohio [Mr. WILLIS] in regard to the bill, which he was about to read.

Mr. WILLIS. Mr. President, I did not desire to object. If I may have the attention of the Senator from Virginia——

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

Mr. WILLIS. Very well.

ALIEN PROPERTY TRADE INVESTMENT CORPORATION

The joint resolution (S. J. Res. 121) to create a body corporate by the name of the "Alien Property Trade Investment Corporation," was announced as next in order.

Mr. KING. Let the joint resolution go over.

Mr. HARRISON. Mr. President, does the Senator from Utah object to it?

Mr. KING. I do.

Mr. HARRISON. This is about the only way we can get some farm relief, I may say to the Senator.

The PRESIDENT pro tempore. The joint resolution will be passed over.

FOREIGN DECORATIONS FOR OFFICERS AND MEN OF THE ARMY

The bill (S. 3187) granting permission to certain officers and men of the United States Army to accept various decorations bestowed in recognition of services to the allied cause was announced as next in order.

Mr. OVERMAN. Let that go over.

Mr. REED of Pennsylvania. I hope the Senator will withhold his objection for a moment.

Mr. OVERMAN. I have talked with the Senator at some time about such bills. This thing of giving wholesale decorations does not appeal to me.

Mr. REED of Pennsylvania. It does not give any decorations. It affects decorations which have been given by foreign governments, and which have been sent to this country but have been held up by the Secretary of State.

Mr. OVERMAN. Of course, there have been thousands of them. What is a decoration worth if there are going to be thousands of them coming to this country?

Mr. REED of Pennsylvania. There are not thousands. The total list is only about 25 that have come in in the last two years, and this cleans them up.

Mr. OVERMAN. How many men have been decorated?

Mr. REED of Pennsylvania. Nobody has been decorated by the United States, and there is no proposition that any shall be.

Mr. OVERMAN. How many bills have we passed authorizing people to receive decorations? The policy of this country is not to have our men receive decorations from foreign governments.

Mr. REED of Pennsylvania. I know, but these are all for services in the last war. We have passed a number of special bills, and it does not seem fair to the men without pull that they should not have been taken care of in the same way with people who had acquaintances here working to take care of them.

Mr. OVERMAN. How many bills have been passed authorizing people to receive decorations?

Mr. REED of Pennsylvania. There have been three at this session that I have known of.

Mr. OVERMAN. I know there have been several.

Mr. REED of Pennsylvania. It did not seem fair to me that people who had influence enough to get a special bill put through should profit by it while others should not have the same treatment.

Mr. OVERMAN. Does this bill clean up the matter of such decorations?

Mr. REED of Pennsylvania. It cleans it up.

Mr. OVERMAN. I do not much favor it, but I withdraw my objection.

The PRESIDENT pro tempore. Is there objection?

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

The bill had been reported from the Committee on Military Affairs, with amendments, on page 1, line 3, after the words "of the," to insert the words "military forces of the"; on line 4, after the word "States," to strike out the word "Army"; on line 8, to strike out the words "Marine Corps"; on page 2, line 24, to strike out the word "major" and insert the words "lieutenant colonel," so as to make the bill read:

Be it enacted, etc., That the following officers and men of the military forces of the United States be, and they are hereby, authorized to accept the decorations which have been conferred upon them by the countries with which the United States was associated in the World War, namely:

Willis P. Baker, major, cross of officer of the Order of the Regeneration of Poland.

Alfred Barton, captain, Officers' Reserve Corps, chevalier of the Order of the Star of Rumania.

J. E. Barzynski, major, cross of officer of the Order of the Regeneration of Poland.

Charles W. Berry, major general, Belgian croix de guerre.

James E. Chaney, major, Air Service, Italian croce di guerra.

Edward Donnelly, lieutenant colonel, Field Artillery, Italian croce di guerra.

Lee Roy Dunbar, major, cross of officer of the Order of the Regeneration of Poland.

John M. Eager, major, Field Artillery, Italian croce di guerra.

Henry Fritz, private, Company H, Belgian croix de guerre.

William F. H. Godson, lieutenant colonel, cross of officer of the Order of the Regeneration of Poland.

Bertram S. Griffith, corporal, Belgian croix de guerre.

J. G. Harbord, major general, retired, cross with star of commander of the Order of the Regeneration of Poland.

Nelson M. Holderman, captain, chevalier of the French Legion of Honor.

William McFarland, captain, chevalier of the French Legion of Honor.

Charles G. Mortimer, lieutenant colonel, Quartermaster Corps, officer of the French Legion of Honor.

Arthur Poillon, lieutenant colonel, commander of the Order of the Star of Rumania, grand officer of the Order of the Crown of Rumania.

T. Upham, lieutenant colonel, Officers' Reserve Corps, cross of officer of the Order of the Regeneration of Poland.

Frank C. Vincent, major, Belgian croix de guerre.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting permission to certain officers and men of the military forces of the United States to accept various decorations bestowed in recognition of service to the allied cause."

REMOVAL OF REMAINS OF GEORGE MAUGER BURKLIN AND ANTON LERCH BURKLIN

The bill (S. 3220) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late George Mauger Burklin and the remains of the late Anton Lerch Burklin from Glenwood Cemetery, District of Columbia, to Fort Lincoln Cemetery, Prince Georges County, Md., was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 1, line 8, after the word "Maryland," to insert the words "but such permit shall not be issued until there has been filed in the health department of the District of Columbia a permit from the proper State authorities at the place where said cemetery is located authorizing the interment there of said remains," so as to make the bill read:

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the removal of the remains of the late George Mauger Burklin and the remains of the late Anton Lerch Burklin from Glenwood Cemetery, District of Columbia, to Fort Lincoln Cemetery, Prince Georges County, Md. But such permit shall not be issued until there has been filed in the Health Department of the District of Columbia a permit from the proper State authorities at the place where said cemetery is located authorizing the interment there of said remains.

The amendments were agreed to.

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

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

HONORABLE DISCHARGES FROM MILITARY SERVICE

The bill (S. 3241) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who was discharged between April 6, 1917, and November 11, 1918, both dates inclusive, for fraudulent enlistment on account of misrepresentation of his age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act.

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

RELIEF OF EARTHQUAKE SUFFERERS IN JAPAN

The bill (S. 3171) for the relief of sufferers from earthquake in Japan was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the action of the Executive in directing the issue, and the issuance of Army supplies out of the current and reserve stock for use of the Army, and in directing payment for supplies and for services rendered in connection with the shipment and transfer of such supplies, including all other extra expenditures, of a value not exceeding $6,017,069.03 for the relief of sufferers from the earthquake in Japan on September 1, 1923, is approved. Credit for all such supplies so issued and funds so disbursed in connection therewith and with relief tendered by the Army shall be allowed in the settlement of the accounts of the officers of the Army.

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

AMENDMENT OF NATIONAL DEFENSE ACT

The bill (S. 3248) providing for sundry matters affecting the Military Establishment was considered as in Committee of the Whole.

Mr. WADSWORTH. Mr. President, this, it will be noted, is a Senate bill. There is on the calendar House bill 8886, Order of Business No. 575. That was passed by the House. It is a bill identical with this one, and I ask that we proceed to the consideration of the House bill.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of House bill 8886. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That section 87 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended by adding thereto the following proviso:

"*And provided further*, That property issued to the National Guard, and which has become unserviceable through fair wear and tear in service, may, after inspection thereof and finding to that effect made by an officer of the Regular Army designated by the Secretary of War, be sold or otherwise disposed of, and the State, Territory, or District of Columbia, accountable, shall be relieved from further accountability therefor; such inspection and sale or other disposition to be made under regulations prescribed by the Secretary of War, and to constitute as to such property a discretional substitute for the examination, report, and disposition provided for elsewhere in this section."

SEC. 2. That section 92 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

"SEC. 92. Training of the National Guard: Under such regulations as the Secretary of War shall prescribe, each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than 48 times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least 15 days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided*, That an assembly for drill and instruction may consist of a single duly ordered formation of a company, troop, battery, or detachment, or of a series of duly ordered formations of subdivisions or parts thereof, but in the latter case the series of formations of subdivisions or groups must comprehend and include the entire organization, and must be included within the time limit of seven consecutive days within a calendar month. The sum total of the attendance at all the separate consecutive formations announced as constituting that assembly shall be counted as the attendance at the actual military assembly for the required period of time; but no officer, warrant officer, or enlisted man shall be counted more than once, nor receive credit for more than one required period of actual military attendance, even though he may have attended more than one of the formations which constitute the assembly for the required period of time: *Provided further*, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each such assembly at which he shall be credited as having been present shall be of at

least one and one-half hours' duration and the character of training such as may be prescribed by the Secretary of War."

SEC. 3. That section 109 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

"SEC. 109. Pay for the National Guard officers: Under such regulations as the Secretary of War may prescribe, captains, lieutenants, and warrant officers belonging to organizations of the National Guard shall receive compensation at the rate of one-thirtieth of the monthly base pay prescribed for them in sections 3 and 9 of the pay readjustment act of June 10, 1922, for each regular drill or other period of instruction authorized by the Secretary of War, not exceeding 8 in any one calendar month and not exceeding 60 in one year, at which they shall have been officially present for the entire required period of not less than one and one-half hours. Officers above the grade of captain shall receive not more than $500 a year, and officers below the grade of major, not belonging to organizations, shall receive not more than four-thirtieths of the monthly base pay prescribed for them in section 3 of said pay readjustment act for satisfactory performance of their appropriate duties under such regulations as the Secretary of War may prescribe. In addition to pay hereinbefore provided, officers commanding organizations less than a brigade and having administrative functions connected therewith, shall, whether or not such officers belong to such organizations, receive not more than $240 a year for the faithful performance of such administrative functions under such regulations as the Secretary of War may prescribe; and for the purpose of determining how much shall be paid to such officers so performing such functions, the Secretary of War may, from time to time, divide them into classes and fix the amount payable to the officers in each class. Pay under the provisions of this section shall not accrue to any officer during a period when he shall be entitled under any provision of law to the full rate of his base pay prescribed in section 3 or section 9, as the case may be, of the pay readjustment act of June 10, 1922: *Provided*, That section 9 of an act amending the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917, approved August 31, 1918, shall also apply to the purchase of uniforms, accouterments, and equipment for cash by officers of the National Guard and National Guard Reserve, whether in State or Federal service, on proper identification and under such rules and regulations as the Secretary of War may prescribe."

SEC. 4. That section 6 of the act of March 4, 1923, be, and the same is hereby, amended to read as follows:

"SEC. 6. That officers, warrant officers, and enlisted men of the National Guard injured in line of duty while at encampments, maneuvers, or other exercises, or at service schools, under the provisions of sections 94, 97, and 99 of the national defense act of June 3, 1916, as amended; members of the officers' reserve corps and of the enlisted reserve corps of the Army injured in line of duty while on active duty under proper orders; persons hereinbefore described who may now be undergoing hospital treatment for injuries so sustained shall be entitled, under such regulations as the President may prescribe, to medical and hospital treatment at Government expense, and to a continuation of the pay and allowances, whether in money or in kind, they were receiving at the time of such injuries, until they are fit for transportation to their homes, and upon termination of such medical and hospital treatment shall be entitled to transportation to their homes at Government expense. Officers, warrant officers, and enlisted men of the National Guard injured in line of duty when participating in aerial flights prescribed under the provisions of section 92 of said national defense act as amended shall, under regulations prescribed as aforesaid, be entitled from the date such injury was sustained to the same medical and hospital treatment at Government expense, pay and allowances, and transportation to their homes, as if such injury had occurred while in line of duty at encampments, maneuvers, or other exercises under aforementioned section 94 of the national defense act. And members of the officers' reserve corps and enlisted reserve corps injured while voluntarily participating in aerial flights in Government-owned aircraft by proper authority as an incident to their military training, shall, under regulations prescribed as aforesaid, be entitled, from the date such injury was sustained, to the same medical and hospital treatment at Government expense, pay and allowances, and transportation to their homes, as if such injury had occurred while on active duty under proper orders. Any person hereinbefore described, injured as aforesaid, who shall remain disabled for more than six months, shall, during the period of disability in excess of six months and until fit for transportation to his home, be entitled to medical and hospital treatment and to subsistence at Government expense, and when fit for transportation shall be entitled to transportation to his home at Government expense, but shall not during such period in excess of six months be entitled to other compensation. Any expenditures heretofore made by the Government in caring for persons injured under the conditions specified herein are hereby validated. Members of the reserve officers' training corps and members of the civilian military training camps injured in line of duty while at camps of instruction under the provisions of sections 47a and 47d of said national defense act, as amended, shall be entitled to medical and hospital treatment and transportation to their homes as in the case of persons hereinbefore described, and subsistence at Government expense until furnished such transportation, under such regulations as the President may prescribe. If the death of any person mentioned herein occurs while he is undergoing the training or medical and hospital treatment contemplated in this section, the United States shall pay for burial expenses and the return of the body to his home a sum not to exceed $100, as may be fixed in regulations prescribed by the President."

SEC. 5. Under such regulations as may be prescribed by the Secretary of War, property and disbursing officers of the National Guard accountable for public moneys may intrust money to other officers of the National Guard for the purpose of having them make disbursement as their agents, and the officers to whom the money is intrusted, as well as the officer intrusting the same to him, shall be held pecuniarily responsible therefor to the United States, and the agent officer shall be subject for his official misconduct to all the liabilities and penalties prescribed by law in like cases for the officer for whom he acts as agent.

SEC. 6. Enlisted men of the sixth and seventh grades of the National Guard holding specialists' ratings under the provisions of the national defense act, as amended, shall, in addition to the pay provided in section 14 of the pay readjustment act of June 10, 1922, be entitled to one-thirtieth of the specialists' pay provided in section 9 of said pay readjustment act for each day of participation in exercises provided for by sections 94, 97, and 99, national defense act, as amended: *Provided*, That payments heretofore made to enlisted men of the sixth and seventh grades of the National Guard holding specialists' ratings of one-thirtieth of the specialists' pay provided in section 9 of said pay readjustment act for each day spent in participating in exercises or performing the duties provided for by sections 94, 97, 99, and 110 of the national defense act of June 3, 1916, as amended, be, and the same are hereby, validated.

SEC. 7. That payments made to warrant officers of the National Guard, under the provisions of section 14 of the pay readjustment act of June 10, 1922, for the performance of their duties during the period beginning with the 1st day of July, 1922, and ending with the 29th day of October, 1923, be, and the same are hereby, validated, notwithstanding the nonexistence during said period of regulations authorized to be prescribed by said section, and warrant officers who during said period performed the duties prescribed by the Secretary of War in paragraph 928 (b) of National Guard Regulations, 1922, as amended by changes No. 9 to such regulations, dated October 30, 1923, and who have not been paid therefor, shall be paid in accordance with the provisions of said regulations.

SEC. 8. That payments heretofore made to captains, lieutenants, and enlisted men belonging to organizations of the National Guard for attendance at drills regularly ordered for only a subdivision or part of an organization, under the authority of any provision of the National Guard regulations prescribed by the Secretary of War and in effect at the time said drills were held, be, and the same are hereby, validated.

Mr. ROBINSON. I think the Senator from New York should explain the purpose of the provisions of the bill. It seems to be quite an important measure.

Mr. WADSWORTH. This is a bill which might be termed an omnibus bill, containing features unrelated one with the other. It refers almost entirely to those sections of the national defense act affecting the National Guard.

The first provision is one to simplify the method of condemning property now in the hands of the National Guard—Federal property—so that expense and time may be saved.

The second provision, found on page 2, permits what is known as split drills in National Guard units. That provision has already passed the Senate in a different bill during this session of the Congress.

The next one, on page 4, "Pay for National Guard officers," puts the officers of the National Guard on the same basis as the enlisted men as to the number of drills which they may attend per week or per month or per year, and receive pay for the same, and that provision has already passed the Senate this session in another bill.

The next one, on the bottom of page 5, section 4 of the bill, provides that when a National Guard soldier or officer is injured at a maneuver camp, he may be taken care of in a United States Government Army hospital. That has passed at this session, too, in a Senate bill.

Mr. ROBINSON. May I ask the Senator from New York whether these provisions affecting the National Guard have the approval of the National Guard organizations or their representatives?

Mr. WADSWORTH. They were drawn by the National Guard legislative committee, together with the War Department authorities, and have the approval of both military committees of the Congress.

This provision I have just referred to has passed the Senate at this session in another bill.

I want to offer two small amendments, perfecting in their nature. On line 23, page 2, before the word "or" and after the word "detachment," I move to insert the words "when so authorized by the Secretary of War."

The amendment was agreed to.

Mr. WADSWORTH. At the end of the bill, after line 10, on page 10, I move to strike out the period and insert a semicolon, and add the following:

And said captains, lieutenants, and enlisted men who have heretofore participated in drills held under the conditions described in this section, and who have not been paid therefor, shall be paid in accordance with the provisions of the said National Guard regulations in effect at the time such drills were held.

The amendment was agreed to.

Mr. FLETCHER. The Senator is proposing to amend the House bill?

Mr. WADSWORTH. The House bill.

Mr. FLETCHER. And the page and line correspond to the House bill?

Mr. WADSWORTH. They do.

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

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

The bill was read the third time and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 3248 will be indefinitely postponed.

BILLS PASSED OVER

The bill (S. 1232) for the relief of Stephen A. Winchell was announced as next in order.

Mr. DIAL. Let that go over.

AMENDMENT OF CLASSIFICATION ACT OF 1923

The bill (H. R. 6896) to amend an act entitled "The classification act of 1923," approved March 4, 1923, was announced as next in order.

Mr. CURTIS. At the request of the senior Senator from Utah [Mr. SMOOT] I ask that the bill may go over.

Mr. STANFIELD. Mr. President, if the Senator from Kansas wants to object, of course we will have to let it go over. I do not know why he should object for a Senator who is not here.

Mr. CURTIS. The Senator from Utah could not be here, and in order to get this unanimous-consent agreement for to-night I agreed with him that we would put over the four bills he objected to. I will object in my own name if the Senator insists.

Mr. STANFIELD. I insist.

Mr. CURTIS. I am for the Senator's bill, but I ask that it go over.

Mr. STANFIELD. I wish to give notice that I shall move to take it up at the first opportunity.

The PRESIDENT pro tempore. The bill will be passed over.

HENRY MARTIN

The bill (S. 2525) for the relief of Henry Martin was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

FREE MAIL PRIVILEGES FOR PUBLICATIONS FOR THE BLIND

The joint resolution (S. J. Res. 115) to provide for the free transmission through the mails of certain publications for the blind was considered as in Committee of the Whole, and was read as follows:

Resolved, etc., That volumes of the Holy Scriptures, or any part thereof, in raised characters for the use of the blind, whether prepared by hand or printed, which do not contain advertisements, (a) when furnished by an organization, institution, or assocation not conducted for private profit, to a blind person without charge, shall be transmitted in the United States mails free of postage; (b) when furnished by an organization, institution, or association not conducted for private profit to a blind person at a price not greater than the cost price thereof, shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof, under such regulations as the Postmaster General may prescribe.

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

FOREST LANDS IN FLORIDA

The bill (S. 823) to authorize the acceptance of title to forest lands in the State of Florida and to create national forests therefrom, and for other purposes, was considered as in Committee of the Whole and was read.

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

STATUS OF CERTAIN NAVAL OFFICERS

The bill (S. 483) to correct the status of certain commissioned officers of the Navy appointed thereto pursuant to the provisions of the act of Congress approved June 4, 1920, was announced as next in order.

Mr. KING. Let that go over.

Mr. JONES of Washington. If the Senator will just withhold his objection for a moment, I would like to read the following from the report on this bill:

The purpose of this bill is to correct the status of certain officers who were examined and found qualified for appointment in the regular Navy along with a group of several other officers. All of the officers who took the examination at the time mentioned were appointed before June 30, 1922, with the exception of three officers for whom relief is sought through this bill. These three officers did not receive their commissions from the department until after June 30, 1922, through no fault of their own, either because they were traveling from one assignment to another or were officially away from their home stations, so that their commission did not reach them until after June 30, 1922.

I think the Senator should withdraw his objection.

Mr. KING. I withdraw the objection.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Naval Affairs with an amendment, on line 6, after the comma following the parenthesis, to insert the words "who were examined and found qualified in all respects for such appointment prior to June 30, 1922, but whose appointments were delayed subsequent to that date through no fault of their own," so as to make the bill read:

Be it enacted, etc., That all officers of the regular Navy appointed subsequent to June 30, 1922, in accordance with the provisions of the act of Congress approved June 4, 1920 (41 Stat. L. pp. 834 and 835), who were examined and found qualified in all respects for such appointment prior to June 30, 1922, but whose appointments were delayed subsequent to that date through no fault of their own, shall be entitled to count, in the computation of their pay, all service which would have been credited to them had they been so appointed on or before June 30, 1922.

The amendment was agreed to.

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

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

SALARIES OF DISTRICT OF COLUMBIA TEACHERS

The bill (H. R. 6721) to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, as amended, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, on page 7, line 15, to strike out "the superintendent of schools shall receive a salary of $7,500 per annum" and to insert in lieu thereof:

A basic salary of $8,000 per year, with an annual increase of salary of $1,000 for two years, or until a maximum salary of $10,000 per year is reached.

The amendment was agreed to.

The next amendment was, on page 7, line 21, after the word "act," to insert the words "during the first year of service," so as to make the paragraph read:

The school officers provided for in Article II of this act during the first year of service shall receive compensation at the basic salary fixed herein and not receive credit for services prior to the passage of this act.

The amendment was agreed to.

The next amendment of the committee was, on page 16, to strike out lines 3 to 8, inclusive, in the following words:

And provided further, That nothing in this or any other section of this bill will authorize service rendered prior to July 1, 1924, to be credited to any employee other than teachers and all accredited service shall be confined to service rendered in and to the schools of the District of Columbia.

The amendment was agreed to.

Mr. KING. Mr. President, I want to call attention briefly to the fact that the bill increases the compensation of teachers more han $400,000 the first year, and the maximum increase in the bill over the existing maximum is more than $3,000,000. There are a number of provisions in the bill which are very objectionable to me. There is no doubt in my mind that the bill creates overhead expenses which are entirely too great and tends to a superfluity of employees particularly in the higher grades. The compensation of the teachers, particularly in the primary and elementary and junior high school grades, is quite fair and reasonable. The compensation in some of the higher grades in my opinion is too high, but I am making no objection.

Assurances have been given that legislation which is being formulated will make a correction of some of the evils of which I have spoken. If not, then this bill in my opinion will contain some provisions which will be unfair. I suggest to the Senator in charge of the bill, the Senator from Kansas [Mr. CAPPER], that he ought to limit the operation of the bill to two years, so that if they do not make the reforms suggested we will have at the end of two years a chance to revise the salaries.

Mr. CAPPER. I think that would be unwise. There is no doubt in my mind now that we are going to have the legislation to which the Senator has referred. I know the bill is being prepared with very great care, and I think there will be a plan submitted for the reorganization of the schools of the city of Washington that will meet not only with the approval of the Senator from Utah but of Congress in general.

Mr. KING. If I can have the assurance of the Senator that when the bill comes before the committee—and he and I are members of it—the committee will deal with those features to which I have referred very imperfectly, I shall not press the suggestion which I made.

Mr. CAPPER. I am quite certain the legislation will include the matters spoken of.

Mr. COPELAND. I am glad to join in the statement made by the Senator from Kansas, because those matters can be dealt with in the committee. I hope the bill will pass as it is now before us.

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

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

The bill was read the third time and passed.

PALESTINE TROUP

The bill (S. 3090) for the relief of Palestine Troup was announced as next in order.

Mr. DIAL. Let the bill go over.

Mr. McKINLEY. I hope the Senator will withhold his objection for a moment. This old gentleman is a man some 77 years old, who has no desire for a pension. He has raised a family of six sons, and stands very high in Illinois. I do not think the old gentleman is particularly disturbed as to the condition, but this matter has stood as a cloud against his record. He was a boy 16 years old at the time and was wounded and sent home and was not ordered back again. I trust the Senator will not insist on his objection.

Mr. DIAL. I have objected to similar bills, and I shall have to object to this one.

The PRESIDENT pro tempore. The bill will be passed over.

RETIREMENT OF EMPLOYEES IN CLASSIFIED CIVIL SERVICE

Mr. STANFIELD. Mr. President, a little while ago we passed over Order of Business No. 479, the bill (S. 3011) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof. I ask unanimous consent that we return to that bill for the purpose of considering it.

Mr. CURTIS. Mr. President, I asked that the bill go over at the request of the Senator from Utah [Mr. SMOOT], as I explained before.

Mr. STANFIELD. Does the Senator from Kansas understand that this is not the same bill?

Mr. CURTIS. The Senator from Kansas understands. The Senator from Utah [Mr. SMOOT] stated to me that there were four bills of this character which he wanted to have go over, and I told him that I would ask that they go over when they were reached on the calendar.

Mr. STANFIELD. Does the Senator from Utah object to the consideration of the civil service pension retirement bill as well as the reclassification bill?

Mr. CURTIS. Yes; he does.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Oregon.

AUSTIN G. TAINTER

Mr. JOHNSON of Minnesota. Mr. President, I ask unanimous consent to have the Senate return to calendar No. 490, the bill (S. 2518) for the relief of Austin G. Tainter. That is a companion bill to a bill just passed. I understand the junior Senator from Utah [Mr. KING] withdraws his objection, and I hope no one else will object to the bill. It is to give the man the benefit of the employees' compensation act, and that is all.

Mr. KING. I have no objection.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Austin G. Tainter, a former employee of the United States Railway Mail Service, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The amendment was agreed to.

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

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

POTOMAC RIVER MEMORIAL BRIDGE

The bill (S. 3173) to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial, in the city of Washington, to an appropriate point in the State of Virginia, and for other purposes, was announced as next in order.

Mr. FERNALD. Mr. President, before any objection is made to the bill, I want to say that I am not going to press it for action to-night, because it is a matter of great importance. This particular bill, I think, has had, perhaps, as much attention from the country as any bill on the calendar. Almost every State, west and south, has been interested in the matter, and governors have written to me about it. I realize that it carries a large appropriation, and I shall hope to call it up later in the session for consideration and passage. I do not want any objection made to it to-night.

The PRESIDENT pro tempore. At the request of the Senator from Maine the bill will be passed over.

COURT REPORTERS IN DISTRICT COURTS

Mr. JOHNSON of Minnesota. Mr. President, while the Senator from Utah [Mr. KING] is in a good humor, I would like to have the Senate refer back to calendar number 350, Senate bill 1639.

Mr. ROBINSON. Mr. President, I think we should proceed, and go through the calendar without recurring to numbers that precede those with which we began this evening.

Mr. JOHNSON of Minnesota. Does the Senator from Arkansas object?

Mr. ROBINSON. It is a violation of the unanimous-consent agreement.

The PRESIDENT pro tempore. The unanimous-consent agreement provided for beginning at a later point in the calendar than that to which the Senator from Minnesota refers.

Mr. JOHNSON of Minnesota. Very well.

JUDICIAL DISTRICTS IN TEXAS

The bill (H. R. 8050) to detach Reagan County, in the State of Texas, from the El Paso division of the western judicial district of Texas and attach said county to the San Angelo division of the northern judicial district of said State was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That Reagan County, in the State of Texas, be, and the same is hereby, detached from the El Paso division of the western judicial district of Texas and attached to and made a part of the San Angelo division of the northern judicial district of said State.

SEC. 2. That all process against persons resident in said county of Reagan and cognizable before the United States district court shall be issued out of and made returnable to said court at San Angelo, and that all prosecutions against persons for offenses committed in said county of Reagan shall be tried in said court at San Angelo: *Provided*, That no civil or criminal cause begun and pending prior to the passage of this act shall be in any way affected by it.

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

HOT SPRINGS NATIONAL PARK

The bill (S. 1528) authorizing the Secretary of the Interior to accept the fee-simple title to a certain tract of land adjoining the Hot Springs National Park, Ark., donated to the United States of America for use in connection with Hot Springs National Park, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept the fee-simple title to a certain tract of land adjoining the Hot Springs National Park, Ark., described as being the west half of the southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west, fifth principal meridian, containing sixteen acres, more or less, situated in Garland County, State of Arkansas, donated to the United States of America for use in connection with Hot Springs National Park: *Provided*, That such land when accepted by the Secretary of the Interior shall be and remain a part of the Hot Springs National Park.

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

LANDS IN MEDFORD, JACKSON COUNTY, OREG.

The bill (S. 1987) accepting certain tracts of land in the city of Medford, Jackson County, Oreg., was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to accept certain tracts of land in the city of Medford, Jackson County, Oreg., described as lots Nos. 15 and 16, block 9, amended plat to Queen Ann Addition to the city of Medford; and lot 8, block 2, central subdivision to the city of Medford, which have been tendered to the United States of America in fee simple by the city of Medford, Oreg., as sites for buildings to be used in connection with the administration of Crater Lake National Park, Oreg.

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

GRANT OF LAND TO SHREVEPORT, LA., FOR RESERVOIR PURPOSES

The bill (H. R. 5573) granting certain public lands to the city of Shreveport, La., for reservoir purposes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, line 13, after the word "same," to insert the words "upon filing its application by the city, notice thereof shall be published at least once each week for 30 days in some newspaper in general circulation in the parish in which the land is situated"; and on page 2, in line 20, after the word "recognize," to insert the words "notice being given as hereinbefore provided," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to issue patent or patents to the city of Shreveport, La., for use in the establishment of a reservoir for the water supply of said city, for all those tracts of land within what is known as the Cross Lake area, in townships 17 and 18 north, range 15 west, Louisiana meridian, which may be found by the Secretary of the Interior to have been islands in said Cross Lake at the date the State of Louisiana was admitted to the Union, and to which tracts no legal claims have been initiated and duly maintained under the provisions of the public land laws, and shall be timely asserted as provided herein: *Provided*, That the said city of Shreveport shall pay for said lands at the rate of $1.25 per acre, and shall tender its application for patent, accompanied by the purchase price of the land, within six months after the approval of this act, or within a similar period after the acceptance of the official plat or plats or survey if accepted after the date of this act: *Provided further*, That there shall be reserved to the United States all gas, oil, coal, or other mineral deposits found at any time in the said lands and the right to prospect for, mine, and remove the same upon filing its application by the city, notice thereof shall be published at least once each week for 30 days in some newspaper in general circulation in the parish in which the land is situated.

SEC. 2. That no claim alleged to have been initiated and maintained under the public land laws adverse to the disposition of said lands as provided for by this act shall be recognized, notice being given as hereinbefore provided, unless regularly presented to the Secretary of the Interior within the period allowed the city of Shreveport to file its application for patent, and no tract to which an adverse claim is asserted shall be patented to the city unless and until such claim is finally rejected by the Secretary of the Interior.

SEC. 3. That the lands hereby granted shall be used by the city of Shreveport, La., only for the purpose expressed in the grant, and if said land, or any part thereof, shall be abandoned for such use it shall revert to the United States; and the Secretary of the Interior is hereby authorized and empowered to determine the facts and declare such forfeiture and restore said land to the public domain, and such order of the Secretary shall be final and conclusive.

The amendments were agreed to.

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

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

The bill was read the third time, and passed.

Mr. WALSH of Montana. Mr. President, may I inquire what disposition was made of Calendar No. 560, House bill 5573?

The PRESIDENT pro tempore. It was just passed.

Mr. WALSH of Montana. I ask unanimous consent that the votes by which the bill was ordered to a third reading and passed may be reconsidered by reason of the fact that the amendments as printed do not comply with the amendments recommended by the committee.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent for the reconsideration of the vote by which the bill was ordered to a third reading and passed. Without objection, it is so ordered.

Mr. WALSH of Montana. I offer the following amendment to the committee amendment: After the word "same," on page 2, line 13, insert a period and begin a new sentence with the words following.

The PRESIDENT pro tempore. Without objection the vote by which the amendment on page 2, line 13, was agreed to will be reconsidered, and the clerk will state the amendment now proposed by the Senator from Montana.

The READING CLERK. On page 2, line 13, after the word "same" insert a period; and after line 13 insert a new paragraph to read as follows:

Upon filing its application by the city, notice thereof shall be published at least once each week for 30 days in some newspaper in general circulation in the parish in which the land is situated.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

The bill was read the third time, and passed.

JOHANN JACOB LUTSCH

The bill (H. R. 5169) authorizing the Secretary of the Interior to grant a patent to certain lands to Johann Jacob Lutsch, was considered as in Committee of the Whole, and was read as follows:

Be it enacted etc., That the Secretary of the Interior is authorized and directed to grant to Johann Jacob Lutsch, of St. Anthony, Idaho, a patent to the west half of section 15, township 11 north, range 41 east, Boise meridian, Idaho, such land having been entered by Johann Jacob Lutsch under homestead entry No. 033715, Blackfoot series.

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

HARRIMAN GEOGRAPHIC CODE SYSTEM

The joint resolution (S. J. Res. 41) authorizing a joint committee of both Houses to investigate the Harriman geographic code system, now in use by the War Department, with a view to ascertaining the adaptability and application of said system in the several executive departments and administrative branches of the Government and to rendering a just compensation to the owner thereof, was announced as next in order.

Mr. ROBINSON. Mr. President, from a casual examination of the joint resolution I do not understand it. Unless some Senator is prepared to explain it I shall ask that it go over.

Mr. WILLIS. The Senator from New Hampshire [Mr. MOSES] is interested in the measure, and I can tell the Senator a little about it. It refers to a system of accounting which, I understand, is in use in the War Department. The Senator from New Hampshire was desirous to have the system of accounting investigated by a joint committee, with a view to its

adoption. It involves no expenditure. I am making this statement for the Senator from New Hampshire.

Mr. ROBINSON. I think the joint resolution had better go over Mr. President.

The PRESIDENT pro tempore. The joint resolution will go over.

NELLIE KILDEE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1607) for the relief of Nellie Kildee. The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent for the east half of the southwest quarter, and the west half of the southeast quarter of section 15, in township 44 north, and range 3 east, Boise meridian, in the State of Idaho, to Nellie Kildee, who settled and established residence thereon in 1901, when unsurveyed, upon which she put valuable improvements and fully complied with the homestead law prior to its withdrawal in 1906 for forestry purposes, and whose entry was canceled by the Department of the Interior and motion for the exercise of supervisory authority denied.

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

BENNING NATIONAL FOREST, GA.

The bill (S. 1033) to establish the Benning National Forest in the State of Georgia was announced as next in order.

Mr. KING. Mr. President, I should be glad to be advised by the chairman of the Committee on Public Lands or some member of that committee if it is to be the policy of the Government from time to time to receive these large tracts of land from the States, obviously for the purpose of having the Government take charge of them, which means considerable expense at the hands of the Federal Government. The report as to this bill shows that Mr. Wallace, the Secretary of Agriculture, states that if this land be taken over then a number of foresters will be put to work, and, of course, that will mean a larger appropriation from the Federal Treasury to look after the forests. It seems to me there ought to be some policy respecting these matters. I do not know whether or not it is wise for the Government to take over these forests or these lands. Many of the Western States have complained because the Federal Government has too much land, and we are trying to get it out of the hands of the Government and get it into the hands of the State. On the other hand, many of the States, it seems, are trying to get their lands out of the control of the States and transfer them to the Federal Government.

Mr. FLETCHER. The Government already owns 96,000 acres of this land.

Mr. KING. But it was acquired during the World War for military purposes and it is not now needed.

Mr. FLETCHER. The object of the bill is merely to have the Forest Service produce timber on the land.

Mr. KING. There will, of course, be a divided responsibility. If it is needed for war purposes, it ought to be controlled by the War Department. I want some information before I shall be ready to vote for the bill.

Mr. HARRIS. Mr. President, the bill will have to go over for certain reasons, but I wish first to say that the Secretary of War has approved it, and that the Secretary of Agriculture has also approved it. I do not understand that there will be any additional expense. The Government, as the Senator from Florida has stated, owns 96,000 acres there. They are now used for military purposes; but the Agricultural Department has control of the forests, and that is the reason why it is proposed to place this tract under the Agricultural Department. There is timber there which the department could sell. The War Department does not have the same authority in the matter of the sale of timber which the Agricultural Department has. However, Mr. President, I will consent that the bill go over without prejudice.

Mr. WALSH of Montana. I think if the Senator from Utah [Mr. KING] will reflect for a moment, he will see the propriety of turning the administration of this tract over to the Department of Agriculture. It is heavily timbered, or at least there is considerable timber on it. It is now in the control of the War Department, which has not any immediate use for it. Of course, the timber ought to be taken care of, and the matured timber ought to be cut and disposed of. This is obviously a task for the Forestry Service.

Mr. KING. Mr. President, will the Senator from Montana yield to me?

Mr. WALSH of Montana. I yield.

Mr. KING. The point that I was raising was not so much as to the control of the land—although I did suggest that there would be a divided control and a divided responsibility—but as to the question of policy. How far are we going in accepting these tracts of forest land? I was advised in regard to this tract of land that the War Department had no use for it and did not intend to retain jurisdiction over it.

Mr. WALSH of Montana. A bill such as the Senator has in mind was passed a short while ago; that was a case where we accepted a gift of private lands; but this is not that kind of a case. The Government of the United States now owns the land.

Mr. KING. I understand that.

Mr. WALSH of Montana. It is a military reservation which is under the control of the War Department, which, of course, is not now equipped to take care of forests.

Mr. KING. I understood, if the Senator will pardon me, that the Government did not need the land for military purposes; that the War Department would be willing to have it disposed of, but that the Department of Agriculture was very anxious to have the Federal Government take it over and signified its desire to assume control over it.

Mr. FLETCHER. The Senator is mistaken when he states that the Government does not need the tract for military purposes. It is one of the finest training camps in the whole country. The War Department does need it absolutely.

Mr. WALSH of Montana. Section 2 of the bill provides:

That such national forest shall remain subject to the unhampered use of the War Department for military purposes——

Mr. KING. If the Government owns the land, and it is needed for military purposes, I have no objection, but I thought that the Government desired to make a disposition of it.

Mr. FLETCHER. No.

Mr. KING. If the War Department needs the land, and we shall not merely be projecting the Government into this matter, though the land is not needed, that is a different matter.

Mr. FLETCHER. The Senator would be entirely right if his premise were sound, but the War Department does need the land.

Mr. PHIPPS. Mr. President, the consideration of the bill has been objected to.

Mr. NORBECK. I wish to state that I am in favor of the passage of the bill; or I should not have reported it favorably from the committee; but the War Department has asked for a little time, and I, therefore, ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF VOCATIONAL REHABILITATION ACT

The bill (H. R. 5478) to amend sections 1, 3, and 6 of an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," was announced as next in order.

Mr. KING. A number of suggestions have been made to me that certain amendments are being prepared to that bill, and it will take some little time to consider them. We can not do so under the five-minute rule.

The PRESIDING OFFICER. The bill will be passed over.

STEPHEN A. WINCHELL

Mr. HALE. Mr. President, I was out of the Chamber when Order of Business 548, being the bill (S. 1232) for the relief of Stephen A. Winchell, was reached and was objected to. I ask unanimous consent that the Senate return to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent to return to the bill named by him for consideration. Is there objection?

Mr. DIAL. I ask that the bill go over, Mr. President.

Mr. HALE. I hope the Senator from South Carolina will not object to the bill. The bill was passed at the last session of Congress. I think there is merit in it. It is to straighten out the record of Stephen A. Winchell. The facts in the case are these: Winchell entered the service in 1862 and served for three years. He was wounded while in the service. At the expiration of three years, on or about August 3, 1865, three of Winchell's comrades left camp without permission. Their absence was detected, and, thinking that he might be able to assist them if they could be induced to return to camp before being placed under arrest, Winchell went in search of them. He made the admitted mistake of failing to secure leave. He found his comrades on the streets of a town near camp, all of them in an intoxicated condition. Winchell urged them to return to camp, but before they could do so the party was met by an officer, taken back to camp, and placed in confinement.

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

The PRESIDENT pro tempore. The Senator from Arkansas will state his point of order.

Mr. ROBINSON. I myself do not object to the consideration of the bill, but an objection was made some minutes ago.

Mr. HALE. I asked the Senator from South Carolina to withhold his objection.

Mr. ROBINSON. The Senator announced that he would persist in his objection, and I think, in fairness to the bills on the calendar that have not been reached, and probably will not be reached, that the Senate should not proceed to discuss bills to which objection has been made.

Mr. HALE. I do not understand that the Senator insisted upon his objection. I asked him to withdraw it.

Mr. ROBINSON. Yes; he has stated repeatedly that he objected.

Mr. DIAL. I objected twice. I have no objection to the Senator talking, if he wants to, but I am not going to let the bill pass.

Mr. ROBINSQN. That is the point I make; there is no use talking if objection is going to be made.

Mr. HALE. Of course, under the circumstances it is useless to proceed further.

The PRESIDENT pro tempore. The bill will be passed over.

BILL PASSED OVER

The bill (H. R. 7220) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1925, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

LYN LUNDQUIST

The bill (S. 976) for the relief of Lyn Lundquist was announced as next in order.

Mr. DIAL. Let that bill go over.

Mr. NORBECK. Mr. President, that is a bill reported from the Committee on Public Lands. It is for the relief of a homestead settler. It is not a pension bill.

Mr. DIAL. I am glad to hear it is not a pension bill, and I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to permit Lyn Lundquist, notwithstanding he has heretofore exhausted his homestead right, to make homestead entry of the west half of the northeast quarter and the east half of the northwest quarter of section 15, in township 44 north, and range 3 east, Boise meridian, in the State of Idaho, and to give him credit upon his making final proof showing residence and cultivation as required by law for any improvement he may heretofore have made thereon.

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

BILL PASSED OVER

The bill (S. 1005) to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations, was announced as next in order.

Mr. OVERMAN. That bill ought to go over.

The PRESIDENT pro tempore. The bill will be passed over.

MAIL MESSENGER SERVICE

The bill (H. R. 6482) authorizing the Postmaster General to contract for mail messenger service was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads with an amendment on page 1, line 7, after the words "Postmaster General," to insert "postmasters," so as to make the bill read:

Be it enacted, etc., That hereafter postmasters may be designated by the Postmaster General as disbursing officers for the payment of mail messengers and others engaged under their supervision in transporting the mails: *Provided*, That in the discretion of the Postmaster General, postmasters, assistant postmasters, and clerks at post offices of the third class, and postmasters, assistant postmasters, and clerks at post offices of the fourth class may enter into contracts for the performance of mail messenger service, and allowance may be made therefor from the appropriations for mail messenger service: *Provided further*, That the total amount payable under such contract to any postmaster, assistant postmaster, or clerk shall not exceed $300 in any one year: *Provided further*, That hereafter special delivery messengers at post offices of all classes may enter into contracts for mail messenger service.

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

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM F. BROCKSCHMIDT

The bill (S. 1650) for the relief of William F. Brockschmidt was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 2, line 6, after the word "check," to strike out "was held by officials of said Reclamation Service and," so as to make the bill read:

Be it enacted, etc., That there is hereby appropriated to and for the benefit of William F. Brockschmidt, of Ballantine, Mont., out of any moneys in the Treasury of the United States otherwise unappropriated, the sum of $916.38, to reimburse said William F. Brockschmidt for loss sustained by him on account of a check for said amount of money issued by him November 25, 1922, on the Ballantine State Bank, of Ballantine, Mont., in which he then had on deposit to his credit money to that amount, to the special fiscal agent of the United States Reclamation Service in payment of water charges, water renewal, and construction charges of said Reclamation Service to that amount, assessed to and a lien in that amount on land within the Huntley reclamation project of the United States Reclamation Service, entered and owned or held then and now, in part by said William F. Brockschmidt and in part by his wife, which said check was held by officials of said Reclamation Service and had not been cashed when said bank closed its doors and suspended payments and discontinued business December 4, 1922; and the Treasurer of the United States is hereby authorized and directed to issue to said William F. Brockschmidt or his heirs a voucher or warrant on the Treasury of the United States for said sum of money, hereby appropriated, worded in such manner that such voucher or warrant must be countersigned or indorsed by the special fiscal agent of the United States Reclamation Service and must be used to pay the aforesaid indebtedness of said William F. Brockschmidt and his wife to said Reclamation Service now unpaid and existing: *Provided*, That whatever may be realized or paid (not to exceed the aforesaid amount) on account of said check of said William F. Brockschmidt on said bank, in the settlement of the affairs and indebtedness of said bank or on account of the deposit therein of money of said William F. Brockschmidt, shall accrue to and shall be paid to the Treasurer of the United States and shall be turned into the Treasury of the United States and shall be the money of the United States.

SEC. 2. This act shall be in full force and effect from and after its passage and approval.

Mr. DIAL. Mr. President, I should like to have the Senator from Montana explain that bill. I have not had time to read the report.

Mr. WALSH of Montana. The bill is a very meritorious one. The beneficiary of the bill was a homesteader claiming under an irrigation district. He turned in a check in payment for his land to the proper officer of the Reclamation Service, who held the check for an inordinate time; in the meantime the bank upon which the check was drawn failed, and the settler will have to lose his money by reason of the negligence of the reclamation officer in not cashing the check.

Mr. DIAL. For how long a time was the check held?

Mr. WALSH of Montana. I do not remember the exact time.

Mr. DIAL. Is the bill recommended by the Secretary of the Interior?

Mr. WALSH of Montana. Yes.

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

The amendment was agreed to.

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

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

LAURA C. PETERSON AND OTHERS

The bill (S. 2087) for the relief of Laura C., Ida E., Lulu P., and Esther P. Peterson was considered as in Committee of the Whole. It directs the Secretary of the Interior to issue a patent to Laura C. Peterson, Ida E. Peterson, Lulu P. Peterson, and Esther B. Peterson, children of Peder I. Peterson, conveying to them the west half of section 28, township 37 north, range 29 east principal meridian, being embraced in the homestead entry of said Peder I. Peterson, Glasgow, Mont., serial No. 051413, allowed September 25, 1917.

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

INLAND WATERWAYS CORPORATION

The bill (S. 3161) to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, the Senator from Tennessee [Mr. MCKELLAR] is interested in that bill. He is necessarily absent from the city, and I said that when it was called up for consideration I would ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

PEARL RIVER BRIDGE, MISSISSIPPI

The bill (S. 3244) granting the consent of Congress to the Board of Supervisors of Hinds County, Miss., to construct a bridge across Pearl River, in the State of Mississippi, was considered as in Committee of the Whole. It proposes to grant the consent of Congress to the Board of Supervisors of Hinds County, Miss., to construct, maintain, and operate a bridge and approaches thereto across the Pearl River, at a point suitable to the interests of navigation, at the city of Jackson, State of Mississippi, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and expressly reserves the right to alter, amend, or repeal the act.

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

FINAL ROLL OF FLATHEAD INDIANS, MONTANA

The bill (H. R. 2875) to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont., was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to add to the final roll of the Indians of the (Jocko) Flathead Indian Reservation, Mont., approved January 22, 1920, under the act of May 25, 1918 (40 Stat. p. 591), and the act of June 30, 1919 (41 Stat. p. 9), the names of the following persons, descendants of the Confederated Flathead Tribes of Indians: Lucy Contesto, Mary Sophie Contesto, Clifford Gendron, Adolph Squeque, Peter Joseph Chalwain, Dennis McLeod, Margaret Louise Ashley, Veona Carlson, Lois May Houle, Norbert Marage, Eva Matilda Matt, Eneas Isadore Woodcock, Wilton Sidney Worley, Harry Leon Beauchaine, Henry Louzeau, and Louise Isaac.

The Secretary of the Interior is also authorized to pay to each of the persons named a sum equal to that heretofore paid per capita to those whose names were on the approved roll, such payments to be made from any tribal funds in the Treasury to the credit of the Flathead Indians.

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

WICHITA AND AFFILIATED INDIANS IN OKLAHOMA

The bill (H. R. 731) authorizing the Wichita and affiliated bands of Indians in Oklahoma to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill had been reported from the Committte on Indian Affairs with an amendment in section 3, page 3, line 22, after the word "than," to strike out "$15,000" and insert "$25,000," so as to make the bill read:

Be it enacted, etc., That all claims of whatsoever nature which the Wichita and affiliated bands of Indians in Oklahoma may have against the United States may be submitted to the Court of Claims for determination of the amount, if any, due said tribes or bands of Indians from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribes or bands, or for the failure of the United States to pay said tribes or bands any moneys or other property due; and jurisdiction is hereby conferred on the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine as right and justice may require and upon a full and fair arbitration all legal and equitable claims, if any, of said tribes or bands against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said court, it shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums, including gratuities heretofore paid or expended for the benefit of said tribes or any band thereof.

The claim or claims of the Wichita and affiliated bands may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the date of the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of the said Wichita and affiliated bands or any other tribe or band of Indians the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition or petitions shall be verified by the attorney or attorneys employed by the Wichita and affiliated bands or any tribe or band thereof under contract approved in accordance with existing law, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribes or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribes of Indians.

SEC. 3. That upon the final determination of such suit or cause of action the Court of Claims shall decree such fees as it shall find reasonable to be paid to the attorney or attorneys employed therein by said tribes under contracts negotiated and approved as provided by existing law, but in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause, and in no event shall such fee amount in the aggregate under one attorneyship for each tribe to more than $25,000, and shall be paid out of any judgment that may be recovered; and the balance of such judgment shall be placed in the United States Treasury to the credit of the Indians entitled thereto, where it shall draw interest at the rate of 4 per cent per annum.

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

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

FINAL ROLL OF THE CHEYENNE AND ARAPAHO INDIANS, OKLAHOMA

The bill (H. R. 6857) to provide for the addition of the names of Chester Calf and Crooked Nose Woman to the final roll of the Cheyenne and Arapaho Indians, Seger jurisdiction, Oklahoma, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to add to the final roll of the Cheyenne and Arapaho Indians of the Seger jurisdiction, Oklahoma, approved May 18, 1921, the names of Chester Calf and Crooked Nose Woman, which names were inadvertently omitted from the said roll, and to pay to each of these persons a sum equal to that heretofore paid per capita to those whose names appear on the approved roll, such payment to be made from any tribal funds to the credit of the Cheyenne and Arapaho Indians.

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

RED LAKE INDIANS

The bill (H. R. 4460) authorizing payment to certain Red Lake Indians, out of the tribal trust funds, for garden plats surrendered for school-farm use was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States not to exceed $1,000, out of moneys on deposit to the credit of the Red Lake Indians in Minnesota, and to use the same, or as much thereof as may be necessary, in reimbursing certain Red Lake Indians whom he may find to have suffered loss through the taking of their individual garden plats, without remuneration to them, for Indian school-farm purposes.

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

BILL PASSED OVER

The bill (S. 3084) to enlarge the fish-cultural station at Orangeburg, S. C., was announced as next in order.

SEVERAL SENATORS. Over!

Mr. DIAL. Mr. President, that bill is in the nature——

SEVERAL SENATORS. Over!

Mr. DIAL. It is in the nature of economy; it is to help the farmer.

The PRESIDENT pro tempore. The bill will be passed over.

NIAGARA RIVER AND BLACK ROCK CANAL BRIDGE

The bill (S. 3249) granting the consent of Congress to the construction of a bridge across the Niagara River and Black Rock Canal was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Buffalo & Fort Erie Public Bridge Co., a corporation organized under the laws of the State of New York, and its successors and

assigns, to construct, maintain, and operate a bridge and approaches thereto across the Niagara River and the Black Rock Canal, at a point suitable to the interests of navigation, within or near the city limits of Buffalo, in the county of Erie and State of New York, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That, subject to the provisions of this act, the Secretary of War may permit the corporation herein named, its successors and assigns, to construct a tunnel or tunnels under said river and canal in lieu of the bridge herein authorized, in accordance with the foregoing act approved March 23, 1906, so far as the same may be applicable: *Provided further*, That before the construction of said bridge or tunnel shall be begun all proper and requisite authority therefor shall be obtained from the Government of the Dominion of Canada.

SEC. 2. That this act shall be null and void unless the construction of said bridge or tunnel is commenced within two years and completed within five years from the date of approval hereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

JOHN W. DILKS

The bill (H. R. 7296) for the relief of John W. Dilks was announced as next in order.

Mr. DIAL. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

CIVIL WAR MILITARY TELEGRAPH CORPS

Mr. KING. Mr. President, I inquire what disposition was made of order of business No. 584, being the bill (S. 1535) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War?

Mr. REED of Pennsylvania. That bill was this afternoon recommitted to the Committee on Pensions.

LA PLATA RIVER COMPACT

The bill (S. 1656) granting the consent and approval of Congress to the La Plata River compact was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the consent and approval of Congress is hereby given to the compact signed by the commissioners of the States of Colorado and New Mexico at the city of Santa Fe, on the 27th day of November, 1922, and approved by the Legislature of the State of Colorado by an act entitled "An act to approve the La Plata River compact," April 13, 1923, and by the Legislature of the State of New Mexico by an act entitled "An act ratifying and approving the La Plata compact," approved February 7, 1923, which compact is as follows:

"The State of Colorado and the State of New Mexico, desiring to provide for the equitable distribution of the waters of the La Plata River and to remove all causes of present and future controversy between them with respect thereto, and being moved by considerations of interstate comity, pursuant to acts of their respective legislatures, have resolved to conclude a compact for these purposes and have named as their commissioners Delph E. Carpenter, for the State of Colorado, and Stephen B. Davis, jr., for the State of New Mexico, who have agreed upon the following articles:

"ARTICLE I

"The State of Colorado, at its own expense, shall establish and maintain two permanent stream-gauging stations upon the La Plata River for the purpose of measuring and recording its flow, which shall be known as the Hesperus station and the Interstate station, respectively.

"The Hesperus station shall be located at some convenient place near the village of Hesperus, Colo. Suitable devices for ascertaining and recording the volume of all diversions from the river above Hesperus station shall be established and maintained (without expense to the State of New Mexico), and whenever in this compact reference is made to the flow of the river at Hesperus station it shall be construed to include the amount of the concurrent diversions above said station.

"The interstate station shall be located at some convenient place within 1 mile of and above or below the interstate line. Suitable devices for ascertaining and recording the volume of water diverted by the Enterprise and Pioneer Canals, now serving approximately equal areas in both States, shall be established and maintained (without expense to the State of New Mexico), and whenever in this compact reference is made to the flow of the river at the interstate station it shall be construed to include one-half the volume of the concurrent diversions by such canals, and also the volume of any other water which may hereafter be diverted from said river in Colorado for use in New Mexico.

"Each of said stations shall be equipped with suitable devices for recording the flow of water in said river at all times between the 15th day of February and the 1st day of December of each year. The State engineers of the signatory States shall make provision for cooperative gauging at two stations, for the details of the operation, exchange of records and data, and publication of the facts.

"ARTICLE II

"The waters of the La Plata River are hereby equitably apportioned between the signatory States, including the citizens thereof, as follows:

"1. At all times between the 1st day of December and the 15th day of the succeeding February each State shall have the unrestricted right to the use of all water which may flow within its boundaries.

"2. By reason of the usual annual rise and fall, the flow of said river between the 15th day of February and the 1st day of December of each year shall be apportioned between the States in the following manner:

"(a) Each State shall have the unrestricted right to use all the waters within its boundaries on each day when the mean daily flow at the interstate station is 100 cubic feet per second, or more.

"(b) On all other days the State of Colorado shall deliver at the interstate station a quantity of water equivalent to one-half of the mean flow at the Hesperus station for the preceding day, but not to exceed 100 cubic feet per second.

"3. Whenever the flow of the river is so low that in the judgment of the State engineers of the States the greatest beneficial use of its waters may be secured by distributing all of its waters successively to the lands in each State in alternating periods, in lieu of delivery of water as provided in the second paragraph of this article, the use of the waters may be so rotated between the two States in such manner, for such periods, and to continue for such time as the State engineers may jointly determine.

"4. The State of New Mexico shall not at any time be entitled to receive nor shall the State of Colorado be required to deliver any water not then necessary for beneficial use in the State of New Mexico.

"5. A substantial delivery of water under the terms of this article shall be deemed a compliance with its provisions and compensating irregularities in flow or delivery shall be disregarded.

"ARTICLE III

"The State engineers of the States, by agreements from time to time, may formulate rules and regulations for carrying out the provisions of this compact, which, when signed and promulgated by them, shall be binding until amended by agreement between them or until terminated by written notice from one to the other.

"ARTICLE IV

"Whenever any official of either State is designated to perform any duty under this contract, such designation shall be interpreted to include the State official or officials upon whom the duties now performed by such official may hereafter devolve.

"ARTICLE V

"The physical and other conditions peculiar to the La Plata River and the territory drained and served thereby constitute the basis for this compact, and neither of the signatory States concedes the establishment of any general principle or precedent by the concluding of this compact.

"ARTICLE VI

"This compact may be modified or terminated at any time by mutual consent of the signatory States, and upon such termination all rights then established hereunder shall continue unimpaired.

"ARTICLE VII

"This compact shall become operative when approved by the legislature of each of the signatory States and by the Congress of the United States. Notice of approval by the legislatures shall be given by the governor of each State to the governor of the other State, and the President of the United States is requested to give notice to the governors of the signatory States of approval by the Congress of the United States.

"In witness whereof, the commissioners have signed this compact in duplicate originals, one of which shall be deposited with the secretary of state of each of the signatory States.

"Done at the city of Santa Fe, in the State of New Mexico, this 27th day of November, in the year of our Lord 1922.

"DELPH E. CARPENTER.
"STEPHEN B. DAVIS, Jr."

Mr. KING. Is the Federal Government interested in that in any way or is there any obligation incurred under it?

Mr. BURSUM. There is no obligation, Mr. President; but a compact was authorized by the Congress to be entered into between Colorado and New Mexico as to the waters of the La Plata. That compact has been agreed upon between the two States, and under the resolution it was required that the Congress should consent to the compact. There is no

other obligation whatever. It is a matter which involves no interest to anyone except Colorado and New Mexico, which are using the water of the La Plata River, which flows through the two States.

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

BATTLE FIELDS AROUND FREDERICKSBURG AND SPOTSYLVANIA COURT-HOUSE, VA.

The bill (S. 3263) to provide for the inspection of the battle fields in and around Fredericksburg and Spotsylvania Court-house, Va., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle fields in and around Fredericksburg and Spotsylvania Courthouse, Va., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle fields in and around Fredericksburg and Spotsylvania Courthouse, Va., in order to ascertain the feasibility of preserving and marking for historical and professional military study such fields. The commission shall submit a report of its findings to the Secretary of War not later than December 1, 1924.

SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 in order to carry out the provisions of this act.

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

SALE OF REAL ESTATE NOT REQUIRED FOR MILITARY PURPOSES

The bill (S. 3276) authorizing the sale of real property no longer required for military purposes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 8, after the word "longer," to strike out "needed for," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell or cause to be sold, either in whole or in two or more parts, as he may deem best for the interests of the United States, the several tracts or parcels of real property hereinafter designated, or any interest therein or appurtenant thereto, which said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale.

FIRST CORPS AREA

Maine: Narrows Island Reservation, Boothbay, Lincoln County.

Massachusetts: Fort Phoenix, near Fair Haven, Bristol County; Springfield Armory, two small tracts.

Rhode Island: Fort Greene, Newport.

SECOND CORPS AREA

New York: Fort Montgomery, Rouses Point, Clinton County; Sag Harbor Reservation, Sag Harbor, Long Island, Suffolk County.

FOURTH CORPS AREA

South Carolina: Bay Point Reservation on Phillips Island, Beaufort County; Hilton Head Reservation at south entrance to Port Royal Sound, Beaufort County.

Alabama: Fort Gaines, on east end of Dauphin Island, Mobile County.

Tennessee: Park Field, Millington.

SEVENTH CORPS AREA

Arkansas: Camp Pike Booster Pumping Station, near Little Rock.

SEC. 2. In the disposal of the aforesaid properties the Secretary of War shall in each and every case cause the same to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land.

SEC. 3. After such appraisal shall have been made and approved by the Secretary of War, notification of the fact of such appraisal shall be given by the Secretary of War to the governor of the State in which each such tract of land is located, and such State, or the county, or municipality in which such land is located shall in the order named have the option at any time within six months after the approval of such appraisal to acquire the same, or any part thereof which shall have been separately appraised, upon payment within said period of six months of the appraisal value: *Provided*, That the conveyance of said tract of land to such State, county, or municipality shall be upon the condition and limitation that said property shall be limited to use for public park purposes and upon cessation of such use shall revert to the United States without notice, demand, or action brought.

SEC. 4. Six months after the date of approval of said appraisal, if the option given in section 3 hereof shall not have been completely exercised, the Secretary of War shall sell or cause to be sold each of said properties at public sale, at not less than the appraised value, after advertisement in such manner as may be directed by the Secretary.

SEC. 5. A full report of transfers and sales made under the provisions of this act shall be submitted to Congress by the Secretary of War.

SEC. 6. The expense of appraisal, survey, advertising, and sale shall in each case be paid from the proceeds of the sale, whether made in accordance with section 3 or section 4 of this act, and the net proceeds thereof shall be deposited in the Treasury of the United States to the credit of "Miscellaneous receipts."

SEC. 7. The authority granted by this act shall not repeal any prior legislative authority granted to the Secretary of War to sell or otherwise dispose of lands or property of the United States.

The amendment was agreed to.

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

The bill was ordered to be engrossd for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3285) to provide retirement for the Nurse Corps of the Army and Navy was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

POSTHUMOUS APPOINTMENT AND PROMOTION OF ENLISTED MEN AND OFFICERS

The joint resolution (S. J. Res. 124) to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Military Affairs with amendments, on page 2, line 25, after the word "any," to strike out "former," and in the same line, after the words "officer of the," to strike out "Regular," so as to make the joint resolution read:

Resolved, etc., That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, had been duly appointed to a commissioned grade, and, through no fault of his own, was unable to accept such commission by reason of his death in line of duty; and any such commission shall issue as of the date of such appointment, and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission, from the date of such appointment to the date of his death.

SEC. 2. That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, may have been officially recommended for promotion to a commissioned grade, which recommendation shall have been duly approved by the Secretary of War, or by the commanding general American Expeditionary Forces, as the case may be, and who shall have been unable to receive and accept such commission by reason of his death in line of duty; and any such commission shall issue as of the date of such approval, and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission, from the date of such approval to the date of his death.

SEC. 3. That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any officer of the Army of the United States who, after having been examined and found duly qualified for promotion, died since April 6, 1917, or shall die, in line of duty after the occurrence of the vacancy entitling him, by virtue of seniority, to such promotion and before the issue or acceptance of a commission therefor; and any such commission shall issue with rank as of the date of said vacancy, and any

such officer's name shall be carried upon the records of the War Department as of the grade and branch of the service shown in such commission, from the date of such vacancy to the date of his death.

SEC. 4. That no person shall be entitled to receive any bonus, gratuity, pay, or allowances by virtue of any provision of this resolution.

The amendments were agreed to.

Mr. JONES of Washington. Mr. President, I should like just a brief explanation as to what this joint resolution does.

Mr. HARRIS. Mr. President, the purpose of Senate Joint Resolution 124 is briefly explained in the committee report, No. 558, and in detail in my remarks before the Senate on May 15.

My resolution in effect simply corrects the records of the War Department to show appointments and promotions that were actually made, but were not legally perfected because the officers and soldiers were killed in action or died in line of duty before the commissions reached them through the mails.

The War Department has on at least three separate occasions formally recommended that Congress authorize these corrections of the records.

The first two sections apply to officers and men who were killed in action or died in line of duty during the World War after their appointments or promotions had been duly approved, but before the commissions actually reached them.

The Senate on two occasions, once during the Sixty-sixth and once during the Sixty-seventh Congress, passed resolutions embodying provisions substantially identical with these two sections of my resolution, but they were never reported out from the House committee, due, I am informed, to objections to other provisions of the old resolutions which I have omitted from my resolution.

So far as I am aware, no exception was taken to the two sections incorporated in my resolution, the sole purpose of which is to do justice to the memory of a few brave officers and soldiers who sacrificed their lives in defense of their country and humanity.

The third section of my resolution covers similar cases of officers of the Regular Army, National Guard, and Officers' Reserve Corps that have occurred since the beginning of the World War or that may occur in the future. This section will render unnecessary special acts such as were passed in the cases of Major Haines, Lieutenant Colonel Butler, and Brigadier General Sigerfoos.

The last section of my resolution specifically provides that no person shall be entitled to receive any bonus, gratuity, pay, or allowances by virtue of any provision of the resolution. The passage of the resolution, therefore, entails no expense to the Government. It will, however, afford some measure of comfort to the parents, widows, and children of these brave officers and soldiers who made the supreme sacrifice.

Mr. SMITH. Mr. President, I should like to call attention to the case of an officer whose only son came of military age and was killed last month just the day before his commission was to be handed to him. I was up at the department this morning to see the Secretary of War, and, being unable to see him, I saw The Adjutant General, and he called attention to the pendency of this very bill.

Mr. KING. Mr. President, will the Senator permit a question?

Mr. SMITH. Yes.

Mr. KING. Suppose the commission has not issued at the time of the decease of the soldier; does it then issue?

Mr. HARRIS. This joint resolution allows the Government to issue the commission. It has passed the Senate twice, and passed the last Congress before that unanimously. There was not an objection to it. The committee recommended it unanimously.

Mr. KING. I think the commission ought to be delivered if it has been made out; but if action has not been taken culminating in the issuing of the commission, that is another matter.

Mr. SMITH. My understanding of the joint resolution is that all the conditions requisite for the issuing of the commission would be fulfilled. In the case to which I refer, the boy had stood his examination, and the commission was ready to issue, and on account of his death it could not issue because the law stipulates that he must receive it in person.

This was a very peculiar situation. This young man was the only son of an officer, and he served under his father during the war, and he took up aviation; and on the aviation field in Texas the day after his final examination, while they were making out the papers, he went up at night, and he and one of the best pilots were up, and the plane fell, and both bodies were consumed. The father wrote and asked if some exception could not be made in that case, and I took up the matter with The Adjutant General this morning, and my attention was called to the pendency of this very bill.

Mr. FLETCHER. Mr. President, I call the attention of the Senator from Utah to the fact that the joint resolution provides that commissions shall issue where the recommendations for promotion have been made and where the recommendations shall have been approved by the Secretary of War or by the Commanding General of the American Expeditionary Forces. All those things must have taken place before the death.

Mr. HARRIS. Congress has passed special bills just exactly like this. This joint resolution simply makes the law general and protects a man who has not a "pull" and can not get his bill through.

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

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

RUBIE M. MOSLEY

The bill (S. 1725) for the relief of Rubie M. Mosley was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$20,000" and insert "$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rubie M. Mosley, of San Antonio, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement of her claim against the Government of the United States for injuries received by her by being run over and seriously injured by an automobile driven by an enlisted man of the United States Army, the automobile being in the use of Colonel Morton, the commander of the Government arsenal at San Antonio, Tex., on November 17, 1917.

The amendment was agreed to.

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

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

BILLS PASSED OVER

The bill (S. 2458) to authorize the payment of an indemnity to the Swedish Government for the losses sustained by its nationals in the sinking of the Swedish fishing boat *Lilly* was announced as next in order.

Mr. DIAL. Mr. President, I see two or three bills here for a purpose similar to that of this bill. I wonder whether those Governments owe us any money or not. If so, it seems to me this amount ought to be credited on any claim we have against them. I know nothing about the matter myself, and if no other Senator knows about it I will ask that this bill go over, and all bills similar to this.

Mr. WILLIS. Mr. President, what bill is the Senator objecting to?

Mr. DIAL. I am not objecting; I am asking for information, if I can get any.

Mr. WILLIS. I can explain Senate bill 2719, Order of Business 595, to the Senator.

Mr. DIAL. I do not say that this bill ought to be rejected, but I do not know, and there does not seem to be anyone else here who knows. In that state of affairs, therefore, I will ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over; and, at the request of the Senator from South Carolina, Senate bill 2718 and Senate bill 2719 also will be passed over.

Mr. DIAL. They are in the same situation.

Mr. WILLIS. Mr. President, all of those bills were carefully considered by the Foreign Relations Committee. I remember that very distinctly. I think there is no objection to them. I know specifically about Senate bill 2719. If the Senator desires, I can undertake to explain Senate bill 2718.

Mr. DIAL. I do not want to object to the passage of the bills, but I am trying to find out whether those countries owe us anything or not. If so, the amount ought to be credited and not paid.

Mr. WILLIS. That question was not brought up in the committee. These claims were considered upon their merits.

Mr. DIAL. Then let them all go over.

Mr. WILLIS. Does the Senator object to Senate bill 2719?

The PRESIDENT pro tempore. The Senator from South Carolina has objected to that bill, and it has been passed over.

The bill (H. R. 8209) to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the trans-

portation act, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PROBATION SYSTEM IN UNITED STATES COURTS

The bill (S. 1042) to provide for the establishment of a probation system in the United States courts, except in the District of Columbia, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the courts of the United States having original jurisdiction of criminal actions, except in the District of Columbia, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public, as well as the defendant, will be subserved thereby, shall have power, after conviction or after a plea of guilty or nolo contendere for any crime or offense not punishable by death or life imprisonment, to suspend the imposition or execution of sentence and to place the defendant upon probation for such period and upon such terms and conditions as they may deem best; or the court may impose a fine and may also place the defendant upon probation in the manner aforesaid. The court may revoke or modify any condition of probation, or may change the period of probation: *Provided*, That the period of probation, together with any extension thereof, shall not exceed five years.

While on probation the defendant may be required to pay in one or several sums a fine imposed at the time of being placed on probation and may also be required to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offense for which conviction was had, and may also be required to provide for the support of any person or persons for whose support he is legally responsible.

SEC. 2. That when directed by the court, the probation officer shall report to the court, with a statement of the conduct of the probationer while on probation. The court may thereupon discharge the probationer from further supervision and may terminate the proceedings against him, or may extend the probation, as shall seem advisable.

At any time within the probation period the probation officer may arrest the probationer without a warrant, or the court may issue a warrant for his arrest. Thereupon such probationer shall forthwith be taken before the court. At any time after the probation period, but within the maximum period for which the defendant might originally have been sentenced, the court may issue a warrant and cause the defendant to be arrested and brought before the court. Thereupon the court may revoke the probation or the suspension of sentence, and may impose any sentence which might originally have been imposed.

SEC. 3. That the judge of any United States court having original jurisdiction of criminal actions, except in the District of Columbia, may appoint one or more suitable persons to serve as probation officers within the jurisdiction and under the discretion of the judge making such appointment or of his successor. All such probation officers shall serve without compensation, except that in case it shall appear to any such judge that the needs of the service require that there should be a salaried probation officer such judge may appoint one such officer and shall fix the salary of such officer, subject to the approval of the Attorney General, in each case: *Provided*, That probation officers who are to receive salaries shall be appointed after competitive examination held in accordance with the laws and regulations of the civil service of the United States. Such judge may in his discretion remove any probation officer serving in his court. The appointment of probation officers shall be in writing and shall be entered on the records of the court of the judge making such appointment, and a copy of the order of appointment shall be delivered to the officer so appointed. Such court may allow any probation officer his actual expenses necessarily incurred in the performance of his duties. Such salary and expenses when duly approved shall be paid from the appropriations for the courts in which such officer serves.

SEC. 4. That it shall be the duty of a probation officer to investigate any case referred to him for investigation by the court in which he is serving and to report thereon to the court. The probation officer shall furnish to each person released on probation under his supervision a written statement of the conditions of probation and shall instruct him regarding the same. Such officer shall keep informed concerning the conduct and condition of each person on probation under his supervision and shall report thereon to the court placing such person on probation. Such officer shall use all suitable methods, not inconsistent with the conditions imposed by the court, to aid persons on probation and to bring about improvement in their conduct and condition. Each officer shall keep records of his work; shall keep accurate and complete accounts of all moneys collected from persons under his supervision; shall give receipts therefor and shall make at least monthly returns thereof; shall make such reports to the Attorney General as he may at any time require; and shall perform such other duties as the court may direct. A probation officer shall have the power of arrest that is now exercised by a deputy marshal.

SEC. 5. That this act shall take effect immediately.

Mr. COPELAND. Mr. President, before anybody objects to the consideration of this bill, let me say what it is.

The purpose of the bill is to provide for the establishment of a probation system in the Federal courts. Prior to the Killetts case, which was decided in December, 1916, it was customary to suspend sentence in the Federal courts; but under the decision rendered in that case that power was set aside. Chief Justice White at the time called attention to the importance of legislation on the subject, and the purpose of the bill is to make it possible to exercise this power in the Federal courts.

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

INLAND WATERWAYS CORPORATION

Mr. JONES of Washington. Mr. President, I was going to ask that House bill 8209, Order of Business 596, take the place of Senate bill 3161, Order of Business 573, a Senate bill of the same kind, but probably they had both better be on the calendar until one of them is disposed of. I do not know what the practice is about that.

Mr. FLETCHER. I think we had better carry them on the calendar until we act on one or the other.

Mr. JONES of Washington. I suppose we had better carry them on the calendar until we act on one of them.

GRAND ARMY OF THE REPUBLIC

The bill (H. R. 1869) for the incorporation of the Grand Army of the Republic, was considered as in Committee of the Whole.

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

PETITIONS FOR NATURALIZATION

The bill (S. 2178) to relieve United States district judges from signing an order admitting, denying, or dismissing each petition for naturalization, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That section 8 of the act of June 29, 1906 (34 Stat. L. p. 596), as amended be, and the same hereby is, amended to the extent that the entry upon the court journal or the minutes of the court of any district court of the United States of the names of the petitioners and numbers of the petitions for naturalization granted, denied, or dismissed each day shall be deemed a compliance with the provisions of such section and of said act which requires that "every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose," and the clerk of said court shall enter upon the back of each original petition for naturalization, the date and the volume and page of the record in which such order granting, denying, or dismissing the petition is so recorded.

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

Mr. SPENCER. Mr. President, in regard to that bill, the Senator from Kentucky [Mr. ERNST] has offered an amendment which has been printed and which carries out the purposes of the bill. It is satisfactory to the Senator from Pennsylvania [Mr. PEPPER], who introduced it, and to the committee, which reported it. I ask that the amendment of the Senator from Kentucky be acted upon. It virtually substitutes the amendment for the bill and puts it in better language, but the purpose is the same. It extends it to the State courts.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the votes by which the bill was passed through the regular parliamentary stages and finally passed be reconsidered. Is there objection? The Chair hears none, and the various votes are reconsidered.

The Senator from Missouri now offers, on behalf of the Senator from Kentucky, an amendment which will be stated.

The READING CLERK. On page 1, line 5, it is proposed to strike out all after the word "amended" and to insert the following:

so that it shall read as follows:

"SEC. 9. That every final hearing upon a petition for naturalization shall be had in open court before a judge or judges thereof, and every final order which may be made upon a petition for naturalization shall be under the hand of the court and may be entered upon a record containing the names of the petitioners admitted, or denied, or continued, as the case may be, made by the clerk of the court upon a form furnished by the Bureau of Naturalization and verified by the signature of the representative of the Government from the Bureau of Naturalization attending the naturalization hearing, such record to be signed in duplicate by the presiding judge, one copy to be forwarded to the Bureau of Naturalization, the other copy to be filed by the clerk of the

court as a part of the records of the court. Upon the final hearing of any petitioner for naturalization, the applicant and witnesses shall be examined under oath before the court and in the presence of the court."

The amendment was agreed to.

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

Mr. SPENCER. Mr. President, I desire to offer an amendment to the title of the bill, striking from the title the words "United States."

The PRESIDENT pro tempore. The amendment to the title will be stated.

The READING CLERK. It is proposed to amend the title so as to read: "A bill to relieve district judges from signing an order admitting, denying, or dismissing each petition for naturalization."

The amendment was agreed to.

BRITISH STEAMSHIP "BARON BERWICK"

Mr. WILLIS. Mr. President, I understand that the Senator from South Carolina [Mr. DIAL] has withdrawn his objection to the consideration of Senate bill 2719, Order of Business 595, and I ask that that be returned to.

The PRESIDENT pro tempore. The Senator from Ohio asks that the Senate return to the consideration of Senate bill 2719, Order of Business 595.

Mr. COPELAND. I object.

The PRESIDENT pro tempore. The Senator from New York objects.

PASSPORT APPLICATIONS

The bill (S. 2172) to amend section 1 of the act of June 4, 1920 (41 Stat. L. p. 750), and to provide fees for executing applications for passports and for issuing the same, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 1 of the act of June 4, 1920 (41 Stat. L. p. 750), be, and the same hereby is, amended to read as follows:

"SECTION 1. Hereafter there shall be collected and paid into the Treasury of the United States quarterly a fee of $3 for executing each application for a passport and $7 for each passport issued to a citizen or person owing allegiance to or entitled to the protection of the United States: *Provided*, That nothing herein contained shall be construed to limit the right of the Secretary of State by regulation to authorize the retention by State officials of the fee of $3 for executing an application for a passport: *And provided further*, That no fee shall be collected for passports issued to officers or employees of the United States proceeding abroad in the discharge of their official duties, or to members of their immediate families, or to seamen, or to widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines buried abroad, whose journey is undertaken for the purpose and with the intent of visiting the graves of such soldiers, sailors, or marines, which facts shall be made a part of the application for the passport."

Mr. KING. Mr. President, does this bill increase the fees that are now required?

Mr. PEPPER. No; Mr. President, if I may answer the Senator's inquiry, it does not change the amounts of the fees. All fees received are returned, as now, into the Treasury. It merely changes the allocation of the portions of the fees, which at present is $1 to the Department of Justice and $9 to the State Department, and proposes an allotment of $3 to the Department of Justice and $7 to the State Department, as more nearly representing the pro rata of the work done by the different branches.

Mr. KING. I have no objection to the bill.

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

LANDS IN MICHIGAN

The bill (S. 697) providing for the disposal of certain lands on Crooked and Pickerel Lakes, Mich., and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys, with amendments.

The amendments were, on page 1, line 3, after the word "that," to strike out "in" and to insert "upon"; in the same line, after the word "lands," to insert "erroneously omitted from the original survey"; in line 5, after the word "surveyed," to strike out "upon" and to insert "and represented upon the official plat of township 35 north, range 4 west, Michigan meridian, approved February 9, 1841, on file in the General Land Office as a meandered lake, and said lake now appearing as two lakes, locally known as"; at the end of line 9, to strike out the comma and to insert the word "and"; in line 10, after the name "Pickerel Lake," to strike out "and the channel connecting such lakes"; in line 11, after the word "sections," to insert the numerals "20"; in the same line, after the numerals "29," to strike out "township 35 north, range 4 west, Michigan meridian, in the State of Michigan"; on page 2, line 4, after the words "filing of the," to strike out "official" and to insert "approved"; at the end of line 4, after the word "survey," to insert "in the United States land office at Marquette, Mich., to be appraised"; in line 6, after the word "at," to insert "not less than"; in the same line, after the word "acre," to insert a comma and the words "and that the State of Michigan be allowed to select such of the lands as may have inured to the State under the act of September 28, 1850 (9 Stats. L. p. 519)"; and in line 11, after the word "person," to insert "or the State of Michigan," so as to make the bill read:

Be it enacted, etc., That upon the survey of any public lands erroneously omitted from the original survey found to exist within the area heretofore surveyed and represented upon the official plat of township 35 north, range 4 west, Michigan meridian, Michigan, approved February 9, 1841, on file in the General Land Office as a meandered lake, and said lake now appearing as two lakes, locally know as Crooked Lake and Pickerel Lake, in sections 20, 21, 22, 27, 28, and 29, the owners of adjacent lands shall have a preference right to purchase such lands so surveyed for a period of 90 days after the filing of the approved plat of such survey in the United States land office at Marquette, Mich., to be appraised at not less than $1.25 per acre, and that the State of Michigan be allowed to select such of the lands as may have inured to the State under the act of September 28, 1850 (9 Stat. L. p. 519): *Provided*, That nothing herein contained shall have the effect of defeating the rights of any person or the State of Michigan which may have attached to such lands or any part thereof.

SEC. 2. That the Secretary of the Interior is authorized to make all necessary regulations to carry out the provisions of this act.

The amendments were agreed to.

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

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

POTASH DEPOSITS

The bill (S. 3047) authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrences in the United States and improved methods of recovering potash therefrom, was considered as in Committee of the Whole, and was read.

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

PRACTICE OF OPTOMETRY

The bill (H. R. 3236) to regulate the practice of optometry in the District of Columbia was considered as in Committee of the Whole, and was read.

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

Mr. BALL. I move that Senate bill 1027 be indefinitely postponed. It is similar to the bill just passed.

The motion was agreed to.

BRITISH STEAMSHIP "BARON BERWICK."

Mr. COPELAND. Mr. President, I ask unanimous consent that we return to Order of Business 595, Senate bill 2719, to authorize the payment of an indemnity to the British Government on account of losses sustained by the owners of the British steamship *Baron Berwick* as the result of a collision between that vessel and the United States steamship *Iroquois*—now *Freedom*—and a further collision with the United States destroyer *Truxtun*. I objected under a misapprehension.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Foreign Relations with an amendment, on page 2, line 1, after the words "*Baron Berwick*," to insert the words "or any other parties pecuniarily interested," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be paid to the British Government, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, as full indemnity for the losses sustained by the owners of the British steamship *Baron Berwick*, or any other parties pecuniarily interested, on account of a collision on August 22, 1918, between that vessel and the United States steamship *Iroquois* (now

Freedom) and on account of a further collision on October 5, 1918, with the United States destroyer *Truxtun*, an amount equivalent to £6,200 on the date of the passage of this act, as recommended by the President in his message to Congress of February 28, 1924, printed as Senate Document No. 56, Sixty-eighth Congress, first session.

The amendment was agreed to.

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

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

QUARTERS FOR EMPLOYEES IN THE INDIAN FIELD SERVICE

The bill (S. 2799) to provide for quarters, fuel, and light for employees of the Indian field service, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior, in his discretion, may allow quarters, fuel, and light to employees of the Indian Service whose compensation is not prescribed by law, the salaries of such employees to be fixed on this basis and the cost of providing quarters, fuel, and light to be paid from any funds which are applicable and available therefor: *Provided*, that this authorization shall be retroactive to the extent of approving any expenditures for such purposes heretofore authorized by the Secretary of the Interior.

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

CLAIMS OF STOCKBRIDGE INDIANS

The bill (S. 3111) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Stockbridge Indians may have against the United States, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 3, line 2, after the word "payment," to insert the words "including gratuities," so as to make the bill read:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Stockbridge Tribe of Indians, or arising under or growing out of any act of Congress in relation to Indian affairs, which said Stockbridge Tribe may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Stockbridge Tribe party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Stockbridges approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and said contract shall be executed in their behalf by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indian nation to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian nation.

SEC. 3. In said suit the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nation, but any payment including gratuities which may have been made by the United States upon any claim against the United States shall not operate as an estoppel, but may be pleaded as an offset in such suit.

SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act an appeal may be taken by either party as in other cases to the Supreme Court of the United States.

SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indian nation for the services and expenses of said attorneys rendered or incurred prior or subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of $5,000, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interest of the United States in such case.

The amendment was agreed to.

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

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

TUITION OF INDIAN CHILDREN IN PUBLIC SCHOOLS

The bill (H. R. 4835) to pay tuition of Indian children in public schools was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, to strike out lines 6 to 12, in the following words, "pupils in State public schools during the fiscal years 1922 and 1923, and to expend for such purpose out of balances remaining from the appropriations for support of Indian day and industrial schools for such fiscal years, not to exceed a total of $30,000, without regard to the limitations heretofore placed by law upon the use of such appropriations for tuition of Indian pupils in public schools," and to insert "pupils in State public schools during the fiscal years 1921, 1922, and 1923, and to expend for such purpose whatever balances may remain from the appropriations for support of Indian day and industrial schools for such fiscal years, respectively, without regard to the limitations heretofore placed by law upon the use of such appropriations for tuition of Indian pupils in public schools: *Provided*, That so much as may be necessary of the unexpended balance of the appropriation for the fiscal year 1921 as may be required for the foregoing purpose is hereby appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to pay any claims which are ascertained to be proper and just, whether covered by contracts or not, for tuition of Indian pupils in State public schools during the fiscal years 1921, 1922, and 1923, etc.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

QUINAIELT INDIAN RESERVATION

The bill (H. R. 5416) to authorize the setting aside of certain tribal lands within the Quinaielt Indian Reservation in Washington for lighthouse purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to set aside for lighthouse purposes, lot 5 in section 13 and lot 1, section 24, township 21 north, range 13 west of Willamette meridian, with the Quinaielt Indian Reservation, in Washington, containing a total of 43.20 acres: *Provided*, That the Secretary of Commerce shall pay the Indians therefor, from the appropriation for the general expenses of the Lighthouse Service for the fiscal year in which this reservation is made, such price for the lands set aside hereunder as may be agreed upon by the Secretary of the Interior and the Secretary of Commerce: *Provided further*, That the funds thus derived shall be deposited in the Treasury of the United States to the credit of the Indians of the Quinaielt Reservation, and shall be subject to expenditure for their benefit in such manner as the Secretary of the Interior may deem for their best interests.

SEC. 2. That there is hereby reserved for the use and benefit of the Indians of the Quinaielt Reservation in common all oil, gas, coal, or other minerals in the lands set aside hereunder for lighthouse purposes, and the right to prospect for and mine these commodities under such rules and regulations as may be agreed upon by the Secretary of the Interior and the Secretary of Commerce.

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

COMPENSATION TO INJURED EMPLOYEES

The bill (H. R. 7041) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and

for other purposes," approved September 7, 1916, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 2, line 8, after the word "act," to insert the words "if supported by competent evidence," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, be amended as follows:

That section 37 of said act is amended to read as follows:

"SEC. 37. That if the original claim for compensation has been made within the time specified in section 20, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation. In the absence of fraud or mistake in mathematical calculation, the finding of facts in, and the decision of the commission upon, the merits of any claim presented under or authorized by this act if supported by competent evidence shall not be subject to review by any other administrative or accounting officer, employee, or agent of the United States. Any award heretofore made by the Compensation Commission under the act of September 7, 1916, for disability or death resulting from a personal injury sustained prior to the passage of this act, shall be valid, if such award would be valid if made in respect to an injury sustained after the passage of this act."

SEC. 2. That section 40 of said act is amended to read as follows:

"SEC. 40. That wherever used in this act—

"The singular includes the plural and the masculine includes the feminine.

"The term 'employee' includes all civil employees of the United States and of the Panama Railroad Co.

"The term 'commission' shall be taken to refer to the United States Employees' Compensation Commission provided for in section 28.

"The term 'physician' includes surgeons.

"The term 'monthly pay' shall be taken to refer to the monthly pay at the time of the injury.

"The term 'injury' includes, in addition to injury by accident, any disease proximately caused by the employment.

"The term 'compensation' includes the money allowance payable to an employee or his dependents and any other benefits paid for out of the compensation fund: *Provided, however,* That this shall not in any way reduce the amount of the monthly compensation payable in case of disability or death."

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF LAWS RELATING TO THE JUDICIARY

The bill (H. R. 169) to amend an act entitled "An act to amend section 73 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved June 12, 1916," and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved June 12, 1916, be, and the same is hereby, amended to read as follows:

"SEC. 73. That the State of Colorado shall constitute one judicial district, to be known as the district of Colorado. Terms of the district court shall be held at Denver on the first Tuesday in May and November, at Pueblo on the first Tuesday in April, at Grand Junction on the second Tuesday in September, at Montrose on the third Tuesday in September, at Durango on the fourth Tuesday in September, and at Sterling on the second Tuesday in June: *Provided,* That if at the time of the holding of a term of said court in any year in either of said cities of Grand Junction, Durango, and Sterling, Colo., there is no business to be transacted by said court, the term may be adjourned or continued by order of the judge of said court in chambers at Denver, Colo.: *Provided further,* That the marshal and clerk of said court shall each, respectively, appoint at least one deputy to reside at and who shall maintain an office at each of the five said places where said court is to be held by the terms of this act: *Provided further,* That suitable rooms and accommodations for holding court at Sterling are furnished free of expense to the United States."

Mr. KING. Before House bill 169 is passed——

Mr. PHIPPS. It merely provides for terms of the United States district court to be held at Sterling, Colo., in the northeastern section of the State. There are four places aside from the capital city where court may now be held, but they are all in the southern or western sections, across the Rocky Mountain Range. There is only one provided for in the northeastern section of the State.

Mr. KING. I was attracted by this language, which caught my eye:

Provided further, That the marshal and clerk of said court shall each, respectively, appoint at least one deputy to reside and who shall maintain an office at each of the said five places where said court is to be held by the terms of this act.

Mr. PHIPPS. There are four at the present time.

Mr. KING. Does that create new positions?

Mr. PHIPPS. One position, an assistant deputy marshal for Sterling, Colo. The other four are located at Pueblo, Montrose, Gunnison, and one other place on the western slope. This will be the only one in the northeastern section of the State. It is the only one provided for in this bill, and it is necessary, particularly with the number of liquor cases that have to be cared for at the present time.

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

COMPENSATION TO INJURED EMPLOYEES

The bill (S. 2508) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, was announced as next in order.

Mr. SHORTRIDGE. Senate bill 2508 is the same as House bill 7041, which we have just passed. Therefore I ask that Senate bill 2508 be indefinitely postponed.

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

Mr. KING. May I inquire of the Senator whether he understands that the bill which was passed a moment ago, to which Senate bill 2508 is related, changes the general scope and purpose of the employees' compensation act?

Mr. SHORTRIDGE. Yes; it does to some extent. Yes.

Mr. KING. Does it enlarge the character of the injuries or increase the number of injuries for which compensation may be made?

Mr. SHORTRIDGE. I think it does.

Mr. ROBINSON. It merely embraces what are known as occupational diseases.

Mr. KING. I shall move to have the vote by which the bill was passed reconsidered.

Mr. ROBINSON. I hope the Senator will not insist upon his motion now or hereafter.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 862) amending section 1 of the interstate commerce act was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That paragraph (4) of section 1 of the interstate commerce act, as amended, is hereby amended by adding at the end thereof a new sentence to read as follows:

"It shall be unlawful for any such carrier to demand, charge, or collect from any person for transportation, subject to the provisions of this act, in any parlor car or sleeping car, any fare in addition to that demanded, charged, or collected for transportation in a day coach, but this shall not prevent just and reasonable charges for the use of accommodations in parlor cars or sleeping cars by companies owning such cars."

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

DAIRY BUREAU IN THE DEPARTMENT OF AGRICULTURE

The bill (H. R. 7113) to establish a dairy bureau in the Department of Agriculture, and for other purposes, was announced as next in order, and was read, as follows:

Be it enacted, etc., That there is hereby established in the Department of Agriculture a bureau to be known as the bureau of dairying.

SEC. 2. That a chief of the bureau of dairying shall be appointed by the Secretary of Agriculture, who shall be subject to the general direction of the Secretary of Agriculture. He shall devote his time to the investigation of the dairy industry and the dissemination of information for the promotion of the dairy industry.

SEC. 3. For the purpose of enabling the Secretary of Agriculture and the chief of the bureau of dairying to carry out the purposes of this act the Secretary of Agriculture is hereby authorized to transfer to the bureau of dairying such activities of the Department of Agriculture as he may designate which relate primarily to the dairy industry and to employ such additional persons in the city of Washington and elsewhere as may be necessary.

SEC. 4. For the purpose of carrying out the provisions of this act and the activities of the bureau of dairying such sums of money as Congress may deem necessary are hereby authorized to be appropriated, in addition to such sums provided for in the agricultural appropriation act for the fiscal year ending June 30, 1925.

SEC. 5. That this act shall be in full force and effect on and after July 1, 1924.

Mr. KING. Let the bill go over.

Mr. McNARY. The bill has been favorably reported by the Senate Committee on Agriculture and Forestry unanimously and has been passed by the House. It does not require an appropriation, and is a bill which has been recommended by all the dairy interests of the country.

Mr. KING. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

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

GRANT OF LANDS TO PHOENIX, ARIZ.

The bill (S. 3093) grating certain public lands to the city of Phoenix, Ariz., for municipal, park, recreation, playground, or public-convenience purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 10, before the word "sections" to insert the word "of"; and on page 2, line 22, to strike out "easements, on said lands" and insert new language, so as to make the bill read:

Be it enacted, etc., That the south half of the north half and all the south half of section 13, the southwest quarter, the west half of the southeast quarter, the southeast quarter of the southeast quarter, section 14, the southeast quarter, section 21, the east half of the northwest quarter, the southwest quarter of the northwest quarter, the east half of the northeast quarter, the southwest quarter of the northeast quarter, and all of south half, section 22, all of sections 23, 24, 25, 26, and 27, township 1 south, range 2 east, Gila and Salt River meridian, Arizona. The south half, section 1, the south half, section 2, the south half, section 7, the south half, section 8, the south half section 9, the south half, the northeast quarter, section 10, all of sections 11, 12, northwest quarter section 13, all of sections 14, 15, 16, 17, 18, 19, 20, 21, 22, and 30, township 1 south, range 3 east, Gila and Salt River meridian, Arizona. The west half of the southwest quarter, section 5, the south half and the south half of the northwest quarter, section 6, township 1 south, range 4 east, Gila and Salt River meridian, Arizona, be, and the same are hereby, granted to the city of Phoenix, Ariz., for municipal, park, recreation, playground, or public convenience purposes, upon the condition that the city shall make payment for such land at the rate of $1.25 per acre to the receiver of the United States land office, Phoenix, Ariz., within six months after the approval of this act: *Provided,* That there shall be reserved to the United States all oil, coal, or other mineral deposits found at any time in the land, and the right to prospect for, mine, and remove the same: *Provided further,* That the grant herein is made subject to any valid existing claim or easements, and that the lands hereby granted shall be used by the city of Phoenix, Ariz., only for the purposes herein indicated, and if the said land, or any part thereof, shall be abandoned for such use, said land or such part shall revert to the United States; and the Secretary of the Interior is hereby authorized and empowered to declare such a forfeiture of the grant and to restore said premises to the public domain, if at any time he shall determine that the city has abandoned the land for the uses herein indicated, and such order of the Secretary shall be final and conclusive, and thereupon and thereby said premises shall be restored to the public domain and freed from the operation of this grant.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting certain public lands to the city of Phoenix, Ariz., for municipal, park, and other purposes."

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 6426) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

SCHOOL SITE FOR UTE INDIANS

The bill (H. R. 2882) to provide for the reservation of certain land in Utah as a school site for Ute Indians was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby withdrawn from settlement, occupancy, or disposal under the laws of the United States, and set apart and reserved for and as a school site for the benefit of the Ute Indians, an unsurveyed tract of land in San Juan County, Utah, located in township 36 south, range 21 east, Salt Lake meridian, approximately the northeast quarter of the southwest quarter of section 7.

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

PAIUTE INDIANS

The bill (H. R. 2884) providing for the reservation of certain lands in Utah for certain bands of Paiute Indians was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby withdrawn from settlement, occupancy, or disposal under the laws of the United States, and set apart and reserved for the use, benefit, and occupancy of certain bands of Paiute Indians, and such other Indians of this tribe as the Secretary of the Interior may see fit to settle thereon, subject, however, to any valid existing rights of any persons thereto, the tracts of land in the State of Utah, particularly described as follows: Sections 21, 22, 23, and 24, township 29 south, range 18 west, Salt Lake meridian.

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

PROTECTION OF WILD GAME ANIMALS AND WILD BIRDS IN ALASKA

The joint resolution (S. J. Res. 127) to provide that the powers and duties conferred upon the Governer of Alaska under existing law for the protection of wild game animals and wild birds in Alaska be transferred to and be exercised by the Secretary of Agriculture was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That on and after July 1, 1924, the powers and duties heretofore conferred upon the governor of Alaska by existing law for the protection of wild game animals and wild birds in Alaska are hereby conferred upon and shall be exercised by the Secretary of Agriculture; and all money available or appropriated in any act for the fiscal year ending June 30, 1925, for carrying into effect the act approved May 11, 1908, entitled "An act for the protection of game in Alaska, and for other purposes," including salaries, traveling expenses of game wardens, and all other necessary expenses, is hereby transferred to the credit of the Department of Agriculture to be expended by the Secretary of Agriculture for such purposes.

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

PLUMAS AND LASSEN NATIONAL FORESTS, CALIFORNIA

The bill (H. R. 656) to add certain lands to the Plumas and Lassen National Forests in California was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the following-described lands are hereby added to the national forest indicated and made subject to all laws applicable to that national forest: To the Plumas National Forest— township 26 north, range 7 east, section 6, southeast quarter; township 27 north, range 7 east, section 22, south half northeast quarter; section 23, south half northwest quarter; township 27 north, range 6 east, section 4, northeast quarter northwest quarter; township 28 north, range 6 east, section 33, west half southwest quarter, southeast quarter southwest quarter, all of Mount Diablo base and meridian. To the Lassen National Forest— township 29 north, range 7 east, section 21, northwest quarter northeast quarter, north half northwest quarter, southeast quarter northwest quarter; section 29, northeast quarter northwest quarter, northeast quarter southwest quarter, northwest quarter southeast quarter; section 34, northeast quarter southeast quarter, southeast quarter northeast quarter, northeast quarter northwest quarter, west half northeast quarter, northeast quarter northeast quarter, all of Mount Diablo base and meridian.

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

CHARLES SWANSON

The bill (H. R. 1442) authorizing issuance of patent to Charles Swanson was considered as in Committee of the Whole, and read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Charles Swanson, of Gig Harbor, Wash., patent to lots 3 and 4, section 5, township 20 north, range 2 east, Willamette meridian, the same comprising 9.57 acres, and being part of Gig Harbor abandoned military reservation, Nos. 23 and 24, in the State of Washington, upon presentation by the said Charles Swanson of proof that he has resided upon the land for a period of eight years, and upon payment by him of a sum of money equal to the appraised value thereof as fixed under authority

of the act entitled "An act providing for the sale of certain lands in the State of Washington, and for other purposes," approved July 3, 1916 (39 Stat. L. p. 342), but not less than $10 per acre.

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

POINT OF WOODS RANGE LIGHTS, MICHIGAN

The bill (H. R. 4481) authorizing the Secretary of Commerce to exchange land formerly used as a site for the Point of Woods Range Lights, Michigan, for other lands in the vicinity, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized and directed to grant and convey to Robert P. Hudson, of Sault Ste. Marie, Mich., all of that certain lot or piece of land acquired by the United States through condemnation proceedings by an order dated January 18, 1909, of the Circuit Court of the United States for the Western District of Michigan, Northern Division, described as follows:

That part of lot 1, section 25, township 45 north, range 2 east, beginning at a point marked by a stone monument bearing south 40 degrees, 52 minutes, 50.07 feet distant from the center of the front range light mast, and running north 46 degrees, 47 minutes, 22.13 seconds west, 408.77 feet; thence north 43 degrees, twelve minutes, 37.87 seconds east, 100 feet; thence south 46 degrees, 47 minutes, 22.13 seconds east, 453 feet, more or less, to the shore of the St. Marys River; thence along said shore in a southwesterly direction to the point of intersection of said shore with a line bearing south 46 degrees, 47 minutes, 22.13 seconds east from the point of beginning; thence along said last line north 46 degrees, 47 minutes, 22.13 seconds west, 54 feet, more or less, to the point of beginning; for and in consideration of the said Robert P. Hudson granting and conveying to the United States in fee simple, free and clear of all mortgages, liens, encumbrances, taxes, or claims of any kind whatsoever, the following-described premises:

That part of lot 1, section 25, township 45 north, range 2 east, beginning at a point 20 feet south 44° 16' west from the center of the cast-iron mast supporting the Point of Woods Range Front Light, center of said mast being 206 feet north 38° 50' east from the location of the old front light of the Point of Woods Range; thence north 45° 44' west 350 feet; thence north 44° 16' east 60 feet more or less, to the St. Marys River; thence southeasterly along the shore of the St. Marys River to its intersection with a line through the point of beginning and bearing south 45° 44' east; thence north 45° 44' west along the above line 100 feet, more or less to the point of beginning, all bearings given being from the true north.

Provided, That the Attorney General shall first examine the title of the said Robert P. Hudson to premises to be conveyed to the United States as aforesaid and shall furnish his written opinion in favor of the validity thereof: *Provided further*, That the said Robert P. Hudson, within such reasonable time after the passage of this bill as may be determined by the Secretary of Commerce shall deed to the United States the premises herein described to be conveyed by him: *And provided further*, That the said Robert P. Hudson shall furnish, free of expense to the United States, requisite abstracts, official certifications, and evidences of title that the Attorney General may deem necessary, and that any expense necessary to be incurred by the United States in effecting this exchange shall be payable from the appropriation "General expenses, Lighthouse Service" for the fiscal years in which such expenses are incurred.

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

PUBLIC LANDS IN THE COLUMBIA OR MOSES RESERVATION, WASH.

The bill (H. R. 7109) to authorize acquisition of unreserved public lands in the Columbia or Moses Reservation, State of Washington, under acts of March 28, 1912, and March 3, 1877, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That from and after the passage of this act all unreserved public lands within the former Columbia or Moses Reserve, in the State of Washington, made subject to acquisition under the homestead laws by the act of Congress approved July 4, 1884 (23 Stat., p. 76), be, and they are hereby, made subject to acquisition under the isolated tract (act of March 28, 1912), desert land (act of March 3, 1877), and other acts applicable generally to the public domain.

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

CROOK NATIONAL FOREST, RECREATIONAL AREA, ARIZ.

The bill (H. R. 498) providing for a recreational area within the Crook National Forest, Ariz., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized, in his discretion, upon application by the Board of Supervisors of Gila County, Ariz., to designate and segregate for recreational development any lands, not to exceed 640 acres, within the Crook National Forest, Ariz., which in his opinion, are available for such purpose, and he is hereby authorized to enter into such form of cooperation with said board of supervisors as in his opinion will permit the fullest use of the lands for recreational purposes without interfering with the objects for which the national forest was established. Lands so designated and segregated, under the provisions of this act, shall not be subject to the mining laws of the United States.

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

ORDER FOR RECESS

The PRESIDENT pro tempore. The Chair desires to state that there has been no order made yet as to whether a recess or an adjournment will be taken at 11 o'clock.

Mr. CURTIS. I intended to ask unanimous consent that when the business of the Senate is concluded to-day a recess shall be taken until 11 o'clock to-morrow morning.

Mr. KING. Will not the Senator make it 12 o'clock? We have some committee meetings to attend.

Mr. CURTIS. It is desired that the Agricultural appropriation bill shall be brought before the Senate in the morning at 11.

Mr. WARREN. I hope there will be no objection to the request of the Senator from Kansas. Otherwise we shall have to hold a session to-morrow night.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that when the Senate concludes its business to-night it take a recess until 11 o'clock to-morrow. Is there objection? The Chair hears none, and it is so ordered.

EXCHANGE OF LANDS IN RIO ARRIBA AND TAOS COUNTIES, N. MEX.

The bill (S. 3024) providing for the acquirement by the United States of privately owned lands within Rio Arriba and Taos Counties, N. Mex., known as the Las Trampas grant, by exchanging therefor timber, within the exterior boundaries of any national forest situated within the State of New Mexico, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Las Trampas grant, located within the counties of Rio Arriba and Taos, State of New Mexico, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national forest purposes, and in exchange therefor the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

SEC. 2. That lands offered for exchange hereunder and not covered by public land surveys shall be identified by metes and bounds surveys and that such surveys and the plats and field notes thereof shall be made by employees of the United States Forest Service and approved by the United States Surveyor General.

SEC. 3. That any lands conveyed to the United States under the provisions of this act shall, upon acceptance of the conveyance thereof, become and be a part of Carson National Forest.

SEC. 4. That before any exchange of lands for timber as above provided is effected, notice of such exchange proposal, describing the lands involved therein, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated.

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

EXTENSION OF HOMESTEAD LAWS

The bill (S. 2979) to extend the provisions of the homestead laws so as to allow certain credit in lieu of permanent improvements for the period of enlistment to soldiers, nurses, and officers of the Army and the seamen, marines, nurses, and officers of the Navy and the Marine Corps of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, line 7, to strike out "$1.25" and to insert "60 cents," and in lines 7 and 8 to strike out the words "acre, less 4 cents per acre for each month of military service for which he is allowed credit for residence on the land," and to insert the words "acre: *Provided*, That in no case shall the aggregate value of improvements be less than $200," so as to make the bill read:

Be it enacted, etc., That any person who is or may be entitled to credit on the residence required of homesteaders under sections 2304 and 2305, Revised Statutes of the United States, and under the terms of the act of Congress approved February 25, 1919, and all acts amendatory thereof or supplementary thereto, by reason of military service, and who has made or shall make entry of a homestead under the stock raising homestead act of December 29, 1916, shall be entitled to perfect final proof and receive patent to such homestead when he shall have resided on the land and erected a habitable house thereon as now required by law, and has made permanent improvements on the land, having aggregate value of 60 cents per acre: *Provided*, That in no case shall the aggregate value of improvements be less than $200.

The amendments were agreed to.

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

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

The PRESIDENT pro tempore. This completes the calendar.

PERLEY MORSE & CO.

Mr. COPELAND. I ask unanimous consent that we return to Order of Business 439, Senate bill 2124, for the relief of Perley Morse & Co.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent that the Senate return to Senate bill 2124. Is there objection?

Mr. CURTIS. Let the bill be reported.

The bill was read and considered as in Committee of the Whole.

It had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike of "$882.50" and to insert in lieu thereof "$859.39," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Perley Morse & Co., out of any money in the Treasury not otherwise appropriated, the sum of $859.39 in settlement of the claim of said company for overtime work performed in connection with services rendered the Federal Trade Commission in its investigation of the newsprint paper industry during the month of May, 1918, in order to complete the work in time to be of practical use to the commission.

Mr. COPELAND. These people were the expert accountants employed by the Federal Trade Commission during the war to investigate the newsprint paper industry. We have letters here from the commission saying that this sum is clearly due these people. I think the bill should be paid. It amounts to $859.39 under the amendment.

The amendment was agreed to.

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

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

RECESS

The PRESIDENT pro tempore. The hour of 11 o'clock having arrived, the Senate, pursuant to its order, stands in recess until 11 o'clock a. m. to-morrow.

NOMINATIONS

Executive nominations received by the Senate May 22 (legislative day of May 20), 1924

EXAMINER IN CHIEF IN THE PATENT OFFICE

Webster S. Ruckman, of Michigan, to be an examiner in chief in the Patent Office, vice Richard E. Marine, resigned, effective at the close of May 26, 1924.

POSTMASTERS

ARIZONA

Robert B. Anderson to be postmaster at Clifton, Ariz., in place of W. B. Kelly, resigned.

COLORADO

Charles V. Engert to be postmaster at Lyons, Colo., in place C. V. Engert. Incumbent's commission expires June 4, 1924.

Oscar L. Morris to be postmaster at La Salle, Colo., in place of O. L. Morris. Incumbent's commission expired February 18, 1924.

HAWAII

William K. Kelii to be postmaster at Wahiawa, Hawaii, in place of Elizabeth Perkins, resigned.

IDAHO

Elmer C. Hull to be postmaster at Wilder, Idaho, in place of C. E. Mitchell. Incumbent's commission expires June 5, 1924.

Ned Jenness to be postmaster at Nampa, Idaho, in place of G. C. Jacobsen. Incumbent's commission expires June 5, 1924.

ILLINOIS

Arthur Justus to be postmaster at Warren, Ill., in place of Arthur Justus. Incumbent's commission expires June 4, 1924.

Le Roy Gammon to be postmaster at Thebes, Ill., in place of H. S. Rolwing. Incumbent's commission expires June 5, 1924.

Minor S. Miller to be postmaster at Pearl City, Ill., in place of J. L. Mishler. Incumbent's commission expires June 5, 1924.

Guy A. Meyers to be postmaster at Milledgeville, Ill., in place of C. D. Miller. Incumbent's commission expires June 5, 1924.

Joseph D. Robertson to be postmaster at Barrington, Ill., in place of J. D. Robertson. Incumbent's commission expires May 28, 1924.

IOWA

Letha Doughten to be postmaster at Woolstock, Iowa, in place of Letha Doughten. Office became third class January 1, 1923.

Solomon T. Grove to be postmaster at Plover, Iowa, in place of S. T. Grove. Office became third class April 1, 1924.

KANSAS

Charles F. Schafer to be postmaster at Jewell, Kans., in place of B. M. Palmer. Incumbent's commission expires June 4, 1924.

KENTUCKY

Thoughty Y. Oliver to be postmaster at Scottsville, Ky., in place of B. L. Stamps. Incumbent's commission expired September 30, 1923.

Henry O. Hausgen to be postmaster at Anchorage, Ky., in place of T. C. Hobbs. Incumbent's commission expires June 4, 1924.

LOUISIANA

Walter C. Miller to be postmaster at Logansport, La., in place of G. D. Nash, resigned.

Harriet R. Rice to be postmaster at Madisonville, La., in place of H. R. Rice. Incumbent's commission expired March 2, 1924.

Mildred P. Prescott to be postmaster at Lutcher, La., in place of A. L. Woods. Incumbent's commission expires June 3, 1924.

MAINE

John W. Knapp to be postmaster at Stratton, Me., in place of R. L. Lisherness. Incumbent's commission expires June 5, 1924.

Vernon H. Lowell to be postmaster at Bowdoinham, Me., in place of F. K. Jack. Incumbent's commission expires June 5, 1924.

MASSACHUSETTS

Albert S. Hopkins to be postmaster at Norton, Mass., in place of W. W. McLehose. Incumbent's commission expires June 4, 1924.

MICHIGAN

James R. Flood to be postmaster at Crystal Falls, Mich., in place of W. J. Kelly. Incumbent's commission expired July 28, 1923.

MONTANA

Lee Jellison to be postmaster at Hobson, Mont., in place of M. J. Keenan. Incumbent's commission expires June 4, 1924.

NEBRASKA

Otto J. Zuelow to be postmaster at Schuyler, Nebr., in place of F. J. Kovar. Incumbent's commission expired April 9, 1924.

Anton B. Helms to be postmaster at Randolph, Nebr., in place of A. B. Helms. Incumbent's commission expires June 4, 1924.

Robert L. Hart to be postmaster at Cozad, Nebr., in place of Hans Jensen. Incumbent's commission expired April 9, 1924.

Stanley E. Hemenway to be postmaster at Clearwater, Nebr., in place of C. A. Payne. Incumbent's commission expires June 4, 1924.

Guy W. Green to be postmaster at Bloomington, Nebr., in place of T. J. Lane. Incumbent's commission expires June 4, 1924.

Elmer H. Doering to be postmaster at Battle Creek, Nebr., in place of M. G. Doering. Incumbent's commission expires June 4, 1924.

Harry C. McClellan to be postmaster at Arlington, Nebr., in place of J. C. Badger. Incumbent's commission expires June 4, 1924.

NEW HAMPSHIRE

Maurice R. Wright to be postmaster at North Hampton, N. H., in place of M. R. Wright. Office became third class July 1, 1923.

NEW YORK

Ettie M. Babcock to be postmaster at Canaan, N. Y., in place of R. A. Weir, resigned.

NORTH DAKOTA

Michael Coyne to be postmaster at Starkweather, N. Dak., in place of Michael Coyne. Incumbent's commission expired April 23, 1924.

Myron B. Fallgatter to be postmaster at Kintyre, N. Dak., in place of M. B. Fallgatter. Office became third class April 1, 1924.

OHIO

Jerome Goodhart to be postmaster at Brewster, Ohio, in place of J. H. C. Goodhart. Incumbent's commission expired May 10, 1924.

OKLAHOMA

John H. Durnil to be postmaster at Picher, Okla., in place of E. H. Barrett. Incumbent's commission expired November 19, 1923.

PENNSYLVANIA

Martin T. Weaver to be postmaster at Strasburg, Pa., in place of J. F. Johnston. Incumbent's commission expired August 5, 1923.

Paul L. Boyd to be postmaster at Mars, Pa., in place of M. M. Little. Incumbent's commission expired May 18, 1924.

SOUTH CAROLINA

Wallace H. Meng to be postmaster at Johnsonville, S. C., in place of Chivas Prosser, resigned.

Andrew R. Barrett to be postmaster at Rock Hill, S. C., in place of E. E. Poag. Incumbent's commission expired February 20, 1924.

SOUTH DAKOTA

Sidney H. Dains to be postmaster at Marion, S. Dak., in place of S. H. Dains. Incumbent's commission expired April 13, 1924.

TENNESSEE

Samuel W. Ingersoll to be postmaster at Decherd, Tenn., in place of J. L. Haynes. Incumbent's commission expired September 5, 1923.

TEXAS

Hal M. Knight to be postmaster at Sterling City, Tex., in place of H. M. Knight. Incumbent's commission expired May 6, 1924.

VIRGINIA

Hugh H. Slemp to be postmaster at Big Stone Gap, Va., in place of G. E. Gilly. Incumbent's commission expired August 15, 1923.

WASHINGTON

Trygve Lien to be postmaster at Stanwood, Wash., in place of William Rouse. Incumbent's commission expired August 29, 1923.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 22 (legislative day of May 20), 1924

MEMBERS OF THE FEDERAL FARM LOAN BOARD

Lewis J. Pettijohn. Merton L. Corey.
Elmer S. Landes. Edward E. Jones.

CHIEF JUSTICE OF COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

George E. Martin to be chief justice of the court of appeals, District of Columbia.

MEMBERS OF RENT COMMISSION OF THE DISTRICT OF COLUMBIA

William F. Gude. Oliver Metzerott.
Richard S. Whaley. Thomas E. Peeney.
Mrs. Clara Sears Taylor.

POSTMASTERS

MAINE

Alvin H. Perley, Charleston.
Arthur Donkus, Lisbon.

MASSACHUSETTS

Fred W. Trasher, Marblehead.

VIRGINIA

Emmitt A. Collins, Appalachia.
James O. Fant, Brandy (late Brandy Station).
Sam P. Bowen, Duffield.
Charles C. Peery, North Tazewell.
Herbert C. Bolton, St. Paul.

HOUSE OF REPRESENTATIVES

THURSDAY, *May 22, 1924*

The House met at 11 o'clock a. m.

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

Almighty God, as we wait at the threshold of duty, impress us with a solemn sense of our most sacred obligations. May it be a most serious thought with us that only through righteous and conscientious service to our country can our Republic live in honor and power and be a blessing to all men. Make it appear unto us, O Lord, that it is divinely wonderful to work and toil for others and thus influence and direct human destiny. We bless and praise Thee with unmurmuring faith for all Thy condescending mercies and for all Thy gracious providences. Through Christ. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Welch, one of its clerks, announced that the Senate had passed with amendments joint resolution (H. J. Res. 237) directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 89) authorizing and permitting the State of Arkansas to construct, maintain, and use permanent buildings, rifle ranges, and utilities at Camp Pike, Ark., as are necessary for the use and benefit of the National Guard of the State of Arkansas.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. JONES of Washington, Mr. SPENCER, Mr. FLETCHER, and Mr. HARRIS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes, had agreed to the amendments of the House of Representatives to the amendments of the Senate Nos. 8, 25, 28, 40, 43, 48, 50, 51, 52, 53, 54, and 60 to the foregoing bill.

The message also announced that the Senate had passed with amendments the bill (H. R. 9192) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and for other purposes; in which the concurrence of the House of Representatives was requested.

DEFICIENCY BILL

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9192, just messaged over from the Senate, to agree to amendments Nos. 1 and 2 and disagree to No. 3.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the deficiency appropriation bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 9192. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER. The Clerk will report the first amendment.
The Clerk read as follows:

Senate amendments: Page 1, line 2, insert: "District courts. Supreme Court, District of Columbia: For fees of jurors, $16,000; 60 per cent of said sum shall be paid out of the revenues of the District of Columbia and 40 per cent out of the Treasury of the United States."

Mr. MADDEN. Mr. Speaker, I move to concur in the Senate amendment, and I wish to say in that connection we have already had hearings before the Committee on Appropriations in connection with this, and it is a very essential amendment, because it is required to pay jurors' fees that are already assembled, and there are seven courts in session in the District now, including two grand juries.

The SPEAKER. The gentleman from Illinois moves to concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.
The Clerk read as follows:

Senate amendment: Page 2, after line 2, insert: "Rent Commission: Any unexpended balance of appropriation for rent commissioners of the District are hereby reappropriated and made available during the life of said commission."

Mr. BLANTON. Mr. Speaker, I would ask the gentleman from Illinois to yield me five minutes.

Mr. MADDEN. I move to concur in the Senate amendment. I yield the gentleman from Texas five minutes.

Mr. BLANTON. Mr. Speaker, I am surprised that the distinguished gentleman from Illinois [Mr. MADDEN] would make such a motion. If it were not for having this distinguished gentleman at the head of our Committee on Appropriations I would have little hope of the Government effecting any economy whatever this year, but when he moves to pay a bunch of men and employees money when they can not render any service of value whatever to the Government, I am surprised.

Mr. MADDEN. Will the gentleman yield?

Mr. BLANTON. In just a moment. The Supreme Court of the United States of America has spoken on this question, and they have held that they would judicially declare no emergency existing and they have held this Rent Commission to be unconstitutional, and yet we have gone on and passed an unconstitutional act and attempted to extend it another year. And an official of the Government of the United States has sought to take part through action of an Assistant Attorney General before the courts, asking that the courts not interfere; yet the courts, the bulwark of the liberty of the people, have spoken, for just day before yesterday Justice Stafford, of the Supreme Court of the District of Columbia, enjoined these rent commissioners from performing their duties, and yet in a deficiency bill we are now appropriating money to pay their salaries and the salaries of their employees when they can not move a peg. What is the use of it? Why this waste? Why this extravagance of the people's money when the taxpayers now are overburdened? They are putting one over on the gentleman from Illinois in this instance. He is sleeping on his rights, for I would have expected him to have gotten up here and protested against it and stopped it.

The President of the United States ought to stop it. I will tell you what you are going to see for the next 12 months. You are going to see these five rent commissioners and their attorneys and employees down there drawing their big salaries every month from the Public Treasury and doing absolutely nothing, because the courts are not going to let them do anything. The courts have spoken. The courts say they shall not act, the courts have restrained them, and every time they attempt to act you will see an injunction, and who is going to pay all these enormous injunction expenses?

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. BLANTON. Who are to pay the cost of these injunction cases that are rendered against the Government of the United States? The tax-burdened people are to pay for it, and I am not going to sit here quietly in my seat in this House and let this travesty on justice be perpetrated here upon the floor and not raise my voice in protest. It ought to stop.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. BLANTON. I will.

Mr. McKEOWN. Does not the gentleman think that these courts are going a long way in recent days, especially in view of the fact that judges have tried to set aside the pardoning power of the President of the United States and——

Mr. BLANTON. I want to say to the distinguished jurist who presided over the Oklahoma court with distinction that I am glad that the courts will not permit even the President of the United States to set aside the laws. I want to say to him that if it were not for the courts of the country the rights of the poor people would not be protected. It is the courts of the country that protect the poor people. The rich people can hire the best legal talent in the world. It is the courts, at last, which protect the poor man, and I hope the gentleman will never say anything against the courts of the country.

Mr. MADDEN. Mr. Speaker, I was with the gentleman from Texas [Mr. BLANTON] in opposition to the enactment of the law, but the law has been enacted, and we have that mandate now to make the appropriation. I move the previous question on the amendment.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

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

The SPEAKER. A division is asked for.

The House divided; and there were—ayes 49, noes 3.

So the amendment was agreed to.

Mr. MADDEN. Mr. Speaker, I move that the House disagree to Senate amendment No. 3.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment No. 3: Page 2, after line 2, insert:

"SMITHSONIAN INSTITUTION

"That additional taxes amounting to $74,657.70, together with all penalties and other charges thereon, assessed by the Treasury Department against the estate of Charles L. Freer, deceased, late of Detroit, Mich., which estate has been closed, the executors discharged, and the residue paid over to the Smithsonian Institution as an endowment for the Freer Gallery of Art, presented to the Nation by the said Charles L. Freer, are hereby canceled and the Treasury Department is hereby authorized and directed to remit any further taxes, penalties, or charges which may hereafter be found due from the said estate."

Mr. MADDEN. Mr. Speaker, I move that the House disagree to the Senate amendment.

The SPEAKER. The gentleman from Illinois moves that the House disagree to the Senate amendment.

The motion was agreed to.

HAUGEN-M'NARY BILL

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9033.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9033. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Indiana [Mr. SANDERS] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9033, with Mr. SANDERS of Indiana in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9033, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9033) declaring an emergency in respect of certain agricultural commodities, to promote equality between agricultural commodities and other commodities, and for other purposes.

Mr. HAUGEN. Mr. Chairman, will the gentleman from Missouri [Mr. RUBEY] use some of his time?

Mr. ASWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASWELL. How much time has been consumed?

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] has consumed 59 minutes, the gentleman from Louisiana [Mr. ASWELL] 3 minutes, and the gentleman from Wisconsin [Mr. VOIGT] has consumed an hour and 12 minutes. That is a total of 2 hours and 14 minutes.

Mr. HILL of Maryland. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HILL of Maryland. Under the unanimous consent adopted the committee remains in session until 7 o'clock. Is that the situation?

The CHAIRMAN. Yes.

Mr. SUMMERS of Washington. Mr. Chairman, the gentleman from Missouri [Mr. RUBEY] is a member of the committee and has given very careful consideration to the bill. He

ought to have more Members here to hear him. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Washington makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-four Members are present—not a quorum.

Mr. HAUGEN. Mr. Chairman, I move that the committee rise; and on that I demand tellers.

The CHAIRMAN. The gentleman from Iowa moves that the committee rise, and on that motion he demands tellers.

Tellers were ordered; and the chairman appointed Mr. HAUGEN and Mr. ASWELL to act as tellers.

The CHAIRMAN. Those in favor of the committee rising will pass between the tellers and be counted.

The committee divided; and the tellers reported—ayes 2, noes 99.

The CHAIRMAN. One hundred and one Members are present—a quorum. The gentleman from Missouri [Mr. RUBEY] is recognized.

Mr. RUBEY. Mr. Chairman and gentlemen of the House, we are meeting to-day for the further consideration of the McNary-Haugen bill.

You know as a rule I am glad to hear from home. Every week as the papers come in from my district I sit down and read them. It is like getting a letter from the folks back in my district. But in recent months I have not found so much news in those papers; I did not find so much that made me happy, but I have found a great many things that have made me sad. I have found that page after page of the newspapers, not only in my district but in other districts throughout the Middle West, are filled with legal notices of sheriff's sales. Those sheriff's sales are because of mortgages that have become due and the farmer is unable to pay. In a great many cases those notices are in there because the tax collector has been unable to collect his taxes, and those farms are being sold for taxes.

Those are the conditions that confront the American people to-day in that country which I have described. Throughout the Central West, the Northwest—practically three-fourths of this Union—the farmers are in bad condition. The years have gone by, one by one, since I have come into the membership of this House, and in those years you have always found me ready to vote for and support any proposition that came before this body for the purpose of helping agriculture in any particular part of this Union.

I like to look into your faces. I have friends here. I have friends here who do not agree with me upon this measure in which I am so deeply interested. From down yonder in the sunny South I have friends in this House who do not agree with me and who are not supporting this bill for agriculture. Let me say to them and to all the Members of this House that in the years I have been with you I have always stood for every proposition before us to develop that great southern country. I have been with you in your fight against the boll weevil, and in your fight against the citrus canker, and in your fight against the pink boll weevil on the Texas border, and in the fight in behalf of diversified agriculture in that great country. I have been with you on all those great propositions. Now we have before us a measure that affects agriculture, and it is needed in our section of the country, and if relief is not obtained our farmers will go down to distress and ruin. Will you not come over and help our Government to do something for agriculture and especially when you are not directly affected in your crop, although you are indirectly affected by reason of the fact that whenever we increase the purchasing power of the farmers of this land we are helping the cotton factory, we are helping the cotton industry, we are helping every industry throughout the length and breadth of the country?

Mr. Chairman, it is not my purpose to take any great length of your time; it is not my purpose to make a long speech, because I say to you that I have demands for time upon our side of the House in favor of this bill, and it would be unjust to them for me to consume a great amount of your time.

I want to speak briefly, if you please, and especially shall I talk with reference to the speech made by the gentleman from Wisconsin [Mr. VOIGT], who delivered his address here night before last. One of his first declarations was that this is a price-fixing bill, and he argued at some length against it upon that ground. The proponents of this measure do not admit that it is a price-fixing bill, and yet, if for argument's sake we were to waive that and were to admit that it is a price-fixing bill, what of it? This is not the first time, by any means, that bills have been passed through the Congress of the United States fixing prices. When you pass a bill through Congress on the subject of the tariff you are fixing prices. By the passage of this act we expect to give to the tiller of the soil a ratio price, which is an increased price for his basic agricultural products. The gentleman from Wisconsin [Mr. VOIGT], who argues against this bill because it is a price-fixing bill, on the 21st of April introduced a bill of his own in which he seeks to fix the price of No. 1 northern spring wheat at Minneapolis at $1.65 per bushel. But I am not going to take up your time on questions of this kind, because there are other things far more important.

The gentleman from Wisconsin [Mr. VOIGT] makes a strong argument on the proposition of overproduction by taking the position that if we pass the McNary-Haugen bill and guarantee to the American farmers a ratio price for their various basic agricultural products that they will immediately begin to increase their production of the commodities upon which they receive this ratio price. But I want to call the attention of this House to the real provisions of this measure. It is a farm-making measure; it is a measure which will be kept up by the farmers themselves, and any large increase in production will reflect back upon the farmer himself. If we were by increased production to increase the amount of wheat in this country until we would have 100,000,000 bushels more of wheat exported, the farmer of this country would be the sufferer by reason of that fact, because the equalization fee which he must pay under this bill would be increased. If we now had an equalization fee of 15 cents, an additional surplus export of 100,000,000 bushels would increase that amount to at least 30 cents; and when the farmer does that he himself is the sufferer by reason of that fact.

It must be borne in mind by the Members of the House throughout the consideration of this measure that the farmer himself pays the losses of the corporation from exports, and he pays also the expenses of the corporation. He does this by the payment of the equalization fee, and the greater the loss entailed through exports and the greater the expenses of the corporation the larger will be this fee, hence the less will be the farmer's net return in the transaction. The whole bill is based on the theory that the Government must supply the capital stock upon which the corporation will do business and that the farmers of the country will protect the Government in its investment, so that at the end of the period the $200,000,000 may be returned to the Treasury without the loss of a single dollar.

In this connection let me say that Mr. VOIGT, in the bill which he offered in the committee as a substitute for the McNary-Haugen bill, applies the same provisions as in the McNary-Haugen bill and makes the bill applicable to wheat only. He fixes in his bill a charge of 15 per cent, which shall be collected from the wheat producers under such rules, regulations, and contracts as the corporation may prescribe.

He has almost the identical language that is found in the McNary-Haugen bill for the collection of the equalization fee, and yet further on in his speech he calls your attention to the evasions that would be made under the McNary-Haugen bill, and yet those same evasions, if they can be made under the McNary-Haugen bill, can be made and will be made under the bill introduced by the gentleman from Wisconsin [Mr. VOIGT], with the exception, of course, that his bill applies only to wheat, while the other bill applies to other commodities.

Mr. VOIGT. Will the gentleman yield?

Mr. RUBEY. I would like to yield, but I must make my speech, and I must set this thing out at length. When I get through with that, I will be glad to yield if I have the time. When the gentleman from Wisconsin made his speech the other evening we all wanted him to proceed without interruption, and the gentleman from Virginia [Mr. MOORE] made the request that he should proceed without interruption. I would like to have, if it is your wish, the same privilege.

The same argument about overproduction can be made against Mr. VOIGT's bill, which he advocates, as he himself has made against the McNary-Haugen bill.

When the gentleman from Wisconsin came before the House to deliver his speech he was introduced by the distinguished gentleman from Louisiana [Mr. ASWELL], who is one of the four committee members who signed the minority report in opposition to this bill, as a gentleman who knew more about the bill than any other member of the committee. I admit that the gentleman from Wisconsin has been a very close student of the measure, and yet he made statements in his discussion on the floor of the House that, in my opinion, are not borne out by the provisions of the measure itself.

The gentleman insisted a number of times that the corporation would be compelled to declare an emergency upon every one of the commodities in this act, provided, of course, that there was a surplus export of the product, and that the domestic price of the commodity was less than the ratio price. I want

to call the gentleman's attention to section 2 of this bill, which reads as follows:

SEC. 2. (a) If the corporation finds (1) that there is a surplus for export of wheat, flour, rice, corn, wool, cattle, sheep, swine, or any food product of cattle, sheep, or swine, and (2) that, according to estimates made by it, the ratio prices, as defined in section 4, in respect of the commodity would be in excess of the domestic price thereof, it shall immediately notify the President in writing of its findings. Upon such notification from the corporation, it shall be the duty of the President by proclamation to declare that a special emergency exists as to such agricultural commodity.

During the closing hours of the consideration of this bill by the committee, and just before the vote was taken on the question of reporting it, I called the attention of the committee to this section, and I offered the following amendment:

After the word "of," in line 22, on page 2 of the bill as it is now printed, insert the following words: "one or more of the following commodities."

If my amendment had been adopted by the committee the language would read:

If the corporation finds, first, that there is a surplus for export of one or more of the following commodities: Wheat, flour—

And so forth.

I called the attention of the committee to the fact that we wanted to give the corporation absolute authority; if in its opinion there should be declared an emergency upon only one of these products, it could do so; or if it wanted an emergency declared upon two products, it could do so; or upon three or four, it could do so. When I offered my amendment in the committee my attention was called to the language as set forth in the section, and it was the opinion of every member of the committee present that my amendment was unnecessary; that the language as written gave the corporation that authority, namely, that it could have an emergency declared upon only one product if it wanted so to do. I hold, Mr. Chairman, that this bill as written will give the corporation authority to have declared an emergency upon wheat alone, if in its opinion, after careful investigation, that should be done. This opinion is concurred in by Mr. Alford, of the House drafting service, who assisted the committee in the drafting of this bill. There can be no doubt but what that was the desire of every member of the committee, regardless of whether or not he was for or against the measure. If there should be any doubt that the corporation does not under the present language of the bill have that authority, an amendment such as I have indicated can be proposed when the bill is considered under the five-minute rule.

The gentleman spoke at great length upon the hog question. He called attention to the fact that upon a certain day at Chicago there were 80,000 hogs on the market. Under present conditions those heavy runs often occur, brought about by the unstable market. Men rush their cattle and hogs to market to get them there upon certain days in the hope that they may get a better market. If this bill is passed and goes into effect, there will be no unstable markets—markets which the packers have been able to manipulate, increasing it or lowering it at their own sweet will. We will have stable markets, and as a result there will be a steady and even flow of the farmer's livestock products to the market places. It will be no longer necessary for him to get his hogs and cattle there on a certain day in the hopes of getting a higher price. We shall no longer have the market glutted on certain days, as we have under existing conditions. I am glad to say that we have upon the floor Members who are experienced in the livestock business, the gentleman from Nebraska [Mr. SHALLENBERGER], and the gentleman from Texas [Mr. HUDSPETH], and they will discuss this livestock question.

I want you to give careful attention to what I am saying to you now, because I think it is possibly the most important thing I shall say to you to-day. After the corporation is appointed, organized, and ready for business, in my opinion, being men of experience, able, and thoroughly informed on market conditions, they would not think of having an emergency declared upon even one product—wheat, for example—without making their contract and agreement with those who process wheat, the millers of the country; and certainly they would not declare an emergency upon hogs or cattle, or the products of hogs or cattle, pork or beef, without first calling in the representatives of the packers.

There are only, as the gentleman from Wisconsin [Mr. VOIGT] has said, five great packers, but let me call your attention to this fact: We have 200 independent packers, and I want to say to you in that connection that during the war the five big packers gave their attention mostly to the export business, and as a result the independent packers went into the domestic market, got a hold on the domestic market, and they have a strong hold on it to-day, and these 200 independent packers are to-day doing a good business. The corporation, before it has ever declared an emergency in reference to these products, will make its agreements and contracts with these concerns; and if satisfactory agreements and contracts can not be made, certainly the emergency will not be declared. If the corporation can make satisfactory arrangements and if they will agree to give them a fair deal in the handling of the pork and other meat products, then the emergency will be declared, but otherwise it will not be declared.

In my opinion, when the board of directors of the corporation get around the table with these gentlemen who handle the meat products of America, the directors will get a square deal, because if they do not get a square deal the packers well know that an emergency will not and can not be declared. The packers can not afford to be put into the position before the American public of preventing the putting into effect of this legislation. We want to provide specifically in this bill that the present agencies shall carry on this business. We do not want to go into the packing business, into the milling business, or into any other business; but we want the present agencies to handle the business and, under the provisions of this bill, with the powers of the corporation, that can be and will be done.

The declaration of the gentleman from Wisconsin [Mr. VOIGT] that under this bill the corporation will be compelled to declare an emergency upon hogs and other products enumerated here, I most emphatically deny. Yet, as I have said before, if there is any doubt in the minds of the Members of this House, an amendment of two or three words will make it absolutely certain beyond any shadow of a doubt.

The gentleman from Wisconsin [Mr. VOIGT] calls attention to the fact we have enumerated in this measure wool and sheep. Of course, there is no Member of this House who knows wool conditions who expects or believes that within the next five years the conditions will come to a point where an emergency will be declared on wool.

If the corporation should, after its agreement with the packers, declare an emergency upon meat products, it would be necessary possibly to declare an emergency upon mutton and upon lambs and their products, because they are substitutes for pork and beef.

Mr. VOIGT says that the millers and the packers are in favor of this legislation and that they will be benefited by millions of dollars because of the hold over of stocks which they may have on hand when the bill goes into effect. Every member of the committee, and I expect every Member of the House, will testify to the fact that stronger opposition to this bill has come from the millers than from any other source. Hundreds of letters have come to me from millers all over the country protesting against the passage of the McNary-Haugen bill.

A representative of the packers came before our committee and opposed in strong and vigorous language the enactment of this legislation. Not only that, boards of trade, stockyards' commission men, and all of those concerns intimately associated with the packers, are without exception opposed to this legislation, and every Member of Congress who comes from where these packing concerns are located or who comes from where the great milling industries are located is opposed to this legislation. Why is this true if the packers and the millers are in favor of the legislation? The statement that the millers and the packers are in favor of this legislation is absolutely without foundation, and if, as he says, they will receive hundreds of millions of dollars from their stocks on hand when the law goes into effect, why are they opposed to the passage of this bill?

I admit, and there is no way of getting around it, so far as I can see, that profits will come to the packers, and that profits will come to the millers when this law goes into effect because of their hold over, and yet I want to say to you in this connection that no tariff bill has been passed by Congress that did not bring immense profits to the holders of those things upon which the tariff was raised. Not only that, but while the packers and the millers are getting something by reason of their holdings when the declaration of an emergency goes into effect, remember, friends, that the farmers throughout this land on wheat alone have in their granaries millions and millions of bushels, and they will receive the increase that comes because of those holdings. They have in the feed lots, if you please, hogs almost ready to mature and go to market. They will get the increased price or the ratio price. The

farmers and the millers and the packers will be compelled, however, to pay their proportionate part of the cost in the equalization fee that is imposed upon all of them.

There is one other thing I want to call to your attention and that is, when the packers understand that this emergency is under the control of a corporation and they do not know whether it is going into effect or not, that it depends upon their investigation and their ability to make proper agreements and proper contracts, they are not going to hold over a great quantity of stuff or purchase it and put it in their warehouses with that uncertainty in view.

Mr. VOIGT discusses at some length the effect of the passage of this act upon the cost of living. During the discussion he was asked, I believe by the gentleman from Kansas [Mr. TINCHER], whether or not he favored the farmer receiving the prices provided in the ratio price, and he declared emphatically that he was in favor of their receiving this increase. Every bill that has been introduced in the Congress the object of which was to bring relief to the farmer provides in no uncertain language that the farmers receive an increased price for their farm products. There is not a man here to-day who believes that relief can be brought to the American farmer without increasing the prices of his farm products. If there is some plan whereby that can be done without increasing them, I would like to have the man who can devise that sort of a plan bring it into this House, because it would certainly be an economic monstrosity. You can not give the farmer prosperity, increased purchasing power, and the things he ought to have without increasing the prices of the products that he raises.

Ah, my friends, the prices of all other products in the land have been raised. They have gone up and up and up, and the farmers' prices have gone down and down and down. The purchasing power of the farmer to-day has been decreased almost 50 per cent. I had a letter yesterday from a farmer out in my country wherein he said, "I never see a new Springfield wagon on the road. Why? The price has been more than doubled. I find in the little shops around the country old wagons. They are taken in there to fix them up and repair them and use them over and over again."

Everything the farmer buys has been increased and his purchasing power has been depleted.

I want to call your attention specifically to this fact: Mr. Edgar Wallace, a representative of the American Federation of Labor, came before our committee. He made the statement that any bill which we could pass to bring relief to the farmer might result in some increase in the cost of living, but that the organization which he represented was there to urge the committee to give relief to the farmers, and stated that his organization to a man was willing to accept as a result of that relief any slight increase in the cost of living that might come about.

Do you believe that the increase in the price of the farmer's wheat 30 or 40 or 50 cents a bushel would materially increase the price of bread? When you know that during war times hogs were selling at $14 and $15 per hundred and the price of bacon was just a little more then than it is to-day, when hogs are selling at $7 a hundred? Do you think there will be much increase in the price of bacon?

I want now to refer to my friend from Illinois [Mr. RAINEY], and I have great respect for him. I have known him a long time. He has been a Member of this House for many years, and we all admire him. That gentleman has issued more words on this bill, possibly, than everybody else in the land. He has written article upon article and delivered speech upon speech; he has sent out letters upon letters. Let me give you an illustration. Just a few days ago I read in a St. Louis paper an article written by the distinguished gentleman from Illinois wherein he gave an illustration about a widow woman with a pig. I want to say to you, because I counted them, in that story about the widow woman and the pig he used 700 words describing what would happen if she wanted to sell her pig, and yet I want to say to him that if that story were true, then there is not a member of the Committee on Agriculture that would vote for the McNary-Haugen bill.

Misrepresentation has gone abroad all over the land in regard to this measure from the boards of trade, the packers, and the large financial institutions.

I read an article in an agricultural paper this morning, or a so-called agricultural paper, published here in Washington, about the McNary-Haugen bill. The man who wrote the article evidently had not read it since it was introduced in January last.

Those are the conditions which confront us. This is indeed a new kind of legislation. Nothing exactly like it has been attempted in this country, although it has been carried out in other countries. For years the Congress of the United States has helped almost every industry in the land. Through tariff legislation the manufacturing industries have been enabled to increase their prices for their products by millions of dollars. Through immigrant laws—and I voted for them all—we have kept out the undesirable farming element and have thereby reduced competition and kept up the price of labor. Through the Adamson law—and I voted for that—we further increased the price of wages. Through the enactment of the Esch-Cummins law—for which I did not vote—we gave the railroads of the country a guaranteed income and virtually instructed the Interstate Commerce Commission to increase the freight rates, and that has given an increase of price to all the products of the land. For years and years we have given to the great magazines of the country a low rate of postage. Every year, as the result, those publications are carried through the mails at a loss to the Government of fifty millions of dollars.

But I must not prolong this discussion. Suffice is it for me to say that through legislative enactment we have helped every industry in America except the one great basic industry—agriculture. More than one-quarter of the people of America live on the farms. They toil through all kinds of weather both early and late. They seek no eight hour law; they depend for their success more than any other industry known to man upon the elements. They plow, they plant, they cultivate, and if the sunshine and the rain come in due proportion, they harvest their crops. On the other hand, if perchance the rain does not come or if it comes in too great abundance, the result of their labor will be destroyed by drought or by flood. These are the conditions that we can not regulate by legislation. But when the farmer reaps an abundant harvest and takes his commodities to the market place we want him to receive a just and fair price for those commodities, and that, Mr. Chairman, is what we are going to do by the passage of the McNary-Haugen bill. [Applause.]

Mr. BLANTON. Mr. Chairman, will not the gentleman from Missouri take another five minutes in order to answer questions?

Mr. RUBEY. I should be glad to do so, but there are other gentlemen who want time.

Mr. BLANTON. The gentleman can help us by answering questions more than he can by generalities.

Mr. RUBEY. I have already used 45 or 50 minutes, and if I yield to one I must yield to another.

Mr. BLANTON. I think perhaps we would get along better with the bill if Members were enlightened by answering questions.

Mr. RUBEY. I know, and I want gentlemen to ask questions about the bill to enlighten them. I want every Member of the House to hear what is said, do not make up your minds against this measure, and if you are, so to speak, on the fence, stay on the fence until we get through with the debate. Stay on the fence until we get through with the discussion of the bill under the five-minute rule, and then you will be able to ask questions and we will be ready to answer them. I would like to answer the questions of the gentleman from Texas, but I have refused the gentleman from Wisconsin, and there are others who would like to ask questions. But let me say that there are many gentlemen who have asked me for time and I must not consume any further time. [Applause.]

Mr. ASWELL. Mr. Chairman and gentlemen, I regret to find myself in emphatic disagreement with our distinguished chairman, for whom I have the highest regard. I am also in disagreement with the gentleman from Missouri [Mr. RUBEY], who has preceded me, one of the most lovable Members in the House. He made an appeal to Members from other sections of the country to come and help him out in his country, as he stated it. I for one have supported every measure that I thought was for the benefit of the people of all sections. No worthy measure has had my opposition for sectional reasons. I have come now to help Mr. RUBEY's people by helping save them from the tragedy of the operations of this monstrous bill.

The bill has a peculiar history. When it appeared before the two Houses it was so curious in its theories and provisions that a lively interest was manifested as to its fatherhood. It was first called the Wallace bill. The Secretary of Agriculture came before the committee and disowned it. He said he was not for it especially, but that he was for any measure that would improve agriculture. Later there came forth from the multitude a gentleman named Charles J. Brand, whose friendship and services to the Big Five meat packers were exposed by the Federal Trade Commission and are matters of common knowledge and public discussion. Mr. Brand announced that he was the father of this bill and that he wrote it at the instance of the Secretary of Agriculture. Later the Secretary

of Agriculture came back to the committee and admitted fatherhood by proxy and that he had directed Brand to create it.

Later on another gentleman appeared before the committee, a Mr. Peek, of the Moline Plow Co., and he startled us by saying that he originated the idea and it was brought here in 1921. According to late reports Mr. Peek's business is in the hands of a receiver. I am not criticizing him, I sympathize with him, but having put his own business in the hands of a receiver I wonder if he is a competent man to tell the Congress how to legislate on economic questions.

When the word "scrip" grew into disrepute about the Capitol the S O S call went forth that "scrip" would kill this child of doubtful parentage, and there came rushing to the support of the proponents of the bill, among others, a gentleman from the Northwest, a Mr. Jewett, who is reputed to be a banker and the head of a grain pool or grain corporation in the Northwest with which he has made a failure. I am not criticizing him, but I can readily understand that he would like to have the taxpayers recoup him and enable him to reestablish himself in the confidence of the wheat growers whose money his management has lost. He helped change "scrip" to the euphonious "equalization certificate," meaning the same thing. So we have found the creators to be the Brand-Jewett-Peek combine. Our chairman [Mr. HAUGEN] is clearly not the father of this bill. He is the stepfather, three generations removed. [Laughter.]

Mr. RAKER. Does the Secretary now approve it?

Mr. ASWELL. He did the other day. I do not know what he would do now.

Mr. BLANTON. Where is the "Mary" part of it?

Mr. ASWELL. Oh, in the other end of the Capitol.

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

Mr. ASWELL. I can not yield; I shall have to follow the gentleman's example. The majority report is not a report, but an argument, an appeal. It reveals clearly the weakness of this bill. It contains 109 pages, 52 pages of which are devoted to a thesis trying to prove that the bill is constitutional, and then on page 79 the majority brief concedes that in certain transactions the bill would be unconstitutional.

The Solicitor of the Department of Agriculture says, "I am of the opinion that in all probability it would be finally sustained by the Supreme Court."

The impression has been deliberately given to Members of Congress that this is the only chance to vote for farm relief. I call the attention of Members to the fact of record that there are four other farm-relief bills on which we have had hearings before the Committee on Agriculture, and within 24 hours any one of these bills can be reported out. It is not true that you have to vote for this bill or none. I call attention to another fact, that if one of these other measures after the defeat of this bill should not be brought out immediately there are Members of Congress on both sides of the Chamber who believe in the proper kind of agricultural relief, and they will hold this Congress here, if need be, until proper farm legislation is enacted. [Applause.]

A lot has been said here this morning and at other times about the condition of the farmer. No man in this House or anywhere else is more deeply concerned in the welfare of the farmer than I. I represent a great agricultural district and I have no business in the world outside of my duties here except that of farming.

Every Member of Congress knows that agriculture in certain lines and in some sections of the country is in grave distress. You do not need a book the size of the majority report to convince you of that depressing fact. Everyone agrees that agriculture, suffering most heavily and unfairly from post-war deflation, deserves the earnest and sincere consideration, the active encouragement, and the fair-handed cooperation of the Government. I am eager to see the Congress go every step of the way in this direction consistent with sound principles of government, but I am not for this fantastic panacea, which if it did not fall of its own weight would disappoint and enslave the farmers and disrupt and destroy the financial and economic policies of our Government. [Applause.]

It would set the precedent of socializing and nationalizing the industry of agriculture, which would lead inevitably to the nationalization of all industry, including the railroads, overriding economic laws by statutory laws and thus place our Government squarely in the class of the bolshevistic Government of Russia, which has disappointed the Russian people and is now collapsing. I, for one, most solemnly protest against taking a single step toward such a calamity for the American people. [Applause.]

This bill would make the farmer the ward of the Nation, as are the Indians. It declares the farmer incompetent to handle his own business and places him under the paternalistic care of the Government. It destroys individual initiative, socializes and communizes the agricultural industry, and places a Government corporation in full control of the farmer and his industry.

The value of the agricultural products of the country last year in the hands of the farmer is reported by the Department of Agriculture to have been seven and one-half billion dollars, while the consumers of the country paid twenty-two and one-half billion dollars for the same products. The producer is receiving only one-third of what the consumer is paying for his products. By enabling the cooperatives of the country to organize nationally and establish direct connection between the producer and the consumer the farmer will receive two-thirds of the amount the consumer pays and thus double the farmer's price of agricultural products without taking a penny from the Federal Government. It will actually reduce the price to the consumer by eliminating one-half of the two and a half million food dealers or middlemen. The spread between the price the producer receives and that the consumer pays will be reduced to the minimum. The difficulty with the present cooperatives is that they are too limited in scope and in finances to control the final markets in reaching the ultimate consumers.

A marketing bill national in character is pending before the Committees on Agriculture in both Houses. Senator CURTIS introduced it in the Senate and I introduced it in the House. Vote down the McNary-Haugen bill and you will have a chance to consider the marketing bill that enables the farmer himself to handle his own business for himself.

I call attention to another fact. The President of the United States, to be consistent, can not be for this bill. He is not a communist, he is not a socialist, he is not a Bolshevik. Let me read one sentence from his message to the Congress on December 6. Discussing agricultural relief, he says:

> No complicated scheme of relief, no plan of Government fixing of prices, and no resort to the Public Treasury will be of any permanent value in establishing agriculture. Simple and direct methods put into operation by the farmer himself are the only ways to restore agriculture.

[Applause.]

That is the President's language to Congress. If his language means anything, he can not be for this measure. What does this bill do? It establishes a corporation, a Government corporation, and puts the Government squarely into business. To prove that I shall not give any secondhand evidence, but I shall read from the bill. Section 21 reads:

> For the purpose of relieving the emergency declared in section 1 by conducting the business of trading in basic agricultural commodities.

That is the object of the corporation. Further, on page 11 of the bill, it is provided that "the corporation shall have such powers as are necessary and proper to conduct the business of trading in basic agricultural products."

This bill puts the Government squarely into business, and it will be the biggest Government corporation that was ever proposed in the history of the world in any country. This bill proposes not a private corporation but governmental control strictly, nothing more. The corporation is to be created by the Congress. The President of the United States is to appoint the members of the corporation and they are to be confirmed by the Senate of the United States. The corporation is to be presided over by a member of the Cabinet. The certificates are to be printed at the direction of the Secretary of the Treasury and by a Government bureau, the Bureau of Printing and Engraving. It is from top to bottom governmental and the Government would be morally bound. Two hundred million dollars is to be appropriated from the Federal Treasury, from the taxpayers, and $1,000,000,000 is to be borrowed. There is not a gentleman in this Congress to-day, having voted for this bill, who would not later cast his vote in an emergency to appropriate another billion dollars to pay the losses of this corporation. The Government would be morally bound because it is a Government corporation. So it is—the Government involved from start to finish.

It has the most extraordinary powers ever granted any similar organization. This corporation would be bigger than any department of the Government, because it is specifically provided that any department of the Government shall act as the agent of the corporation.

It is bigger than all the executive departments of the Government because the bill provides that all departments act as its agents. It is bigger than the President himself. Why, because

the President of the United States has no authority to declare an emergency until the corporation notifies him. As far as the Committee on Ways and Means in the House has to do with tariffs, it abolishes that committee entirely. It would abolish the Tariff Commission, too. Authority is given upon the recommendation of this corporation for the President to ignore all existing law and declare an embargo or raise the import duties on any article, any substitute, or derivative. The records show that the Big Five packers handle about 400 derivatives and substitutes contained in this bill, including fertilizer for the farmers of the country. It gives authority to declare an embargo and increase the price on all elements needed by the farmers for fertilizer.

It is a price-fixing scheme. I do not understand why the proponents of this bill try to hide that fact. The proponents of the measure ought to know somebody is liable to read this bill. [Laughter.] Why, turn with me to section 4 on page 3 in the bill:

> The corporation shall publish, after the issuance of a proclamation declaring the special emergency, the price for such commodity, or any class or grade thereof.

It must publish the price for that period, and that period can be 1 month or 3 months or 12 months. I wish to say to the gentlemen who try to argue that it does not fix prices that if anybody reads the bill, all the other things they say will be discredited.

Now, as to the ratio price. It will be discussed over and over again. But, in a word, the proposal is, for example, that when wheat, we will say, is selling in the world's market for a dollar, the ratio price will bring wheat in this country to $1.50. If 200,000,000 bushels are exported, it will produce a loss to the wheat farmers of $100,000,000, a loss of 50 cents a bushel. The wheat growers will have to pay that $100,000,000 plus the cost of the operation of the corporation. And I made it my business to ask every one of the fathers and stepfathers of this bill, experts, lobbyists, and specialists that we had before that committee—I asked every one of them this question: How much will it cost the farmers for this corporation to operate? And never have I heard an answer yet hazarded except once, when it was said that if corn and wheat were in the emergency, the corporation could operate probably for $15,000,000 per year. We know that about 50,000 Federal agents would be employed. It has been said to-day that the farmer would be protected by this bill as the railroads are protected and as the Steel Corporation and other industries are by the high protective tariff. I am opposed to the existing discriminatory protection of big business and to the railroad guaranty, but not a single one of these corporations or special interests is taxed to bear the cost of the increase of its own prices as the farmer is proposed to be handled in this case. The comparison is absurd.

Another point. Gentlemen, I want you to turn with me to section 305, on page 27 of the bill, and you will find that this corporation has the power to punish by putting the farmer into a Federal prison for not paying his debts. Here is section 305:

> Any person who, in violation of this act, willfully fails to pay, collect, or account for and pay over any equalization fee, etc., or attempts in any manner to evade the payment or the future collection of such fee, shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

It authorizes a Federal corporation to drag men or women to a Federal court and put them in a Federal prison for even an attempt to evade the payment of the equalization fee. Now, let me illustrate that. You will understand when an emergency is declared on corn only a small portion of the corn will pay the equalization fee and the fee will be high. The corn used for feed and seed is exempt, and the corporation may exempt purchases between producers to the amount of $100 a year. A man, as it happens in all parts of the country, starts to market with a load of roasting ears. He gets to the town. You are a banker or a merchant or a professional man. You are not a producer and therefore you have to pay the equalization fee. The producer sells you a half dozen roasting ears. What is the situation? You both must know what the equalization fee is on corn. The producer sells the corn, say, for 50 cents. He is not allowed to take the full amount in cash. You who purchased the corn must deduct the equalization fee from the payment, and you must send it to the corporation. Now, that is literally the situation. But that is not all. You must give the producer a receipt printed in Washington by the Bureau of Printing and Engraving for the fee deducted, and if you do not have a receipt at hand you do not dare buy the roasting ears.

If you attempt to evade the equalization fee or fail to give the receipt, what is the result? It will perhaps be a dime; but if you fail to pay that dime or fail to give a Government receipt, you are subject, both of you, to be hauled into a Federal court, perhaps 100 miles away, to be tried, and, if convicted, fined $5,000 or put in prison for a year, or both. That applies to butter, milk, and every other food product of cattle, hogs, or sheep when it is brought under the emergency. Do you need any further proof as to the monstrosity of this bill? I am trying to save my good friend RUBEY's people, who grow corn principally, from such a calamity as this bill would heap upon them. [Applause.] Gentlemen, this bill has been facetiously called Mary Haugen's bill. I do not know where that originates; it is not named properly——

Mr. BLANTON. Well, it had to have a mother, did it not?

Mr. ASWELL. Well, perhaps; yes.

Gentlemen, this bill should be called the "Big Five bonus bill." Why? I would like you to follow me accurately and read between some of the lines. The first announced father of this bill has reputed connections with the meat packers. The bill provides that when there is an established exportable surplus and the price falls below the ratio price, then that product is to come under the emergency.

Let us see. "When there is an established exportable surplus." There is no question but that the packers would wake the next morning richer by $500,000,000. They wanted certain of their food products named in the bill. It does not take any argument to prove that. See the letter of Secretary Wallace. I hold his letter in my hand.

> The value of meats in cold storage was $175,000,000 on the 1st of April.

There are other products in the hands of the packers, elevators, and terminals that reach into the hundreds of millions. This bill increases their value overnight from 60 to 70 per cent. In the cold-storage products to-day owned by the five big packers the increase overnight will be exactly $122,500,000.

I said it should be called a packers' bonus bill. There must be an exportable surplus. Yet the man who wrote this bill has put into it beef. Why? How could beef be included? The report of the United States Tariff Commission, April 11, 1924, on this bill states that last year we imported into this country $65,000,000 worth of cattle and cattle products, while we exported only $25,000,000. Yet beef is included. Where is your "established exportable surplus"? We imported last year 6,000,000 pounds of mutton and exported only 2,000,000. Last year we imported $130,000,000 worth of wool and exported none. Yet in the interest of the "Big Five," who are vitally concerned in their profits on beef, wool, and mutton, these food products to benefit the "Big Five" are included in the provisions of this bill. In the face of these facts of record how can you call this a farmers' bill?

No one knows the cost of operating the corporation. There is only one thing well known and established as a certainty, and that is, whatever the cost of operation, whether it be $15,000,000 or $150,000,000, it makes no difference; whatever the loss, whether it be $100,000,000 in wheat or by stimulating production and piling up the exportable surplus to the point where the wheat farmers lose $300,000,000, it makes no difference, the farmer pays the cost. Every time you increase production you reduce consumption. Increase the exportable surplus and you increase the equalization fee that the farmer has to pay. The only thing you know is that whatever happens the farmer pays the freight at every point in this bill.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. BLACK of New York. In the opinion of the gentleman, would it be within the powers of this corporation to destroy excess commodities in the hands of the millers and packers, paying for the same after condemnation?

Mr. ASWELL. Perhaps that might be done should this bill ever become a law.

Now, what will be some of the results? The first outstanding result is that it will destroy the existing cooperatives in this country. Why not? The object of the cooperatives is to increase prices to the producer through a marketing system. In this bill it is proposed that the Government do this very thing with the Federal Treasury back of it. What inducement would the cooperatives have to hold together? Why should each member of the cooperatives pay $10 or $15 a year and know at the same time that the Government is handling that business? The cooperatives would go out of business, and

what could prevent a calamitous collapse to the farmers at the end of five years when the law would suddenly expire?

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

Mr. ASWELL. No; I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. ASWELL. Another thing that we know about this bill is that it will increase the number of Government employees by at least 50,000, but what the ultimate limit will be no one knows. Take the case of the roasting ears. You have to have a detective to see that you do not cheat the Government out of that fee. The bill would send throughout this country an army of Federal agents, detectives, and Secret Service men beyond the comprehension of any man. They would be more numerous than the income-tax agents and the prohibition agents combined.

Why? Because you have got to watch every transaction; you have got to see that the Government is not swindled out of anything. I believe the American farmer properly resents the increasing intrusion of Federal agents. He will still more resent this new army of Federal agents.

Now, gentlemen, I want to say in all candor that for four months I have earnestly studied this bill. I wanted to support any measure that would bring relief to the agricultural interests of the country. I tried to help amend it so it would be workable, but I was forced to conclude that you can not build a good measure upon an unsound principle. I have been forced to the deliberate judgment that this bill is unsound, unworkable, full of Bolshevism, purely socialistic, indefensibly communistic. It would endanger the stability and the perpetuity of the institutions of this Republic. I have faith in my country, in her institutions, in her people. I am not afraid that the foundations of the Republic will be shattered by this bill, because I do not for one moment believe that it has a shadow of a chance of being enacted into law; but if you should pass it, the President of the United States, in conformity with his straightforward proceedure, could not help but veto it, and if he did not do that, I am perfectly convinced, as I stand in your presence, that within a few months, or as soon as it could be brought to the Supreme Court of the United States, it would be declared unconstitutional. But you say the elections will have been over, and the $200,000,000 will have been used as a campaign fund. What a tragedy, what a crime against the farmer, against the taxpayer, against the American people.

Gentlemen, I for one, am willing and anxious to go as far as humanly possible for farm relief legislation, but on this measure the institutions of our country are involved. Gentlemen, if you vote down this bill, so unsound and unworkable, you will have a chance before this Congress adjourns to consider and enact legislation for the farmers which will not only give relief but which will stand through the years to come.

The difference between conditions in Europe and conditions in the United States lies in the fact that the principles of our institutions and our Government are different from those of Europe.

Would you take a step toward those conditions in Europe that have become the tragedy of the world?

Consider the conditions in Europe for a moment and compare them with ours. Their economic conditions are chaotic, ours are good. Much of their currency is worthless, ours is normal. Their governments are tottering, ours is beneficent and strong. [Applause.] Their women are enslaved, ours are loved and exalted. They worship the god of war, we the God of peace. [Applause.] Their tongues speak hatred, ours good will. Their people are miserable and in turmoil, ours are happy, for the most part, and living in peace. Their millions are idle and wretched, ours, for the most part, busy and contented. Their millions are cast down and discouraged, ours stand erect with courage and purpose.

Reviewing this contrast I wonder how any American can fail to be thankful for such a Government as ours, for such a country, for such a people. [Applause.] I wonder how any Member of Congress could dare take the chance of voting for this bill, creating a sentiment and establishing a precedent in government which, if pursued to the end, would destroy the very foundation of the Republic. [Applause.]

If for political reasons you believe that you must aid the farmers in one section of the country directly and immediately from the Federal Treasury to get their vote in November, then it would be far better for the farmers themselves and for the country to appropriate the $200,000,000 and borrow the $1,000,000,000 as a gift to them, and not saddle upon the country this dangerously vicious form of paternalism. If this bill passes, it will be permanent law or agriculture will collapse and bring a national panic at the end of five years.

The remedy for the farmers is—

First. Nation-wide cooperative marketing authorized by law.

Second. The creation of foreign markets by aiding in establishing normal conditions in Europe, for which our Government has done nothing.

Third. The reduction of indefensibly high tariff duties on some of the things the farmer has to buy, which the Congress has failed to do.

Fourth. The restoration of normal freight rates on agricultural products, for which during six long years the Congress has refused to act.

Mr. RAKER. Will the gentleman yield?

Mr. ASWELL. Yes.

Mr. RAKER. Outside of the objections which the gentleman has presented, is the bill otherwise all right? [Laughter.]

Mr. ASWELL. Except that it is unconstitutional, unworkable, impracticable, socialistic, communistic, bolshevistic, and would enslave the farmers; otherwise it might be all right. [Applause.]

Mr. TINCHER. Gentlemen of the House, of course I do not believe it is a convincing argument on an important measure like this for me to call my opponent, who thinks there is no merit in the measure, a Bolshevist or to say that a man who believes as I do not believe is Bolshevistic. I am not surprised, however, that men who use figures as carelessly as some people do use them and get facts so distorted as some people do get them distorted are compelled to resort to the practice of calling the other fellow names in order to make an interesting speech. [Applause.] Instead of importing more meat products than we exported last year, we exported 280 per cent more meat products than we imported, a slight change from the figures just handed you, which said that we imported 65 per cent more than we exported.

Mr. ASWELL. The gentleman does not want to make a mistake.

The CHAIRMAN. Does the gentleman yield to the gentleman from Louisiana?

Mr. TINCHER. I do not.

I want to announce now that I will yield to any gentleman in this House, while I am talking, who controls time for the purpose of asking me questions if he will yield me such time as he uses, but I do not want to yield time for speeches. However, I want to be in this attitude if I can have the time: I want to be able to answer any question that is asked about this bill or tell the Members of this House whether I can answer it or not.

I propose to talk concerning the measure. I want to be fair with the House. I claim that the gentleman from Missouri [Mr. RUBEY], the gentleman from Iowa [Mr. HAUGEN], and the crowd of us who have reported this bill are not Bolshevists. I claim we believe in our country just as firmly as anyone else, and I claim that the 42 per cent of the population of this country who to-day are engaged in agriculture are entitled to the same treatment and the same consideration by the lawmaking bodies of this Nation as anyone else. [Applause.]

There are two arguments against this measure. One is that it will raise the cost of living and make it a burden on other people, and the other is that it will ruin the farmer. How consistent those two arguments are. You are going to raise labor's cost of living, so that all you boys who represent labor districts will vote against it; and it is not going to help the farmer, it is just going to ruin him, and in order to make that kind of argument you have to distort figures.

I am frank to say that had this bill come before Congress and had no emergency existed it would not have been sound as a governmental economic proposition. It is not a peace-time proposition, but we have an emergency. We have an emergency in agriculture, the basic industry of our Nation, and that emergency, whether it was caused by the fact of war or whether it was caused by laws pertaining to the emergency of war, is immaterial. The emergency is here. Talk about the $200,000,000 that this bill appropriates in an effort to do something for agriculture; why, by one fell stroke of the pen at the White House the President of the United States signed a bill during the war that took away from the American wheat owners, the farmers of America, overnight more money than this bill contemplates appropriating.

Mr. RAYBURN. Will the gentleman yield?

Mr. TINCHER. Yes; I yield.

Mr. RAYBURN. The gentleman speaks of the fixing of the price of wheat?

Mr. TINCHER. I do.

Mr. RAYBURN. Which was done at the instance of the wheat growers.

Mr. TINCHER. I do not care who it was done at the instance of, I was a wheat grower and did not ask for it; and it was done at a time when the farmers of America had in the process of harvesting an 800,000,000-bushel wheat crop, and it took from the cash price for wheat overnight $1.35 a bushel, and now say to that farmer who faces bankruptcy to-day, but who faced that emergency and took his part of the load without a whimper, that when he comes to the American Congress, when he is down and out by reason of the war and the emergency, that he must not ask for legislation or the proponents, the men who will speak for him, will be pronounced Bolsheviks.

Mr. RAYBURN. Will the gentleman yield further?

Mr. TINCHER. Yes.

Mr. RAYBURN. I was opposed to that and I tried to protect the wheat farmers at that time against their own representatives, and that experience with price fixing will justify me again in trying to protect them from their representatives.

Mr. TINCHER. That was a matter of fixing a price. I am not talking about politics. I am not reflecting on anyone and I am not even saying it was not justified. Our country was at war and our people needed food, and the American farmer had wheat and the Government confiscated that wheat to win the war, and took it at a fixed price, and it was the only confiscation of property that this great Government of ours indulged in during that great conflict.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. TINCHER. I yield.

Mr. SHALLENBERGER. I will say for the information of the gentleman that I was a member of the Committee on Military Affairs during the war, as the gentleman knows, and the question of fixing the price of the wheat and of the pork and of the meat products that the Government would require to carry on that war was considered there, and I heard a member from Texas state that the hearings before the Committee on Agriculture showed that the Government was bound and determined to take the wheat and the pork at prices satisfactory to them because the Army had to fight upon bread and upon pork, and the price was fixed not to take care of the farmer but to take care of the Government in waging the war. [Applause.]

Mr. TINCHER. I agree with the gentlemen thoroughly. I do not want to inject any other issue into this question, but I do say that this is an emergency.

Mr. RAYBURN. But the price that was set on wheat by the Congress was higher than the price at which wheat was selling at that time.

Mr. TINCHER. No; it was $1.35 a bushel less. The price went off that much in 12 hours. You can not tell me that. There is no use trying to get something like that in the RECORD here.

Mr. BURTNESS and Mr. WOODRUFF rose.

Mr. BURTNESS. Will the gentleman yield to me just to read a sentence touching that point from the report of the grain corporation?

Mr. TINCHER. I yield first to the gentleman from Michigan.

Mr. WOODRUFF. This bill contemplates an appropriation of $200,000,000 out of the Public Treasury.

Mr. TINCHER. Yes; as a revolving fund and as capital stock.

Mr. WOODRUFF. Everyone recognizes the fact that the farmers of this country have lost their buying power. Do you not believe that if we had, as a result of this bill, a prosperous and happy agriculture that an appropriation of $200,000,000 each year would be fully returned to the Treasury as a result of the ensuing prosperity in this country?

Mr. TINCHER. I think so, but that is not possible under this bill. This bill puts the burden of paying the losses on the farmers. The $200,000,000 is simply the amount of the capital stock, and my judgment is—and of course a whole lot in this bill, if it passes and becomes a law, depends on the administration of it—that with the borrowing power they will have they will never need to take out of the Treasury any money to speak of at all.

Mr. WOODRUFF. Will the gentleman yield for one further question on that point? I understand that perfectly, and I believe that is true, but I want to ask again, if, as a result of this measure, agriculture was made prosperous, would not the prosperity which would ensue to every other individual in this country result in such a condition that the increase in taxes would more than return to the Treasury the $200,000,000 carried in this bill?

Mr. TINCHER. It would. There is no question about that. Every great war has been followed by a panic. Eighteen hundred and seventy-three was nine years after 1864. Nineteen hundred and twenty-six or 1927 will see a panic in our industries in the United States as a natural result of this deflation unless the people of this great country have advanced since 1873 in the matter of government so that by man-made laws we may avert that. Do not any of you eastern men think that this load will be carried by the western farmer forever. Do not think that it must not be reflected back. Look at the conditions to-day. Then they call us Bolshevists because we ask for a corporation with a capital stock of less than one-quarter of the amount of money confiscated by the Government over night.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. GARRETT of Texas. Does the gentleman recall that in 1914 when cotton went down $25 a bale below cost that no provision was made by congressional action?

Mr. TINCHER. I do not know, I was not in Congress until after the war. As a member of the Committee on Agriculture for a short time after I came to Congress, I served with a distinguished gentleman from Texas, and you have a member now, and no member of the Committee on Agriculture will ever say that I as a western man ever split hairs with him on something he asked for because my district was not affected. I voted for every bill with reference to cotton that a man from the cotton States asked me to vote for.

Mr. BURTNESS. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. BURTNESS. Does the gentleman know whether the depression of cotton existed for five or six years?

Mr. TINCHER. I do not know. Now look at the chart on page 9204.

Here we start at 100 and everybody starts together. We had a war. Agriculture has got back to where her prices are 118. It went up during the war, and look at this drop down here, so that prices have come down to 118. Wages of farm employees have dropped back some, but not down to 100 mark, but about 155 against the prices of farmers' products, 118. Wages of railroad employees, every one of them to be paid, and a large part by the 42 per cent that are engaged in agricultural production. That stands at 186. But look at this: New York factory workers, 230.

Now, that condition can not continue to exist. The products of every one of these articles produced by the workers of that wage must be sold to all the people. Forty-two per cent of our people are on their knees. Forty-two per cent can not buy your goods, so that that condition can not continue. Some man said yesterday that we were self-appointed, self-styled representatives of the farmer. Sometimes I feel when I am talking that I ought not to be so earnest. I am not a self-appointed representative. I was elected a Representative of the farmer, and every dollar I have in the world, every dollar any member of my family has a chance to inherit, is invested in agriculture. So I am not talking about the matter from pure sentiment, but cold facts.

Now, what do you want to do? What is your remedy? Are you going to bring this down [indicating on chart] to a pre-war status? That can not be done. Some people advocate that. Some people advocate the passage of laws that would reduce our standard of living, our scale of wages to a place where we would have to adopt the standard of living of the world and the world's scale of wages. If you do that, then we will be in the same shape that the countries are the gentleman described a little while ago.

Mr. RAKER. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. RAKER. The gentleman is familiar with the subject and I am trying to get information. Will the gentleman take one staple farm product and tell us what would be the result of this bill under consideration if enacted?

Mr. TINCHER. Will the gentleman name the product?

Mr. AYRES. Take wheat.

Mr. RAKER. Take hogs.

Mr. TINCHER. I will take wheat first. Wheat to-day, based on the price of the 400 commodities which people have to buy, ought to be selling for a little less than $1.60. In other words, the wages of these men up here ought to strike an average, and in coming down to this level strike an average somewhere, and they ought to be willing to pay the farmers $1.59 for wheat consumed in America.

Now, you ask about hogs. The day the bill was introduced and we started to have hearings hogs were selling at $9.85, and the fair ratio that day was $10.55. That was not much difference. To-day hogs are selling for $7, and a fair ratio price would be a little higher.

Mr. RAKER. Now, I am like the gentleman from Kansas; what little extra surplus I have is invested in cattle. Our people are interested in cattle, and I know the gentleman has given a great deal of attention to it, and will he give us the benefit of his knowledge by showing how it will affect the price of cattle?

Mr. TINCHER. Let me finish on hogs first. The gentleman from Texas [Mr. HUDSPETH] will talk about cattle, and I will say something, too. I do not believe that there is a man within the sound of my voice that realizes any difference in the price of the pork products from last December to what it is now.

If that fair ratio price was declared by the corporation purchasing on any kind of meat, they would not have had to buy a pound, because that fair ratio price would prevail and that would apply to cattle as well as hogs, and, Mr. RAKER, the only man who has got cattle to-day who is not broke, is some fellow who has some other way of buying than getting them in the cattle business. There is not a cattle producer in America who is dependent on that entirely but is worth less to-day than before the war, and 90 per cent are bankrupt.

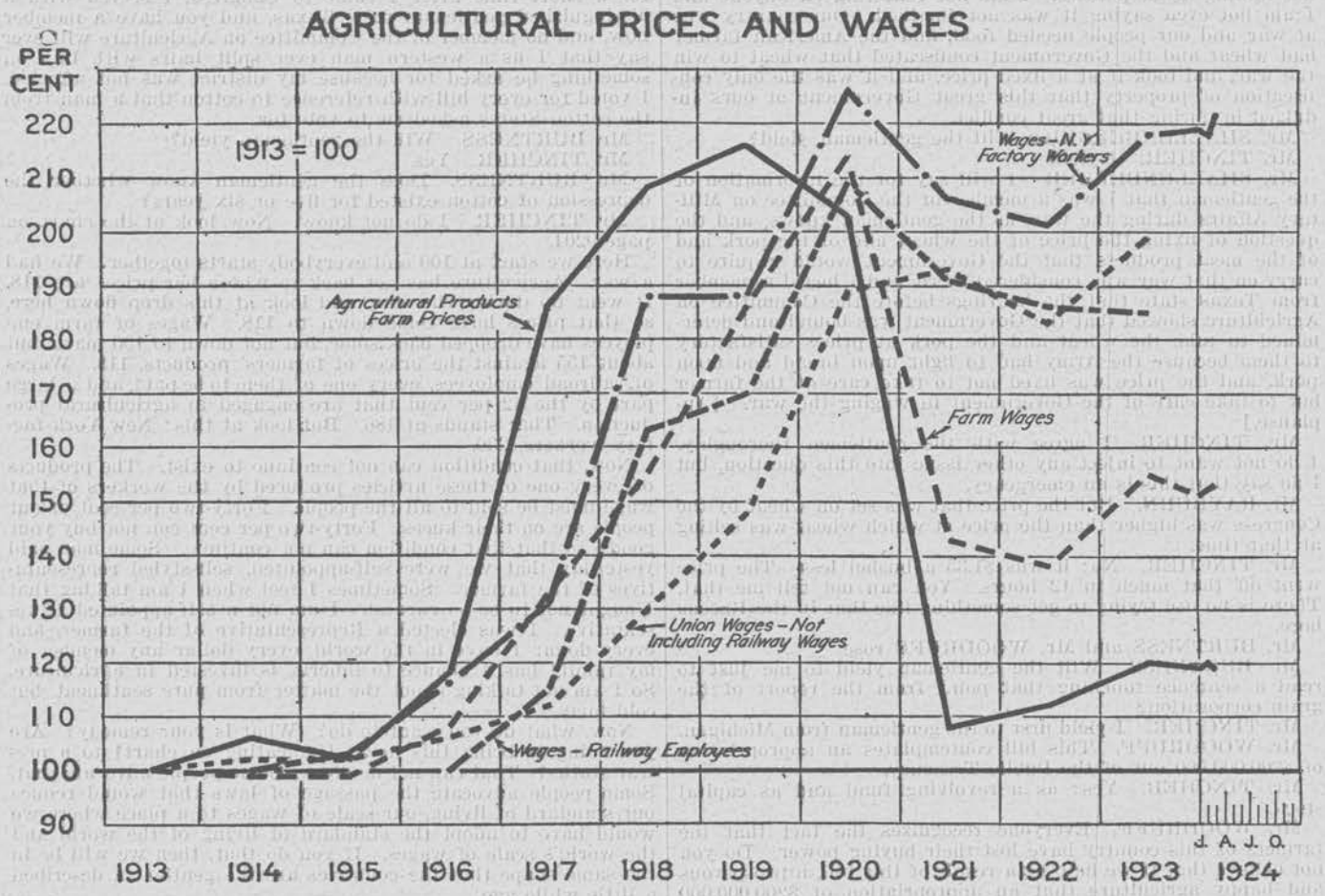
Mr. RAKER. That is absolutely true; but how are you going to relieve that by this legislation?

Mr. TINCHER. By giving him a ratio price for his products, and I say that any good business man or corporation can take that $200,000,000 and let the farmer pay his own losses because of the ratio price and there is not a man engaged in labor in the United States but who will be happy for it and will be contented with it, because when their boys and institutions feel this panic we have now in the West, then their wages will go crumbling, and instead of having full time they will have probably less than half time.

Mr. KINDRED. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. KINDRED. The gentleman has stated, and stated correctly, that the price of pork or hogs last fall was 9 cents



plus. And yet the consumer is not getting any relief in what he pays for his pork. Who is getting that difference?

Mr. TINCHER. That is a question clear outside, but my opinion is that there are nine or ten times as many retail men in Washington, perhaps, as the trade would bear, but that is quite a different proposition. I simply mention it to call attention to the fact that we want to be fair with the farmer and not hurt anyone. These boys working in the New York factories are getting good wages and they are happy, but they will not be happy if they are working on half time, and if 40 per cent of the people down here to-day are not given relief they will be laid off.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. LAGUARDIA. Glancing at the index chart, I find your agricultural products are down to 118. Now, is it not true that by the time those products reach the factory end in New York it will be necessary to fix the wage up to 230? Now, if you are going to bring your line up in accordance with the provisions of this bill, this line would necessarily have to go higher; and are not we going around in a circle?

Mr. TINCHER. Oh, no. These men up here to-day with that wage—the New York fellows—are prosperous. These men down here are bankrupt—are broke—and you have got to equalize the thing. If you vote against this bill on the theory your New York laboring man will profit by your defeating farm legislation, you will be doing him a great injustice.

Mr. LAGUARDIA. The trouble is this: There is no doubt about the condition of the farmer down here; but by the time his product reaches the New York factory worker his wage must be fixed in order to buy these products.

Mr. TINCHER. Has the gentleman got a bill to remedy that?

Mr. LAGUARDIA. Yes.

Mr. TINCHER. What bill is it?

Mr. LAGUARDIA. Take control of all transportation of the country, take all the elevators and storages, and eliminate entirely the middleman and banking industry. [Laughter.]

Mr. TINCHER. I was laboring under a little misapprehension. I thought Mr. BERGER had the sole honor of representing his party in Congress.

Mr. LAGUARDIA. That is not any more socialistic than this.

Mr. TINCHER. There is nothing socialistic about this. The farmer himself pays the equalization fee.

Mr. AYRES. Is it not a fact that bread now in New York City is about the same price as when wheat was at $3 a bushel?

Mr. TINCHER. Yes.

Mr. AYRES. And bread was not reduced when wheat went down?

Mr. TINCHER. Right in Washington it is the same price as when wheat was worth $2.35.

Mr. AYRES. And there is no reason why it should cost more if wheat was $1.60.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. JACOBSTEIN. According to the chart—I can not detect the color here, but I suppose it is the factory workers in New York—the wages have dropped about 30 points from 1920 to 1922.

Mr. TINCHER. I remember Congress met and we passed a law, not a socialistic law, but a law that opened your factories.

Mr. JACOBSTEIN. The question is——

Mr. TINCHER. I would like to get in part of my speech as I go along.

Mr. JACOBSTEIN. Wages came down. We know it came down because the manufacturers could not keep those factories going. There had been overproduction, but even in that time farm products were rising, were going up even when wages in the East were going down. I am wondering if that does not teach us a lesson, that overproduction will cause wages to fall in the factories, and whether that is not also the cause of the low purchasing price of the farm products, and that you are not attacking the problem from the right end?

Mr. TINCHER. You started there for the rocks because you did not have the price any more based on blood, and you started for the rocks because you had no protection, and the American Congress met and gave a protective tariff and said that you could have the American standard of wages and the American standard of living when you at that time were going on the rocks. But now, when we come here and ask for a law that will give us a little fair chance we are called Bolshevists. I do not believe in a foreign standard of living. I do not believe in any foreign level of wages. As one of the western Republicans I want to say that I want to hold people up and am not willing to kick anybody else down. [Applause.]

Mr. JACOBSTEIN. Did you not have at the same time a tariff protecting agriculture?

Mr. TINCHER. Oh, you can not protect agricultural products as you can manufactured products. We export agricultural products.

Mr. JACOBSTEIN. Did we not have an emergency tariff to protect agricultural products?

Mr. TINCHER. I will have a Democrat answer your emergency tariff questions.

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

Mr. TINCHER. Yes.

Mr. BURTNESS. The gentleman from New York [Mr. JACOBSTEIN] assumed plainly something that is not a fact, that the wages of manufacturing workingmen began to fall while agricultural prices were rising. Agricultural prices began to fall one year before the wages of industrial factories fell.

Mr. TINCHER. Yes.

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

Mr. TINCHER. Yes.

Mr. SIMMONS. I think it would be a benefit to all of us if the gentleman would take as an example hogs, and illustrate how this legislation will relieve the farmer on that particular product, and carry it on through.

Mr. TINCHER. We have passed a bill, and a corporation is organized, and we got Otto Kahn, the biggest financier in America, to come down from New York and manage it. He says this is not what is called sound economics, but it is modern economics. We are forced to resort to modern economics. He goes to Chicago and says to the five packers, "Are you going to pay the ratio price? The consumer will have to pay it. You will not buy a hoof. That ratio price will be fixed. They will pay it. It will not hurt anyone." They say, "We will not do it." You know what a surplus is of pork. We do not export 6 per cent of our pork. It will not take anything to handle that.

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

Mr. TINCHER. In a moment.

I believe this bill should give the President all the power he wants, to use it as he wants to, and not to use it when it is not required. It should not be a permanent proposition. It should apply only when there is an emergency.

Why, my friends, who is it that would say that the Dawes report was sound economics a few years ago. The Dawes report is sound economics to-day because it is to clean up a thing brought about by the greatest emergency of the world. The Dawes report is sound economics.

This question may not be settled now, but it is a live American question. The question is whether by a man-made law we will harness this thing and avert the experience of 1873 or go on and treat the farmer lightly and not wake up to it until every industry in the country is down to where the farmer is to-day. I say we have progressed since the Civil War. I say there is a chance by a man-made law to manipulate the thing so that we will not suffer the natural consequences that always go with war.

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

Mr. TINCHER. Yes.

Mr. RAKER. This is an important matter. For the last two years our stockmen have got from 4 to 4½ cents per pound for cows and from 5 to 6½ cents per pound for prime steers. Hides are down to a dollar or even less.

Mr. TINCHER. Oh, I know these facts. You need not state them to me.

Mr. RAKER. Will the gentleman illustrate how he will help the stock-raising farmers so that they will get a fair price for their cattle under this project?

Mr. TINCHER. The corporation will fix a fair ratio price, and the fair ratio price will be the price they have to pay for the meat consumed there. They are to enforce that law. They have a right, if the people who handle the product will not do it, to do it themselves. But the packers, with 60 per cent of their factories empty to-day, will be glad when Uncle Sam goes down and says, "We have established a ratio price for the products."

That is not "TINCHER in Congress howling about the way things are going." That is somebody who has power, and the only justification for using that power is that an emergency exists by reason of a law act, and one class of people in this country are suffering from that emergency.

Mr. RAKER. If our cattle go to 4 and 5 cents a pound, how is that when we come to Washington we must pay 60 or 65 cents for beef per pound?

Mr. TINCHER. I have not been here as long as you have. Why have you not fixed it? You have been here a long time. [Laughter.]

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

Mr. TINCHER. Yes.

Mr. McKENZIE. The gentleman from Kansas is really making a good speech.

Mr. TINCHER. I thank you.

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

Mr. TINCHER. May I have a little more time?

Mr. VOIGT. Mr. Chairman, I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes more.

Mr. McKENZIE. Of course, the condition of the country to-day is due to some cause. That is admitted. I want to ask the gentleman what he thinks about this legislation as a remedy for remedying the cause. Or is it simply emergency legislation for a time, and when the limitation expires the same old cause may be back again, and we may find ourselves in the same situation?

Mr. TINCHER. No; the same old cause will not be back. The condition was brought about by an emergency, either by the war itself, alone and uninterrupted, or by the war and the laws that we passed for running our country during the war. But the farmer's condition is an emergency, and we propose to relieve him from the emergency the same as we relieve everybody else. I do not believe the same conditions can come about again.

Of course, I think the emergency, perhaps, will have to be declared for this year and next. I think this bill runs three years, and I think it ought to.

Mr. LOZIER. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. LOZIER. Contrary to numerous expressions on the floor of this House, is it not true that by reason of the packing industries being concentrated in five great companies, that feature of the act will be more easily and more completely administered than any other feature of this bill?

Mr. TINCHER. Yes; I think it will be easy to administer it. Now, let me say this: I have been here only five years. I have been on the Agricultural Committee ever since I came, and I have worked with some of the most genial and high-class gentlemen any man ever had the privilege of working with. I never impugn the motives of any man who is on that committee, and I do not to-day. I understand how I could have a lot of fun

here talking about the gentleman from New York [Mr. CLARKE] and the gentleman from Wisconsin [Mr. VOIGT]—both opposing this bill—and about as much fun as I could have in talking about Mr. ASWELL's roasting ears. They do not generally agree on matters of economics, and they are opposing this bill, I believe, for directly opposite reasons.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. CLARKE of New York. Is it not true that when the filled milk measure was before the House I supported that bill because I believed it would do something to aid the dairy interests of this country, so that when you are challenging other men's motives you are challenging mine.

Mr. TINCHER. I did not challenge the gentleman's motives.

Mr. CLARKE of New York. I thought you did.

Mr. TINCHER. All I said was that ordinarily you and Mr. VOIGT do not travel together on matters of economics. I did not impugn your motives at all and never had such a thought at all. I was criticizing another man for doing the same thing. But it is all wrong to draw a picture of some one selling roasting ears, and then, an emergency having been declared on roasting ears, say, "Who is going to administer this thing in order to give any weight and effect to it?" If you listen to such ridicule you must imagine that good men like Mr. RUBEY or Mr. CLARKE or some other Members of this House, men of good judgment, are not going to administer it, but you have got to imagine that they are going out to find the craziest man in the world to administer it, and that he will declare an emerency on roasting ears, and that suggestion is made in order to heap some ridicule upon the bill.

Mr. KETCHAM. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. KETCHAM. Will the gentleman please advise us whether there is any exportable surplus of roasting ears? [Laughter.]

Mr. TINCHER. There is no idea of exporting roasting ears. That illustration was simply used for the purpose of heaping ridicule on the bill, because the idea never would be to declare an emergency on them. As I say, that was just simply mentioned for the purpose of putting ridicule on the bill.

Mr. MACLAFFERTY. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. MACLAFFERTY. Is not the low price of farm commodities due to the fact that there is an overproduction?

Mr. TINCHER. No.

Mr. MACLAFFERTY. Then my second question is not necessary.

Mr. TINCHER. The low price of farm commodities is due to an emergency which arose during the war or due to the laws attendant upon the war, the disproportionate prices. However, the prices are not lower than they were before the war. The prices of farm commodities are now a little higher than at the time of the starting of the war, but the proportion or ratio to the other 400 articles is making a bankrupt out of every farmer in America.

Mr. MACLAFFERTY. I am not opposed to this bill, but does the gentleman understand that the law of supply and demand has nothing to do with prices?

Mr. TINCHER. Oh, yes.

Mr. MACLAFFERTY. If there was a scarcity of wheat in the country, would not the price of wheat go up?

Mr. TINCHER. The law of supply and demand applies except when an emergency exists, and we have an emergency to-day. You do not want your American wheat grower to produce 200,000,000 bushels less wheat than will be consumed in America, but I have heard that suggestion made—that the wheat growers produce less than enough and then charge a high price for it and starve a few. But that is not the kind of people we have in the American farmer. But we ought to do something along the lines proposed in this bill in order to avoid a repetition of the days of 1873.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACLAFFERTY. Will not the gentleman get one more minute, in order to permit me to ask him a question?

Mr. TINCHER. I have used all the time I can.

Mr. MACLAFFERTY. I am a mourner at the bench seeking light, but the gentleman has not given it to me.

Mr. VOIGT. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. CLARKE].

Mr. CLARKE of New York. Mr. Chairman, venerating as I do, GILBERT N. HAUGEN, the chairman of the great Agriculture Committee, who for 26 years has faithfully represented an agricultural district from Iowa, and has rendered signal service everywhere to the general cause of agriculture, and fond as I am of the members of that great committee, individually and collectively, it has been a difficult matter for me, with a predisposition toward "going along," to differ with the majority of this committee on this bill, but after months of hearings, where all the facts regarding the present serious agricultural situation were carefully gone into and analyzed, I felt my greater duty was to oppose this proposed experiment, believing that it is not alone unworkable, but that even if it could be made to work it would ultimately bring disaster to agriculture, far greater than the present "slough of despond."

1. No session of Congress has gone so far as the Sixty-seventh Congress did in enacting legislation to give the farmers that equality of opportunity that is fundamentally the right of every great industry, as well as of the individual himself, under the Anglo-Saxon theory of government.

(a) The bill for allowing the farmers' cooperatives to engage in interstate business so as to orderly market their products was a vastly helpful law in its practical aspects, as well as in the encouragement it offered to those cooperative organizations trying to help themselves.

(b) The Voigt filled milk bill to prevent the interstate shipment of a nonnutritive, fraudulently marketed product, in competition with a wholesome, whole-milk product, met squarely the duty of the Congress to the dairy industry of the United States.

(c) The Capper-Tincher bill, compelling those speculating in our great national agriculture commodities, such as the grains, and so forth, to keep a record that would be available to the Government in case of alleged cornering of these necessities of the people, for personal enrichment.

(d) A splendid, fair, moderate tariff to properly protect the products of our farms.

(e) Appropriations for increasing in many ways and supplementing the service of the Agriculture Department to those engaged in agriculture.

(f) Extensions of the life of the War Finance Corporation that have been most helpful to agriculture, especially in assisting with the "frozen-credit" situation of many banks in particular, and in assisting other ways in the orderly marketing of agricultural products.

(g) The agricultural credits bill extending the Federal farm loan act and setting up—

(1) Federal intermediate credit banks.

(2) National agriculture credit associations.

While all these measures have been helpful, prevented, or made unlawful unfair competition and enabled us to more orderly market our products, at the same time giving that equality to agriculture that is its due, we have found that agriculture like many of our other great industries—farm machinery companies, copper and zinc mines, the great packing plants, and so forth—have not escaped hardships, bankruptcy, and trying situations following the World War; so, if none of these private, better-managed enterprises can finally escape the application of the law of supply and demand, how, I ask you, in all seriousness, can a law be a success that has for its objective trying to get around that law of supply and demand under Government auspices?

I feel, in common with every other member of our committee, that the Government has a moral obligation to aid the wheat farmer because the Government went into the price-fixing business in 1917. When it fixed the price of wheat at $2.20 per bushel at the primary markets this price then was unsatisfactory to the wheat growers, even though it was supposed to be the cost of production plus a reasonable profit for a bushel of wheat in 1917. When this price was fixed by the fair-price committee wheat was selling at $2.72 and had been up to $3.45 per bushel. September 1, 1917, President Wilson issued a proclamation fixing the maximum price of wheat at $2.20 per bushel, and wheat that day fell 52 cents per bushel in all the primary markets. It was and is my understanding that $2.20 was the minimum price that was to be charged; and this board arbitrarily fixed the minimum price as the maximum, which was eminently unfair—unfair because, after establishing that price wages on railroads were increased 146 per cent, freight rates 78 per cent, and the cost of producing that same bushel of wheat increased over 100 per cent. This was far from fair in comparison with the cost-plus shipbuilding program and other profiteering enterprises launched thereafter, and it is for that reason that I claim the Government has a moral obligation to meet; but this bill does not meet it. In addition to all this there was the patriotic slogan, under Government inspiration, "Feed the world," and the farmers of the Northwest heeded the call and increased their acreage in two years by over 18,000,000

acres in wheat alone. The farmers were loaned more money to buy seed wheat, to purchase modern farm machinery, tractors, and so forth; and then came deflation and all its consequent chain of hardships and failure. I was and am perfectly willing to meet that moral obligation, as I see it, in accordance with the plans so carefully worked out by Professor Coulter and his splendid organization that came here from the Northwest in the bill they backed that failed in the Senate, maybe because the McNary-Haugen bill was in the offing. I am willing to meet it in any fair, workable law; but I am unwilling to wish onto this Government, through law, this bill that may open the door for special privilege under the law; that makes great additions to our already enormously large bureaucracy, and the people taxed, then taxed some more, to support and keep up this great extravagance and added burden. I must enter my protest, as a Representative of the farmers on the hills from whence I sprung, against added taxes, for these farmers are also suffering a serious depression because of the surplus milk now flooding our markets, with prices down to less than cost of production, with labor inefficient and almost impossible to get on our farms and at prices that are prohibitive. We are trying to meet our problems, not by coming to Congress but by getting all the milk-producing organizations together and trying to work out our own salvation.

Let us analyze some of the features of the bill now under consideration.

1. Price fixing: The proponents claim the McNary-Haugen bill is not a price-fixing bill. Let me quote you from the language of the bill itself:

> The corporation (United States agriculture export corporation) shall designate a price for such commodities.

And the bill provides the mathematical formula for such price fixing. What further argument is necessary to prove that this is a price-fixing bill?

What does this United States agricultural export corporation intend to fix prices on? On whatever agricultural products there may be an emergency declared. To-day it is wheat; to-morrow it is corn; the next day it is cattle, "or any food product thereof"; next week it is hogs, "or any food product thereof"; and so on ad infinitum. Thus we will have foisted on this country by law not a temporary but a permanent price-fixing policy until the grand blow-up and the final calamity day arrives, when this perpetual-motion, price-fixing machine, made so by law, runs on its inglorious course to its inevitable end, and that old, never-failing, world-wide law of supply and demand goes into effect, "and the last days shall be worse than the former days," and the poor farmers again taking up a burden a hundred times worse because a Congress ever enacted such a short-sighted law.

Again the proponents of the bill propose that this United States agriculture export corporation is to take care of exports of a great number of agricultural products—wheat, flour, rice, corn, wool, cattle, sheep, swine, or any food product of cattle, sheep, or swine. Let us see what these profligate promisors promise. Sheep, for instance, are mentioned. What is the good of setting up the export machinery, holding out this rainbow of promise to the sheepmen, when, since 1914, the United States has been on an importing basis as to mutton and lamb. In 1920 to 1923, inclusive, the Bureau of Animal Industry reports that we exported but 17,000,000 pounds of mutton and imported 97,000,000 pounds. In 1923 we exported 2,000,000 pounds and imported 6,000,000 pounds. How ineffective, therefore, is such a gesture. Impure bunk to the sheepmen, and taxes to the people.

Again let us look at beef. In 1923 our total beef production was 6,916,000,000 pou[illegible]s. Our home consumption was 6,918,000,000 pounds. It would therefore seem we are on an importing instead of an [illegible]rting basis. Why, therefore, indulge in these fruitless pr[illegible]es and set up an expensive export machinery when it [illegible]nnecessary and adds more taxes to the people. I could c[illegible] you other examples in the bill, if I had the time, of promi[illegible]s and bunk.

If the proponen[illegible] of the bill, therefore, only intended it for the wheat grower, why do they not frankly state it and prepare a bill on that basis exclusively? They are looking for votes, and under the direct primary law the poor Congressman must feed up his people on promises, and they have been buncoed so much by political promises of laws to lead them into the promised land that you would think they would be fully awake by now. Some are, thank God; but the rest are berating and beseeching the Congress for something that, in its last analysis, is class legislation, which, even if it could become effective, would increase the cost of living to millions upon millions, taxed both directly and indirectly for vicious legislation.

Suppose this law goes into effect and an emergency is declared on only two or three of the commodities, so that it becomes operative only as to those commodities. The additions to the bureaucracy, already overly manned, in Washington—although we have gotten rid of over 110,000 on the civil list alone since March 1, 1921—and the multitude of additional employees made necessary to attend to the details, both at home and abroad, will be something astounding. Taxes and more taxes put on the people, and I can hear the people exclaiming in the language of the Declaration of Independence, "He has elected a multitude of new offices and sent hither swarms of officers to harass our people and eat up our substance." I want to go back to my people to render my report as their representative that I have been no party to any scheme to bring a return to such conditions.

If an emergency is declared on cattle, it also includes "any food products of cattle." Take a community of 2,000 people, with at least 500 sales in these products each day. How many agents of the Government would have to be there to see to it that the Government's interests are protected, to pass the equalization fee or scrip, and what a multitude of employees would be necessary in the larger communities.

Let us take the animal, the hog, and see what is possible to happen to him under this bill, as well as to us. Millions of hogs will be offered that the export corporation will be compelled to buy at the ratio prices in the various stockyards of the country. It is unfortunate, but it is true that hogs can not be exported as hogs, therefore they must be slaughtered and processed. The export corporation can not build packing plants, they can not even lease a plant if the existing agencies are adequate for the handling and processing of the hog "on reasonable terms." This corporation can not compel anyone to lease his plant. Small packers, of course, can not handle the large volume, and hogs must be moved quickly. There is but one answer and that answer is, this export corporation if ever an emergency is declared on hogs will find itself at the mercy of the Big Five packers. What may happen to the animal, the hog, may also happen to cattle and sheep, at least on those that we export. Now, suppose the packers and the export corporation get into a disagreement regarding the terms, and so forth, of the contract and figure out the two horns of the dilemma, either, on the one hand, the export corporation loses and passes back to the producer millions upon millions in losses, or else the packers wax fat upon a contract drawn upon their own terms.

In this country to-day there are being built up great cooperative societies and organizations that have proven helpful in the marketing of agricultural products. The McNary-Haugen bill, if it becomes effective, would tend to weaken and ultimately break down these splendid organizations for there is no longer a necessity for such organizations. Uncle Sam is going to protect them, and when the final collapse comes we will have to start anew to build them up again. A tragedy, indeed, to our farmers.

COMPETITION OF THE WORLD

It is axiomatic that high yields tend to make low costs, and that low yields tend to make high costs. The Canadian farmer is now producing practically four times as much wheat as he produced before the war, and his yield averages about 23 bushels per acre. The land, because new and stronger, produces a better quality of wheat than much of our land produces; indeed, some of this Canadian wheat is now imported, even under our present tariff, in order to blend with the wheat produced in the Northwest. As against this, take the vast acreage of North Dakota, for example, with an average yield of about 12 bushels per acre. Take the added cost, therefore, of the production of each bushel of wheat here and how is it to compete or how are the farmers producing wheat in North Dakota to compete on an equality with their Canadian neighbor, who produces at less cost over twice as much per acre and of a better quality?

The McNary-Haugen bill says, "We will set up an embargo or a Chinese prohibitive-tariff wall or law. We will not let the Canadian wheat in." Under such a policy what can we expect Great Britain to do when we propose to dump our 200,000,000 bushels of surplus wheat, as against the Canadian, the Australian, and the Indian competitors, in the Liverpool market? These countries are all part and parcel of the United Kingdom, and you can rest assured Great Britain will protect her own. Do you expect these countries or other countries to sit idly by with folded arms if this dumping policy is put

through under Government sanction? The chain of involvements is endless. Canada will at once set up an embargo prohibiting the exportation of wood pulp, and so forth, from Canada into the United States, with authority already granted its Government so to do. Other countries will start in with their policies of retaliation, and our great markets for large surpluses in other lines of agriculture, already built up at great expense and through painstaking effort, will be utterly destroyed. If for no other reason, this bill should be defeated.

Agriculture is indeed in a great depression. The farmer is not only suffering from the relatively low price for what he sells, but he is also paying the penalty in the high price his farm machinery costs. Freight rates either on the machinery he brings to the farm or the products he ships from the farm are very high, owing largely to the increases in the cost of labor on the railroads.

Another burden that is becoming intolerable is the great increase in taxation, whether local, State, or National. There is no one answer to this very difficult situation, but it does mean there must be retrenchment in all governmental expenditures, whether they be local, State, or Federal, in order that taxes may be reduced. Reductions in the tariff in order to reduce the cost of what the farmer has to buy, and finally the restoration of Europe to its intensive manufacturing activity, are splendid, helpful steps. Taxation is breaking the backs of the people, and when this Congress or any other goes cheerfully along its care-free way, voting bonuses and other costly legislation, it is working directly against the farmer, whose land is always in sight and is always soaked by high taxes.

We need more diversified farming, and instead of added capital that flows easily toward the extension of loans in order to increase agriculture in its overly expanded state, we need capital that will only aid in a national diversification program. Private enterprise is trying to help meet the situation. Many of these little banks that spring up overnight in the inflation period in the overly extended and overly expanded Northwest should not have gone in there at all, and it will take time for them to liquidate without losses to depositors. The strong banks of the great cities, like New York, Chicago, Minneapolis, and so forth, have gone to the rescue, along with certain business interests and the railroads, and subscribed $10,000,000 toward the capitalization of a corporation which is authorized to borrow $40,000,000 toward helping to liquidate these frozen assets, and, as I said before, it is not alone the wheat producer, cattle, or hog growers that suffer, but our copper and zinc miners also. The fertilizer and agriculture-machinery interests and other great enterprises are hard pressed as well, but most of all, beloved colleagues, let us not be so foolish as to think through wishing we can add to our stature or that we can raise ourselves by our own boot straps.

The law of supply and demand has been running longer than any of us. Stimulants and artificial methods may temporarily overcome economics, but it is the aftermath I am thinking of, when our great cooperatives shall have become weakened or disappeared, when "the cold, gray dawn of the morning after" shall arrive after the Haugen-McNary bill shall have run its course and agriculture shall have to build again. I can wish no such prospect on the tillers of the soil of to-morrow and shall accordingly vote against this bill.

TARIFF

It is not my purpose to discuss the effects, directly or indirectly, of setting up this tariff or embargo. If you will read the evidence of Mr. T. O. Marvin, chairman of the United States Tariff Commission, testifying before the Ways and Means Committee regarding the tariff features of this bill, on April 2, 1924, you will find that the delegation of power in this bill means that, when it is in operation, a tariff adjustment in at least a hundred items, possibly a great many more, will be involved, as it is not alone the items themselves that are running into competition with our own that we have to protect ourselves against, but substitutes, derivatives, chemical combinations, and so forth.

CONSTITUTIONALITY

I do not intend to submit to you a single argument on the constitutionality, much as I might desire to, for if you can not be convinced upon the economic features alone that this bill is not a proper one to pass at this time. I for one shall not argue further, but leave the legal complications involved in this bill to the lawyers, the United States Supreme Court, and Father Time for answer. [Applause.]

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

The CHAIRMAN. The gentleman from New York [Mr. CLARKE] yields back eight minutes.

Mr. RUBEY. Mr. Chairman, I yield 30 minutes to the gentleman from Oklahoma [Mr. SWANK].

Mr. SWANK. Mr. Chairman and gentlemen of the committee, many bills for the relief of the farmers are pending before the Committee on Agriculture. I am glad to be a member of that great committee, one of the most important in Congress, for it deals with the most important legislation. Agriculture is our basic industry and the one upon which all others depend. There can not be any general prosperity in this country unless agriculture is in a prosperous condition. When the farmer receives a fair price for the products of his toil and raises a good crop, all lines of business enjoy his prosperity. Therefore, when we deal with that great industry in a beneficial way we are assisting business in general.

The Committee on Agriculture has been holding hearings almost every day since its organization after the holidays last January, and most of this time has been on the bill now under consideration. The committee was patient and heard every person who expressed a desire to be heard, for we knew that this was an important bill, dealing with an important industry. No member of that committee would do anything that would injure or cripple any legitimate business. We want to see all lines of business prosper and succeed. In the Sixty-seventh Congress I introduced my farmers' warehouse bill, spoke on the floor of the House several times in support of the bill, and argued it before the Committee on Agriculture in that Congress. I also spoke before the committee during this Congress on the bill. It is a good bill and would undoubtedly benefit agriculture. Then there is the Norris-Sinclair bill, which is a good bill and the same in principle as the McNary-Haugen bill. I voted to report that bill from the committee as a substitute for this bill.

I believe every member of that committee would like to do something beneficial for agriculture. I think this bill will bring great relief. Some of my colleagues do not agree with me, but that is their business. This is not a political bill. Agricultural legislation should not be political, nor should any other legislation for the good of the people. What is good for one political party is good for all. Some opposed the Sinclair bill, for they feared it would entail a loss upon the Treasury of the United States. The McNary-Haugen bill eliminates that objection and places the expense of operation and any losses that may occur on the producer of the particular product or the person who benefits by the legislation.

Ah, but some say that it is socialistic. Well, I have often heard that cry used, and so have you, against certain legislation that will benefit the people. That charge does not frighten me, and I am as far from wanting to see the Government engage in business as any of you. This bill is to meet a great emergency. Farmers are leaving the country and drifting to the cities for the reason that they can not longer continue to produce the necessities of life at a loss. Something must be done and done now. If we are going to do anything for the farmers of America, now is the time to act. Harvest will soon be here, and a month's delay will not help the wheat grower this season. Why delay longer? To those who oppose this bill I will ask, What have you to offer? [Applause.] Have you appeared before the committee for any other bill? It is easy to object, but difficult to construct. This bill is not perfect, just as nothing is perfect devised by the hand or mind of man.

Mr. Chairman, all products of the farm could not be included, but the leading grain crops are provided for in the bill. When one leading crop brings a good price, it naturally helps all other crops. If wheat is at a fair price, it enables the wheat farmer to buy more cotton goods with which to clothe his family and thereby helps the cotton farmer. It causes a larger consumption of cotton. It is also a fact that when cotton is at a fair price it helps the price of wheat and all other farm products, for the cotton farmer has more money with which to buy wheat products. If you increase the price of hogs you likewise increase the price of corn. If this measure is as successful as we hope it will be, other leading crops of the country can be included later, for we all realize that the prosperity of this Nation depends upon the prosperity of the farmer. [Applause.]

In addition to the assistance this McNary-Haugen bill will give to cotton by stimulating the price of other products of the farm, Senate bill 2112, identical with House bill 5842, which I introduced, is now the law and discontinues acreage reports based upon farmers' intentions to plant cotton. These reports on intentions to plant cotton were first issued in 1923. That law provides for semimonthly reports on cotton by the Department of Agriculture instead of monthly reports, as heretofore, to be issued at the same time as the ginning reports by the

Bureau of the Census. That law also requires that a majority of the cotton-crop reporting board shall be familiar with the methods and practices of producing cotton. Weather and other conditions often make a great change in the cotton crop within a period of two weeks. For instance, the Department of Agriculture estimated July 2, 1923, that there would be 11,412,000 bales of cotton produced in the United States; the estimate December 12, 1923, was 10,081,000 bales and the actual production 10,159,498 bales. These reports greatly affected the price. The purpose of the law will prevent such a wide variance in estimate hereafter and will be a great help to the cotton farmer. It is all nonsense to say that there is great prosperity in this country with the depression in agriculture that we now have.

The McNary-Haugen bill is indorsed by most of the great farm organizations, such as the American Farm Bureau Federation, the National Grange, the Farmers' Union, and other great organizations. Under date of April 15, 1924, I received the following telegram:

Oklahoma economic conference, composed of Federation of Labor and all organized labor, farmers' unions, and all other farm class organizations in Oklahoma. Ten State organizations at their quarterly meetings to-day unanimously indorsed the McNary-Haugen bill pending and ask our delegation in Congress to support same.

C. H. HYDE,
Chairman Farm Labor Economic Conference.
IRA M. FINLEY,
Vice Chairman and President Oklahoma State Federation of Labor.
VICTOR S. PURDY,
Secretary and Treasurer Oklahoma State Federation of Labor.

On March 5, 1924, I received the following telegram:

Oklahoma Federation of Labor requests ,you to support McNary-Haugen bill as the best opportunity to give farmers relief sorely needed.

IRA M. FINLEY,
President.
VICTOR S. PURDY,
Secretary-Treasurer.

Under date of March 4, 1924, I received the following telegram:

I have read the McNary-Haugen bill and personally I am very strong for the measure. I believe I am expressing the sentiment of a large majority of the farmers when I say we hope this will pass at this session. John Simpson out of city. He wrote HARRELD, Oklahoma farmers were 100 per cent for this bill.

OKLAHOMA FARMERS' UNION,
Z. H. LAWTER.

On March 5, 1924, I received the following telegram:

The Oklahoma State Board of Agriculture in regular session to-day unanimously indorsed the McNary-Haugen bill and urge its immediate passage.

A. T. WHITWORTH,
Member of the Board.

Mr. Edgar Wallace, Washington, D. C., representing the American Federation of Labor, appeared before the Committee on Agriculture in favor of the McNary-Haugen bill and said that he represented possibly 5,000,000 workers. Mr. Wallace further said that he wished to go on record as representing the only articulate expression of the workers, to the effect that we are in favor of comprehensive action in order to help the farmers out of their present condition, and to place them on an equality with others.

Mr. J. P. Russell, president of the Farm-Labor Union of Oklahoma, appeared before the committee in behalf of the Sinclair bill, and, among other statements, said that he believed through the Norris-Sinclair bill, or something similar to it, they would be helped to a great extent in marketing their products, and that they were asking the Government to help them to do that through some kind of marketing organization.

Mr. Arthur J. Lovell, vice president and legislative representative, Brotherhood of Locomotive Firemen and Enginemen; Mr. W. M. Clark, vice president and national legislative representative, Order of Railway Conductors; also representing the Brotherhood of Railroad Trainmen, Mr. E. H. Kruse, assistant to the legislative representative, Brotherhood of Locomotive Engineers, and Mr. James C. Noonan, international president, International Brotherhood of Electrical Workers, appeared before the committee during the hearings on the Norris-Sinclair bill and in support of the bill. Mr. Lovell said that the organization which he represented was in favor of some measure to bring about better conditions for the farmer. Mr. Clark said that the organization which he represented is on record as favoring some bill, whether the Norris-Sinclair bill or some other bill that is satisfactory to the farmers of this country. Mr. Clark further said:

As far as we are concerned, we are not wedded to any particular bill or language, if it benefits the farmer, because that is what we are trying to do.

I wish to congratulate and compliment these great railway brotherhoods and the American Federation of Labor for exerting their energies in behalf of the farmers of this country. They want to see the farmer prosper and to receive a reasonable price for his products. I am glad that their honored representatives appeared before the committee in behalf of the farmers of this Nation.

The farmers need help now. This bill will help them, and unless a Member who is opposed to the bill can point out some way in which it will not help them or which will endanger the Government, then it seems to me that he should support the bill. The cost of these products to the consumer need not be increased, for the price of bread and flour now is out of all proportion to the price paid the farmer for his wheat, as the hearings on this bill will show.

Subdivision (c) of section 42, substantially the same as the amendment I offered, was adopted and is as follows:

Inasmuch as operations under this act will not continue for more than five years, the corporation shall cooperate with and encourage formation of associations of producers of agricultural commodities, so that during such period producers may perfect marketing associations for procuring the objects to be accomplished by operations under this act, and after the termination of the general emergency such associations of producers will be prepared to assist in producing orderly and efficient production, distribution, and marketing of agricultural commodities.

I also offered subdivisions (b), (c), and (d) of section 53, which provide that the books of the corporation shall be open to inspection to any person or governmental agency of the United States designated for the purpose by Executive order of the President, any governmental agency authorized by concurrent resolution of the Congress, and any committee of the Senate or the House of Representatives when authorized by resolution of the Senate or the House of Representatives, respectively.

The provisions of the bill relating to the cooperatives will be a great stimulus to their further organization, and the transactions of the corporation will naturally be through these associations, when possible, for the best interests of the producers of the agricultural commodities bought and sold under the provisions of this measure. These cooperative associations have done and are now doing a great work for agriculture, but, in the interest of the farmers of the country, need encouragement and assistance until they are able to handle their products effectively themselves.

Another good amendment adopted was the one offered by the gentleman from Missouri [Mr. RUBEY]. This is subdivision (b) of section 203, and eliminates scrip. This will be a great saving, as the handling of scrip would put an additional burden on the postmasters and would cause another heavy outlay in additional help in the post offices. The scrip would have caused a great deal of inconvenience to the producers. Under this bill as it is now written the purchaser of the agricultural commodity gives a receipt to the producer, who may keep this receipt, and if there is any balance in the treasury of the corporation after the payment of all expenses and losses may receive his pro rata part. I believe that the corporation will be able to figure out just about the expense of handling the business; but if there should be anything left from the equalization or expense fund, the farmer is entitled to his part of what is left.

The bill provides that if there is a surplus for export of wheat, flour, rice, corn, wool, cattle, sheep, swine, or any food product of cattle, sheep, or swine, and that the ratio price in respect to such commodity would be in excess of the domestic price the board shall immediately notify the President, whose duty it shall be to declare that a special emergency exists as to such agricultural commodity. Further provision is made that as soon as practicable after the issuance of such proclamation declaring a special emergency in respect of a basic agricultural commodity the Secretary of Agriculture and the Secretary of Labor shall jointly prepare the average price for such commodity during the period 1905 to 1914, inclusive.

The corporation is composed of the Secretary of Agriculture and four persons appointed by the President, by and with the advice and consent of the Senate, from the States within each of the following groups of Federal land-bank districts: One from districts 1, 2, and 4; one from districts 3, 5, and 10; one from

districts 6, 7, and 8; and one from districts 9, 11, and 12. These persons constitute the board of directors, and the President designates one of the directors as managing director. The bill further provides that not more than two of the appointed directors shall be members of the same political party.

Under the terms of the bill all purchasers of the basic agricultural commodity by the corporation must be at the ratio price, and when the producer sells such product he will receive therefor such ratio price. At the present time the market price of wheat is about $1 per bushel, and the ratio price is about $1.57 per bushel. If it should take 10 cents per bushel to handle the corporation in regard to wheat, the farmer would receive $1.47 per bushel and would receive a receipt for 10 cents per bushel. At the end of the year if it did not take 10 cents per bushel to handle his wheat, he would receive back his proportionate part of the 10 cents per bushel. Of course, the farmer would prefer the $1.47 per bushel and whatever part of the balance of the equalization fund to which he would be entitled. If he did not receive anything for his receipt, he would be 47 cents per bushel better off than without the operation of this bill. Why not do as much for him as for our other citizens? Many want to help the farmer if it will not cost anything. He pays all operation expenses of this measure; he wants to try it, and why not pass the bill? The Government can not lose anything. Objections have been made to other bills for his relief for the reason that it might cost the Government something. Here is a bill that costs the Government nothing. All costs are paid by the producer whose products are sold under the terms of the bill.

Wheat production costs, 1919 to 1923, inclusive

[Costs as given by the Agricultural College of North Dakota]

Year	Average yield per acre (bushels)	Average cost— Per acre	Per bushel
1919	7.5	$18.48	$2.47
1920	11.2	20.87	1.83
1921	9.9	14.09	1.43
1922	13.5	13.84	1.03
1923	8.2	12.23	1.49

Corn production costs, 1921 and 1922

[Computed on average State yields for Kansas, Nebraska, Iowa, Illinois, and Indiana]

Year	Average yield per acre (bushels)	Average cost— Per acre	Per bushel
1921	34	$21.76	$0.64
1922	34	20.83	.61

Mr. Chairman, these figures on cost of production of wheat and corn are for the Wheat and Corn Belts of the United States, and the cost of production will, of course, be greater where the production per acre is less. It will thus be seen that farmers can not continue to produce these indispensable products at less than cost. No business man can continue his business at that rate and the farmer can not much longer continue to produce these products unless something is done to help him. A man can not raise wheat that costs him from $1.03 to $2.47 per bushel to raise and sell it for less than a dollar per bushel. The same is also true of corn and other products of the farm.

The first products that will likely be handled by this bill if it becomes a law are wheat and pork and their products.

With the increased cost of everything the farmer is compelled to buy, caused largely by the outrageous Fordney-McCumber tariff law enacted by the last Congress, it is about time that something was done for the farmer who has to contribute under that tariff law to the pockets of the manufacturers for the necessities that he must buy to feed and clothe his family and make his crop. With our agricultural exports falling from the enormous sum of $3,466,619,819 in 1920 to $1,883,315,000 in 1922 and $1,820,000,000 in 1923 after the present tariff law began to work, it is evident that something must be done. There is no chance to repeal that unfair and unequal law in this Congress, and the only opportunity we have to put the farmer on an equal basis with these beneficiaries of that tariff law is by the passage of the McNary-Haugen bill now under consideration by this House. Our exports have fallen from $8,100,000,000 in 1920 to $4,000,000,000 in 1923. [Applause.]

Some have argued that the enactment of this bill will cause a greater production of wheat. In answer to that argument I state that the greatest production of wheat was in 1915, when we produced in the United States 1,025,801,000 bushels; in 1918 we produced 921,438,000 bushels; in 1919, 967,979,000 bushels; and in 1923, 786,000,000 bushels. Then the farmer knows that if the production of wheat is greatly increased that the price will decrease and with additional acreage to wheat, the price of his other crops will be increased. Those conditions will keep the production to about normal.

Mr. Chairman, if the farmer could exchange a part of his products in foreign markets for goods and articles needed on the farm, a long step would be taken for his assistance, and I supported the following amendment offered to the bill:

> The corporation shall have power to an amount or amounts not exceeding its sales in foreign markets to purchase in such foreign markets any goods, except farm products, and to enter such goods into the United States free of tax or duty for sale or disposition in the domestic market at the best price obtainable, and shall give preference in the sale of such goods to cooperative marketing associations.

That is a good amendment and should be adopted, for it would be a great help to the farmers whom we propose to assist under the terms of this bill. However, just because the bill is not just as I would have it is no reason for my opposing the measure.

The bill authorizes, it is true, an appropriation of $200,000,000 from the Federal Treasury, and is empowered to issue its notes, bonds, and other evidence of indebtedness in the sum of five times its capital stock. This appropriation will be returned to the Government.

Mr. Chairman, under the guaranty provisions of the transportation act of 1920 the Government has paid to the railroads of the country the enormous sum of $551,000,000 cash, not including the large amounts paid the railroads for use, upkeep, and operation during the period of Federal control. The Interstate Commerce Commission sees that the railroads make a good profit, but nothing is done for the farmer. The net revenue from railway operations in 1921, as given by the Interstate Commerce Commission, was $969,346,226; in 1922, $1,162,779,249; and $1,412,962,592 in 1923.

The last Congress appropriated $20,000,000 for Russia, and the House in this Congress voted to give $10,000,000 to Germany. I voted against these appropriations. Congress is very generous with the people's money for these purposes, and then I ask, why turn a deaf ear to our own farmers and our own people, that they may enjoy a little prosperity? I want all legitimate business to prosper and receive a fair return on investment and work. I also want the farmer brought to this level.

Among opponents of the bill are such business institutions, great and powerful, as the National City Bank of New York, which is sending its "Analysis of the McNary-Haugen bill" to Members of Congress. This institution devotes more than one page of its booklet to the scrip provision of the bill, and this provision has been eliminated. It then devotes more than another page as to how the bill will injure the cotton farmers, and cotton is not in the bill. These seem to be its two principal objections. With these two provisions eliminated, what does this great banking institution have to say? I presume it will find other objections. It tries to show that "Metals and metal products" are more depressed than agriculture. Well, no doubt this bank knows more about "metal" than it does about agriculture and cares a great deal more. Note that this bank does not condemn the present protective tariff law, but says "A protective tariff has the merit of simplicity as compared with this measure." Such institutions as the Illinois Manufacturers' Association of Chicago, the Washington Post, the large exporters, and the New York and Chicago boards of trade oppose the bill, but these will not deter me from supporting the bill, for I am more interested in helping the farmer than in listening to these "Wall Street" arguments. It seems to worry the National City Bank of New York because the working people of the country are for a bill to assist the farmers. These workers know that agriculture needs some helpful legislation.

This bill provides that the ratio price of any basic agricultural commodity shall bear the same relation to the pre-war basic commodity price as the current all-commodities price bears to the pre-war all-commodity price. Below is a table prepared by the Bureau of Labor Statistics, showing how the bill will affect the prices of certain agricultural commodities;

Market prices of commodities

Index of all commodities, 1905–1914 ..... 100.0
Index of all commodities, year 1923 ..... 162.3
Index of all commodities, December, 1923 ..... 159.8

Individual commodities	Average market price			Ratio price	
	1905–1914	1923	December, 1923	1923	December, 1923
Corn: Contract grades, cash, Chicago	$0.602	$0.821	$0.730	$0.977	$0.962
Wheat: Range of No. 1 northern spring and No. 2 red winter, Chicago	1.000	1.163	1.097	1.624	1.598
Cattle: Good to choice, steers, Chicago	6.853	9.952	9.785	11.123	10.949
Hogs: Heavy, Chicago	7.099	7.690	7.050	11.522	11.342
Sheep: Wethers, Chicago	5.379	7.648	8.000	8.731	8.594
Flour: Patents	5.127	6.365	6.100	8.322	8.192
Wool: One-fourth and three-eighths grades, scoured basis	.492	.979	.964	.799	.787

Mr. TINCHER. Will the gentleman yield?

Mr. SWANK. I would like to finish my statement, and then I will yield if I have time.

Mr. TINCHER. I know the gentleman does not want to mislead the House. The gentleman does not say anything about the price of wheat when the Fordney-McCumber Act was passed.

Mr. SWANK. Mr. Chairman, I can not yield just now.

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

Mr. SWANK. Mr. Chairman, will the gentleman from Missouri give me five more minutes?

Mr. RUBEY. I yield the gentleman five more minutes.

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes more.

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

Mr. SWANK. Yes.

Mr. BLANTON. Oklahoma is the fourth largest cotton State in the Union. The main crop in my State is cotton. The main crop in lots of other States is cotton. The farmers who need help more than anybody else are the cotton farmers. Yet this bill does not help them at all.

Mr. SWANK. Cotton was originally in this bill, and the gentleman from Louisiana [Mr. ASWELL] called all the Members together from the cotton-producing States; did you not, Mr. ASWELL?

Mr. ASWELL. Yes.

Mr. SWANK. And it was the unanimous opinion of that meeting that cotton should be eliminated. As I stated before, an increase in the price of the products covered by this bill will help the cotton farmer and all other farmers.

If this bill had been in operation last December, instead of receiving $1 per bushel for his wheat the farmer would have received $1.59 per bushel; instead of receiving 73 cents per bushel for his corn he would have received 96 cents per bushel. These are the prices he would have received at that time, less the expense of operation. The ratio price for wheat last January was $1.50 per bushel, the same for February, and $1.48 per bushel for March for No. 2 hard winter wheat. The average market price last December for good to choice steers in Chicago was $9.78, and the ratio price was $10.94, and the average market price for hogs, heavy, in Chicago was $7.05, and the ratio price was $11.34. The ratio price for hogs in this market for last January was $11.35; February, $11.37; and March, $11.25.

Mr. Chairman, some object to the tariff provision of the bill. I do not believe in the theory of a high protective tariff, and opposed the present Fordney-McCumber law, but everyone knows that if this bill is put into operation on wheat, for instance, that it is necessary to put an embargo on wheat and not permit any to be shipped into the United States, for if importations were permitted it would destroy the operations of the bill. But little wheat is now imported, yet much would, of course, be imported if the bill increased the price of wheat from $1 per bushel to from $1.50 to $1.60 per bushel, as it will do. To those who object to that provision, let me call your attention to the food control act, approved August 10, 1917, which contained a similar provision, and in fact the provision in this bill was taken from the food control act, which act gave the President at that time the power to fix the price of wheat. That power to fix the import duty was necessary then while the price of wheat was fixed, and it will be necessary under the provisions of this bill. A vote for this bill with that provision is no indication that a Member of Congress believes in a high tariff any more than it was an indication in 1917 under our Democratic administration.

Mr. Speaker and gentlemen of the House, arguments against this bill can not stand when confronted with the facts. The question before us now is this: Do you want to help the farmer, in whose behalf many talk and few act? This bill will greatly assist him in recovering from the depression of his prices during the past four years, and will show him that we are interested in his welfare and the welfare of his family. I hope the bill will become a law, and would like to see it pass this House without a dissenting vote. I am not so anxious to see a few pile up huge fortunes as I am to see the masses of the people reasonably prosperous. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. CLARKE of New York. Mr. Chairman, I suggest the absence of a quorum at this time.

The CHAIRMAN (Mr. SANDERS of Indiana). The gentleman from New York suggests the absence of a quorum. The Chair will count. [After counting.] One hundred and eight gentlemen are present—a quorum.

Mr. RUBEY. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. JONES].

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

Mr. HAUGEN. Mr. Chairman, I yield 30 minutes to the gentleman from Indiana [Mr. PURNELL].

Mr. PURNELL. Mr. Chairman and gentlemen of the committee, my good friend the gentleman from Texas [Mr. JONES], who has just concluded, prefaced his remarks, as have many of those who oppose this bill, with the statement that he would be glad to be for it if he thought it would work. He would be glad to support it in the interest of the American farmer if he thought it a practical measure. Now, gentlemen, as you all well know, the work of the Congress, with which you are as familiar as I, has become so complex and so comprehensive that of necessity we conduct it very largely through committees. When this bill came to this House it bore the indorsement of 14 members of the Committee on Agriculture, without regard to politics. This bill not only has the indorsement of 14 members of the Committee on Agriculture who have given it unlimited study but it has the indorsement of the Secretary of Agriculture, the statement of my good friend from Louisiana [Mr. ASWELL] to the contrary notwithstanding. It has the indorsement of over 200 farm organizations, a list of which is set out in the printed report and which includes almost every farm organization in this country. I am not one of those Members who are stampeded by petitions, telegrams, or propaganda, because I have been here now just about long enough to recognize propaganda when it comes in, but I am impressed with the almost universal demand for this legislation coming from our farmers. I hold in my hand a petition from my own State of Indiana signed by from 60,000 to 70,000 farmers, bankers, doctors, lawyers, and business men, who believe that the McNary-Haugen bill will give some relief to the American farmer. I have not counted them all, however. This great Committee on Agriculture, of which I have the honor to be a member, has not reported this bill without due and careful consideration. For two long months we sat in session day after day listening to men from every part of the country, in every kind of business, both for and against this plan. For one month the Committee on Agriculture sat in executive session and considered line by line this proposed legislation. One month more was consumed in the consideration and discussion, informally, of the bill, so that it is not a hastily prepared bill. The Secretary of Agriculture, for whose ability, honesty, and fairness I have the highest regard, in a letter addressed to Senator NORRIS a short time ago, said, among other things, in discussing this bill:

> As I have previously testified both before the Senate and House Committees on Agriculture, I believe that the principles embodied in this bill are fair and just to farmers and to other groups of citizens, and that this bill is the most practical measure yet suggested for the purpose of overcoming some of the economic injustices under which the farmers of this country have been working for three years.

I shall not read all of Secretary Wallace's letter, but this extract from it will clearly show the Secretary's attitude toward the bill. The Secretary of Agriculture is in favor of this bill as are 14 members of the Committee on Agriculture, who after careful deliberation and study, recognizing that perhaps it is not perfect, and that perhaps it lays itself open to some criticism, yet believe it to be the only constructive thing presented to this House that offers the American farmer im-

mediate relief, and God knows he needs relief and needs it now, as these lines on this chart clearly demonstrate.

Let me suggest to some of you gentlemen just what we were "up against" when we began the consideration of this bill. We had a choice between two courses. I am assuming that no Member of this House gainsays the proposition that the American farmer is at the lowest ebb in his existence. I am assuming that no Member of this House would undertake to refute the statement that the American farmer is passing through the most serious depression that has ever come upon him in the history of this Government. With that thought in mind, and with the thought in mind further that immediate relief, not relief in the distant future, is necessary to save not only the farmer but the banker and the business man who have extended him credit, we found ourselves confronted with a choice, as I say, between two courses. We could either seek through legislation to drag these lines [indicating on chart] downward until they meet this line [indicating] represented by the farmer's condition to-day or else seek to lift that line to meet the others. The latter seemed easier, and it was with that thought in mind that we drafted this bill.

And I want to impress upon the membership of this House, especially upon those who may have been affected by the statement that this is bolshevistic, that it is socialistic—I want to impress upon them that this is not a permanent policy of this Government if enacted into law, but that it is a temporary piece of emergency legislation. It is a pulmotor which this Congress is seeking to apply not only to the American farmer but to those who are dependent upon him.

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

Mr. PURNELL. I will yield to my friend from Illinois.

Mr. McKENZIE. I understand from the statement of the gentleman from Indiana that the proposition was presented to the Committee on Agriculture to make a choice between a constructive policy and a destructive policy, and the committee took the constructive policy.

Mr. PURNELL. The gentleman has stated the fact exactly as it is. If we had chosen the former, the result would have been to drag down wages, to drag down the price of every other commodity in this country until it reached a level that would be on a parity with the price of the things that the farmer raised; and, as I said a moment ago, the latter course seemed easier.

This plane [indicating on chart] represents the things that the farmer has to buy, and this one [indicating] represents the things he has to sell. They are entirely too far apart. It was the duty of the Committee on Agriculture to present something constructive to this Congress that would tend to bring those two planes closer together. And so we went back to the 1905–1914 period of 10 years, during which time there was practically a normal, rational, and equitable parity between the price that the farmer receives for his products and the price of the things that he has to buy; and we are asking by this present emergency legislation to lift the farmer out of his present dilemma and to transplant and transport him back to that prewar normal 1905–1914 period, when he got a reasonable return upon his investment as well as a reasonable return upon his labor.

It is necessary to keep a few facts in mind when you consider this bill. One is that the farmer during the last four years has passed through the most disastrous panic agriculture has suffered in the history of the Nation. Although 40 per cent of our people, or to be exact 42,436,776, live in unincorporated places, mostly on the farms, and nearly half of our population is directly dependent upon agriculture, we find that the products of the farm are at such a wide variance with other commodities that farming has not only ceased to be a gainful occupation but it is actually being carried on at a loss.

Now, what is the reason for it? Consider wheat, for instance, because that is more easily understood. And I want to say that I am not one of those that think that wheat is the only thing that can be favorably affected by this bill. I think we all mention wheat because it is easier for everybody to understand. But if you can make it workable for wheat, you can in the same way make it workable for all other products.

Let us not flippantly deal with the situation that is so serious to the American farmer, when we might look profitably at the principle that is involved.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a short question?

Mr. PURNELL. Yes; for a short question.

Mr. RAKER. Will the gentleman tell us how it will affect the farmer who raises stock and cattle? That is what I am directly interested in.

Mr. PURNELL. Yes; the gentleman has asked that question four or five times to-day.

Mr. RAKER. And I have not had an answer yet.

Mr. PURNELL. If you will take my friend from Kansas [Mr. TINCHER] out into the cloakroom, he will give you the information desired.

Mr. RAKER. He admitted that he could not.

Mr. PURNELL. No, sir; he never admitted that he could not answer anything. [Laughter.]

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

Mr. PURNELL. Yes.

Mr. KETCHAM. I think I can answer it. If the ratio price will increase the price of your beef animals 2.6 cents per pound that would be the solution.

Mr. WOODRUFF. I suggest to the gentleman from Indiana that he ask the gentleman from California [Mr. RAKER] to take his friend from Texas [Mr. HUDSPETH] into the cloakroom and have him answer.

Mr. PURNELL. I am sure the answer that would be given on the question by my good friend and Democratic colleague from Texas [Mr. HUDSPETH] would be worth more than anything that I could say.

The price of wheat is not controlled by the flow of wheat to the domestic market, but is and always has been controlled by the price at Liverpool, less the cost of transportation. The Liverpool price is fixed by competition from the Argentina, from India, Russia, Hungary, and other parts of the demoralized and stricken world. All of the commodities except agricultural commodities have advanced 60 per cent on the average, while crops and livestock have advanced only 17 per cent from 1913 to 1923.

Clothing has gone up 101 per cent, metals and metal products have gone up 41 per cent, building materials have gone up 81 per cent, house furnishings have gone up 76 per cent, while crops and livestock have gone up only 17 per cent. From the figures I have just given you it will be seen that if the farmer was getting his share—and by share I mean a reasonable return upon his investment and a reasonable price for his labor—he would be getting about 43 per cent more for his products than he now receives. But he is not getting his 43 per cent because his exportable surplus comes in contact and competition with other countries that are stricken and demoralized.

Now, some of our other industries are aided by our tariff and by our immigration policies. In reality this is a tariff measure. This bill seeks to give tariff protection to agriculture. If we are willing to pass a tariff law and an immigration law to protect American labor and the products of the American laborers from competition with the underpaid laborers and their products in the old countries, then we ought, in simple justice to the American farmer, to be willing to pass a bill that will apply the tariff principle to him and his products. [Applause.]

This bill is not complicated and unworkable, as some of its opponents have suggested. On the other hand, I regard it as fairly simple. The purpose of this bill is clear. This whole discussion can be stripped of 75 per cent of the extraneous matter that has been brought into it, and it can all be boiled down into this clear, succinct statement: The purpose of this bill is to segregate the exportable surplus from the domestic supply, to sell that surplus in the world market at the world price, and to sell the normal domestic supply on a reasonable parity with all other commodities.

The destroyed purchasing power of the farmer is the real basis of his present unfortunate condition. The restoration of the purchasing power of a few great farm products to an equality in purchasing power with the average enjoyed during the 10-year period, 1905–1914, is the remedy we are seeking to apply in this bill. And certainly, gentlemen, this is a very modest and a very reasonable demand.

Mr. RAKER. Will the gentleman yield?

Mr. PURNELL. For a brief question.

Mr. RAKER. I hope the gentleman will not quit me or claim the question has been answered. I will repeat it again, and I would like an answer from this gentleman because I know he knows.

Mr. PURNELL. You are going to ask about your steers?

Mr. RAKER. Yes.

Mr. PURNELL. I am going to get to that in a few minutes.

Mr. RAKER. One gentleman suggested to me that it did not apply to stags.

Mr. PURNELL. Steers, I said. The farmer sold his wheat in November, 1923, for 92 cents per bushel. With the aid of this bill he would have sold it at $1.52, and had he sold it at

$1.52 he would have gotten a reasonable return on his investment in land and upon his labor.

Nobody for or against this bill questions the right of the American farmer—and I use the word "right" advisedly—to have received last November $1.52 for his wheat rather than 92 cents; and this bill, had it been in operation then, would have given him just that amount. In other words, our farmers would have received something like $36,000,000 more for their wheat last November than they did receive.

Now, I want to call attention to a few of the suggestions which have been made here by some of the gentlemen who oppose this bill. One of the principal indictments that have been brought against it is that it is a price-fixing bill. If I had thought the gentleman from Louisiana [Mr. ASWELL] had seriously meant what he said this morning about this being Bolshevistic legislation and communistic, I should have resented it, because, if I know myself, I do not believe there is a drop of that sort of blood in my veins, and I am against the principle of price fixing as a permanent policy of this Government. I am against the Government's interference in private business, and I am against the Government going into business than can be done by private individuals. But I am saying to you gentlemen that which you already know, namely, that unusual conditions demand heroic remedies. I do not admit, in making that statement, that this is a price-fixing bill.

A price that fluctuates with all other commodities and that only protects the farmer in the same ratio that the manufacturer and laborer are protected by the tariff and restricted immigration can hardly be called "fixed." But if it be price fixing pure and simple, I undertake to say that as emergency legislation needed to save America's basic industry we had better indulge in price fixing rather than see it destroyed. [Applause.]

I do not agree with the gentlemen who say it will cause overproduction. If it does cause overproduction, and if it encourages it, then that is a matter of concern for the farmers themselves rather than for the opponents of this bill, because it must be borne in mind that the farmer is the man who pays this bill in the end anyway. [Applause.]

The farmers of the country want this legislation. If production is excessive, then the effect will be heavier assessments and lower prices for farm products. Assessments increase as production increases, hence this bill, in my judgment, will, after it has come into operation, guarantee against overproduction rather than encourage it. There may be a tendency in the beginning, before it is thoroughly understood and before it is working as well as we hope to have it work, that overproduction will be encouraged, but whenever the farmers of this country realize that overproduction penalizes them they will use the machinery of this Government that is provided in this bill and that is already in existence to avoid that overproduction.

Objection has been made to this bill because of the amount of surplus that will be in the dealers' hands in this country. The statement has been made that if this bill goes into effect there will be something like $252,000,000 worth of meat products in the hands of the packers that will be enhanced greatly in value overnight. That may be true, but I do not agree with the gentleman who preceded me that there will be anything like $100,000,000 profit, because that is not a fact.

On five or six of the commodities affected by this bill the total increase in the hands of the dealers on all of the products is but $121,000,000. On meat products alone $54,000,000, as I recall; but what of that? Suppose we do pass this bill and suppose to-morrow morning the men with wheat—and, by the way, 20 per cent of that wheat is in the hands of cooperative elevators and in the farmers' hands—suppose in the morning we do wake up and find that those who have the wheat and the wheat products, the meat and live cattle, have profited by the passage of this bill to the extent of $121,000,000? Is that anything unusual? Is not that exactly what happens when we pass a tariff law? Do not the ships of all countries rushing under full steam head for our ports, their ships loaded to the gunwales, in an effort to get inside of our borders before a new tariff bill goes into effect?

Is there anything unusual about that, and even though it is unusual, I undertake to say that it is worth ten times $121,000,000 if we can restore the purchasing power of the farmer's dollar. [Applause.]

This bill provides specifically for the utilization of existing agencies, and any suggestion that the packers will adopt any policies other than those which now control their operations is far-fetched and urged only for the purpose of discrediting the bill. Everybody knows that the packers can and will continue to do the meat-packing business better than the Government, and that they will readily and willingly cooperate with the Government.

It has been suggested that this bill may produce some foreign entanglements and that other countries may retaliate, because the American farmer gets an American price for that portion of his crop consumed in this country, and because foreign countries continue to buy our surplus at the world price as they have been doing in the past. The fact is, they would go on getting their wheat and other products at the same old price, and would have no cause or desire for retaliation.

If the bill is unworkable, it is a matter of concern to the farmers rather than any other class, because he pays the great bulk of the bill. It is true this proposed legislation may result in a slight increase in the cost of living, but the farmer, who represents about 40 per cent of the population of the country, bears his part of that increase. In my judgment this is the only legislation now pending before Congress which offers that immediate relief which is necessary to save our farmers from complete ruin. The farmers can no longer continue to operate their farms and produce the food for the Nation at a loss. Every man who tills the soil is entitled to a fair return upon his investment and a profit for his labor. He is not receiving such a return at this time. This bill may have some objectionable features, but it is the only constructive plan before us. I am willing to give it a trial in the hope that we may thus restore the purchasing power of the farmer's dollar. This Nation can not exist industrially free and agriculturally in bondage any more than it could exist half slave and half free during the days of the Civil War. [Applause.]

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

Mr. PURNELL. May I have two or three minutes more, Mr. Chairman?

Mr. HOWARD of Nebraska. I ask that the gentleman be given additional time. Maybe he will yield to me then.

Mr. PURNELL. I thank the gentleman.

Mr. HAUGEN. I am sorry I can not yield further time.

Mr. VOIGT. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. It is manifestly impossible in the time at my command to analyze this complicated bill and discuss all its features. Perhaps most wisely I may address myself to that phase of it which particularly concerns the people whom I am supposed to represent. Not alone for the people of my own district would I speak, however, but for the consumers of all the United States.

Four years ago the President, diverting his attention from the League of Nations, besought us to stay here and attack the high cost of living. The chairman of the Committee on Agriculture will recall that sizzling August when we faced the problem of reducing the price of food. By the way, he will also recall that the remedy suggested was a bill relating to cold storage, of which we never heard more. I wish the chairman would tell me where is the grave of that bill that I may visit it and drop a tear and pray that its soul may rest in peace. [Laughter.]

Times change. Four years ago we roasted here during the summer that we might reduce the cost of food. This year the newspapers tell us we may be compelled to roast into another August that we may raise the price of food.

The way here proposed to do it is to compel the American consumer to pay higher prices for certain staple articles of food—for example, half as much again for wheat. A Government corporation, with $200,000,000 of the taxpayers' money as working capital and the right to borrow a billion more, is to buy all the staples that may be offered, at the price determined, which will automatically establish the price the American consumer will pay in turn. It is to sell in foreign markets the surplus, the excess not consumable here, at whatever price it will bring, a price surely far below the cost of production. This means that what the farmer and the foreign consumer gain the American consumer loses. What will be the result from the point of view of the American consumer, 80,000,000 of him, 80,000,000 of the people of the United States?

I wish my friends from the far West would consent for one minute to recognize that a man from New England no longer represents only half a dozen States when he speaks for the consumer. New England is now the tail of the industrial dog. It has, to be sure, 1,200,000 persons engaged in manufacture, but in Ohio, Indiana, Illinois, Michigan, and Wisconsin there are more than 2,000,000 persons engaged in manufacture. The value of the product in New England is about $5,000,000,000. The value of the product in these east North Central States,

as they are called, is more than $12,000,000,000. And this takes no account of the industries of the Middle and Southern States.

I am not speaking for a small section of the country nor a small fraction of the people. I am speaking for all those who toil in the factory, who work on the railroads or in the mines, for all those wherever they may be, other than on the farms, who earn a daily living in the sweat of their brow, 80,000,000 of them. What will this bill do to 80,000,000 of the people of the United States?

The weekly letter of the American Federation of Farm Bureaus, the body supposed to be the most powerful influence behind this measure, on the 28th of last February said the McNary-Haugen bill would mean $1,000,000,000 to the farmers of this country. The gentleman from Wisconsin [Mr. VOIGT], in that most remarkable and effective speech night before last, put the possible cost, direct and indirect, at $2,000,000,000 or possibly more; but let us take the figure put forward by the proponents of the bill, its dearest and warmest friends, $1,000,000,000, and see what it means to the 80,000,000 consumers of the United States.

Everybody agrees that this program will increase the price of a barrel of flour by $2.50. The average annual consumption of flour in this country is a little more than one barrel to each person. You have simply to multiply the number of people in your own city or town by the figure $2.50 to find out how much it will cost your neighbors on wheat flour alone. It will cost the city of New York $14,000,000 a year. It will cost the city of Boston $2,000,000 a year. I come from a small city, having but 32,000 people. It will cost my neighbors in that city $80,000 in one year on wheat flour alone.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. LUCE. Not as yet.

You tell me the West is in distress and we out of our abundance ought to make such sacrifices. There came to my desk this morning the bulletin for April as to activity in the cotton-spinning industry. By the official figures here it appears that almost 6,000,000 spindles in this country are idle. This does not take into account other millions of spindles running on part time. Two weeks ago one of the oldest mills in the land, within half a mile of my house, cut down its working time from six to four days in a week.

Mr. FULMER. Will the gentleman yield?

Mr. LUCE. No; not now.

Nonproduction and unemployment are found on every hand in my neighborhood. You are bringing to us this bill at a time when we have just as much ground for turning the proposal upon you. I know some gentlemen will say that we will have prosperity again for all these textile mills and shoe factories if we but restore the farmer to prosperity. Speed the day when prosperity comes to him, but do not bring him prosperity at a cost that may in the end ruin him and destroy us.

Go further into this matter of the cost. I have spoken to you only of wheat and told you it will cost the people of my city $80,000. According to the figures of the American Federation of Farm Bureaus, those who advocate this bill, that is only one-fifth of the cost. Multiply $80,000 by 5 and you have $400,000 that you ask my little city in this time of distress to turn over to one group of the people in one part of the country.

Why, the whole tax levied on the property in my city is only about a million dollars a year. You ask us by this sales tax, the most burdensome of all forms of taxation, to add $400,000 to the million dollars of property tax in my city. Is there a Representative of the farming district here who has not proclaimed loudly against a sales tax? Have you as Representatives of the agricultural interests not fought it first, last, and all the time, because you know that it is a tax on the consumer? Now, here you urge a tax that is the most iniquitous of all forms of the sales tax because it bears on bread, the staff of life.

Mr. TINCHER. Will the gentleman yield?

Mr. LUCE. Not now. You who have traveled, you who have seen the countries of the world, know that everywhere bread is the staff of life for the poor. The rich man eats little, if any, more bread than the poor man. Indeed, the diversity of his diet makes it probable that he eats less wheat than the poor man. So you are going to impose a tax that will be practically the same whether paid by those who are in the greatest distress or those who hardly feel the depression at all.

Mr. BURTNESS. Will the gentleman yield?

Mr. LUCE. Not now. Yesterday our conferees reached an agreement on a revenue bill in which we all hope we can take some measure of pride. One feature of it to which every Member will point with satisfaction is that we put a heavier tax on the rich man than we put on the poor man. You have graduated the tax. Gentlemen on one side rejoice because the conferees have put the maximum at 40 per cent; most gentlemen on the other side would have preferred the maximum to be lower, but all Members on both sides believe in a graduated tax, and that the greater burden should be on the stronger shoulders.

To-day you present a proposition under which you will put a level sales tax alike on the weakest shoulders, those of the unfortunates who are near the door of the poorhouse, and those of the wealthy man in his palace on the hill. How can you justify yourselves by making such a demand as this on the working people, the toiling masses of the land?

Ah, but you say that agriculture is necessary for the prosperity of the country; you say it is the basic industry, fundamentally important. Well, so it is. You remember somebody asked Andrew Carnegie which was the most important—labor, capital, or brains. He retorted: "Which is the most important leg of a three-legged stool?" Will you gentlemen tell me which is the most important leg of the three-legged stool on which the Nation rests—agriculture, manufacture, or commerce? [Applause.] Are not all three necessary to the prosperity of the land? We do want agriculture to prosper; we will help it in every reasonable way; but what we say is that its prosperity should be in the main left to the working of laws of economics, that are never defied without disaster.

What is the situation? Why, it is this: On one-fifth of the wheatlands of this country, lands the most remote or of the poorest quality, lands that can not produce wheat except at a loss, farmers persist in continuing to raise crops. You are distressed because the farmers operating the worst lands or those in the worst situation can no longer make a living. And you are asking us, 80,000,000 of the consumers of the country, to pay for the cost of cultivating the worst lands.

You say that about one-fifth of the crop, equal to that grown on the unprofitable lands, is surplus and you desire to sell it abroad. You want to tax the masses of the people of the United States in order that one-fifth of the wheat crop, grown at a loss, may be put into the mouths of our competitors in Leeds, Manchester, the Ruhr, Lyon, Milan, and all the other manufacturing cities of Europe. You are asking us to feed the people of Europe at a lower price to them than you will accept from the consumers in the United States.

You are asking that as an inevitable result of an increase in the cost of living our employers be forced to pay still higher wages, while employers in Europe, as an inevitable result of a lowered cost of living, can pay still smaller wages. As the sure sequence, you are asking that the prices of all American-made articles shall be raised, while the prices of all foreign-made articles are lowered. So you are asking us to help those against whom we raise the tariff wall.

Mr. EVANS of Montana. Will the gentleman yield?

Mr. LUCE. Not just now. In order to feed the people of the rest of the world, you are asking us to put this enormous sales tax on the people of this country.

What is our remedy? Why, the natural remedy, the remedy of nature herself, the remedy of the competitive system, the remedy of the laws of economics. Cut down the products. You say that is cruel; you say it is hard. Well, it was hard on the manufacturers of this country to close down after the Great War some of the factories they had built. It is hard for them to-day to lay off the men and shut the doors. It is the cruel law of the competitive system, but it is the just law; it is the law under which we have become prosperous, and the only law under which we can survive.

Mr. SUMMERS of Washington. How about the tariff?

Mr. LUCE. I shall come to the tariff if the gentleman will wait until I reach it in the orderly course of my remarks.

Economic law says when agriculture is overproductive lessen its production.

Only the other day we passed an agricultural appropriation bill here. We brought the total of what we had spent to develop agriculture up to $600,000,000 since 1881—all expended in order that on the farms fewer men may do more work. By the invention of agricultural machinery we have made it possible for one man to do that which it took 15 men to do a century ago. Within a few years we have put upon the farms 450,000 tractors, between 350,000 and 400,000 trucks, and more than 4,000,000 automobiles—all presumed, and I think properly so, to lessen the labor of the farmer; to make it possible for fewer men to feed the rest of the country.

Now, having done this thing, why do you, the moment after you pass these huge appropriations for good roads and all the other things that help agriculture, come here and complain of

the very result that you meant to accomplish by those appropriations?

You have made it possible for many fewer people to live on the farm. Half a century ago it took the labor of one family in this country to feed itself and one other. Presently the man labor was brought down so that one family could feed two others. To-day you have reached the point where one family can feed three others, and only one-quarter of the people remain on the farms. The change goes on. Why, according to your own Department of Agriculture in 1922 more than a million people left the farms and went to the cities in excess of those who went the other way. According to the Sears-Roebuck Agricultural Foundation in 1923 another million left the farms and went to the cities. In two years more than 2,000,000 people were taken away from the farm, where almost every speaker here intimates it is not an attractive place to live. I doubt that. I would rather live on a farm than anywhere else, but every man who speaks for the farmer feels it necessary to deplore the lot of the farmer. Assuming that you gentlemen who speak for the farmer are telling the truth, assuming that it is an undesirable life, you have seen as a result of peace and of what has been done to make farm labor more productive 2,000,000 people in two years returning to the joys and comforts of city life. I say that with irony, because I hold life on the farm to be happier than anywhere else; but you evidently think it is desirable to have 2,000,000 people go from the farm to the city or else you would not continue to make appropriations and encourage invention that this very thing may result. The program is going to keep on if you will let economic laws work out their natural ends.

You want another remedy? Find it in diversifying your crops. Find it in other suggestions put before you by the Department of Agriculture. Do not, for Heaven's sake, look for it in legislation.

You suggest, however, that in the shape of the tariff there has been legislation to help some parts of the country. You want to know why you can not have a protection for agriculture of the same nature that you say manufacture has for itself.

The gentleman who preceded me declared that this is a tariff bill; that it is a proposal to apply the tariff principle. If that be true, it is applying the tariff by turning it upside down. The tariff was made to develop industry. You do not ask this to develop agriculture. Do you want more farms? Do you want more wheat produced? Why, this morning's paper has a cablegram from Paris where at the very moment there is in session the Academy of Agriculture. Let me read from this cablegram:

> Joseph Hitler, a member of the academy, pointed out that there were 140,000,000 quintals of wheat now available in the market, furnished by the United States, Canada, Australia, India, and Argentina. Of this quantity he assumed only 65,000,000 quintals would be absorbed by the world's consumption, leaving more than half left over at the time of the next harvest.

Right at the time when you have this cablegram before you, you are imploring us to add to the overproduction of wheat in the world.

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

Mr. LUCE. Not now.

Mr. BURTNESS. If not now, eventually? [Laughter.]

Mr. LUCE. I hope so, if gentlemen are considerate enough to give me the opportunity.

We are asked to meet the situation with something that, in fact, is not a tariff at all. What is the right name for this thing? It is a bounty, a subsidy. You are asked to give a subsidy to the wheat industry in order that more wheat may be poured into the markets across the seas.

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

Mr. LUCE. May I have a little more time?

Mr. VOIGT. Mr. Chairman, I yield 10 minutes more to the gentleman.

Mr. LUCE. I thank the gentleman. You are asked to impose this tax in order that unprofitable land in the Northwest may produce wheat to be sent abroad, and you defend it upon the ground that it is a tariff. Why, great heavens, a tariff was meant to develop industry, and you will instantly deny a desire to develop or extend agriculture. A tariff was designed to keep for our own people our own markets. Was there ever any tariff advocate from my own neighborhood so crazy as to suggest that the protective tariff ought to be or could be designed to enable American manufacturers to protect themselves in foreign markets against foreign competition?

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Not just now. The protective tariff was devised to help the whole country. Its only justification is that it is of nation-wide value to have the industries and the occupations of our people so diversified that we may be self-sufficient in time of war, and that in time of peace we may produce the greater part of what fabricated articles we need. Now you say, call this new thing a tariff and set it to work producing more than we need. Oh, if time permitted I might go on, showing you the absurdity of suggesting that this is anything like a tariff proposition, but of what avail? It is in fact a bonus proposition—oh, I ought not to have used that word "bonus," because bonuses seem just now to be popular—it is a subsidy proposition; it is a grant to one part of the people at the expense of the rest. If it complied with any economic law, if it met the demands of the very A B C of economics, if it would in any way make it possible for us to accomplish the results you desire, without outraging all our instincts and principles, then you might have support from all over the land.

Somebody said not long ago that there was doubt as to whether this thing would work. I think I am justified in pausing for a moment to recall that I engaged our colleague, SYDNEY ANDERSON, in conversation on this subject early in the session. In view of his deep interest in the matter it may be permitted me to interpolate here an expression of my personal regret that he is not with us to take part in the debate, and I think I voice the hope of every man in the House that he may be speedily restored to health. [Applause.]

I remember the substance of his reply though not the words, because it was four months or more ago. He said that it would work for a time and then would come disaster. I grant you this will work. I grant you that for a time you may persuade the farmers to continue the dangerous and costly practice of wasting their energies in wrong directions. But when you have once brought them into the habit of defying the laws of supply and demand, you have invited catastrophe.

What do you do first in this direction? You set group against group and class against class and section against section. You come here and demand public alms because you are in distress, and so you invite every other group and every other section in the land to come here for the same purpose.

Mr. BURTNESS. What portion of the bill is that in?

Mr. LUCE. You demand in the bill that you shall at the expense of 80,000,000 fellow citizens be relieved from your distress. If that is not charity, what is it?

Mr. BURTNESS. Has the gentleman finished and eventually gotten to the point where he can yield——

Mr. LUCE. I would like to finish my speech.

Mr. BURTNESS. The gentleman has suggested a diversification of crops, for instance. Now, does the gentleman feel the Government is under any obligation——

Mr. LUCE. I decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. LUCE. If the gentleman had observed closely, he would have observed I was in the very beginning of a magnificent peroration that would have brought my speech to a fitting conclusion. [Applause.] I think I will now throw the peroration to the winds, as the force of it has been destroyed by the interruption of my friend. Perhaps, though, I can recall one or two fragments. I had meant to follow my deprecation of the class prejudice and sectional hostility aroused with expression of regret that you are trying to put the Government still further into business with the longest step that has ever been proposed seriously within the walls of this body. I meant to ask you to allow the situation to cure itself. The prices of manufactured commodities are falling, the prices of farm products are rising, and sooner or later you are going to see their lines cross once more. Let these things work themselves out naturally. Keep your hands off. If you do that, the people of every class and every group and every section of the land will save themselves. [Applause.]

Now, Mr. Chairman, if there is any part of my 10 minutes left, I shall be delighted to yield to anyone.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. LUCE. I will yield to the gentleman from Washington.

Mr. SUMMERS of Washington. The gentleman had a good deal to say about supply and demand and economic forces and all that sort of thing. Does that apply to this knife which cost me 75 cents, but which I believe could be made to sell at 30 cents, but it would have been manufactured in Japan or Germany instead of Pennsylvania or Connecticut?

Mr. LUCE. I am a Yankee, and it is said to be the prerogative of a Yankee to answer one question by asking another.

Did the gentleman vote for the tariff which produced that price? [Laughter and applause.] And if he voted for the tariff, why?

Mr. SUMMERS of Washington. It is the first time I have had the opportunity of saying I will never vote for a tariff that does not give its benefits to all classes and all parts of the country. [Applause.]

Mr. LUCE. My friend from Kansas, I think, now has the right of way.

Mr. TINCHER. I understand the gentleman from Massachusetts is opposed to the bill or opposed to the farmer adding the ratio price to his products?

Mr. LUCE. I meant to consent to yield to fair questions, and I think I should have put in the word "fair."

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. LUCE. I will.

Mr. CONNALLY of Texas. The gentleman from Massachusetts asked the gentleman from Washington if he voted for the tariff act that did that. The gentleman from Massachusetts voted for it, did he not?

Mr. LUCE. I voted against the tariff on food——

Mr. CONNALLY of Texas. I am talking about the general tariff law, the Fordney-McCumber bill. Did not the gentleman vote for that?

Mr. LUCE. I have the impression I did; yes.

Mr. CONNALLY of Texas. And is it not true and does not the gentleman know that the reason that agriculture can not be pulled up by its boot straps to an equality with manufactured goods and the prosperity of industry lies in that very tariff bill for which the gentleman voted?

Mr. LUCE. I do not know any such thing. [Applause.]

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

Mr. RUBEY. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. McSWEENEY].

Mr. McSWEENEY. Mr. Chairman and gentlemen of the committee, as one of the younger members of the Agricultural Committee, I brought my slender torch of knowledge on this subject to be lighted at the redundant light of those who had more experience in this great work.

If you will indulge me for a moment, I will mention some of the men who were there and the work they have done on this bill, and let me give some credit to the opposition of this piece of legislation.

There is no legislation before the House that has had the strong opposition that this bill has had. The gentleman from Wisconsin [Mr. VOIGT], I will say, has not been an iconoclast. Mr. VOIGT in voicing his opposition has been constructive, and if this bill were to pass the House, I will say, in a commendatory way of him, that the bill is in better form than it would have been without his opposition. But, nevertheless, he is the strongest opponent the bill has had.

But first of all, being the opponent he is, he made two acknowledgments. First of all, that agriculture was passing through a crisis, a crisis probably unprecedented in the history of the agriculture of the world. He also made another acknowledgment. That legislation would help. Now, these are the two precedents he has established: First, that there is a crisis, and then that legislation will help it.

We have had numbers of bills brought before us, and, as one of the younger Members, new in this work, I acknowledge frankly that the McNary-Haugen bill is the best bill that has been brought before us. If Mr. VOIGT acknowledges the two things that I have suggested, that an emergency exists and that legislation will help it, then it seems to me the obligation devolves upon the House of Representatives to accept the bill which the majority of the members of the Agricultural Committee have deemed to be the best legislation upon this subject. [Applause.]

The speaker who just preceded me spoke about the fact that great obligations would fall upon the great consuming public. This will probably be agreed with, but let me call the attention of the gentleman from Massachusetts [Mr. LUCE] to the fact that wheat, when it sold at 97 cents back in 1908, allowed a manure spreader and a binder to be respectively purchased at $97 and $142. That same wheat, which is now bringing 97 cents, must pay for a manure spreader $140 in the State of Ohio and $227.50 for a binder. The purchasing power of the wheat has remained the same, and yet the thing that the wheat has to purchase in many cases has more than doubled.

We have had the statement from a man who is very favorable toward this measure—Mr. Wallace—who represents that great body, the American Federation of Labor, that it would undoubtedly raise the cost of living. We realize the fact that it may, but you must all realize that the farmer has had to bear the burden of increased living; he has had to bear the burden of increased price of labor, and he has had to bear the burden of increased prices for all the commodities he has to buy, and it only seems reasonable that at this time we do something to protect him.

I was very glad as a Democrat to hear the gentleman from Iowa acknowledge that a tariff has never been beneficial to the farmer. I am probably the worst Democrat in the House with regard to tariffs, but I am willing at this time to vote, not a discriminatory tariff, not a tariff for revenue, not a tariff for protection, but an embargo in order that the men who are producing the agricultural products of America may be protected during this crisis. I do not want anyone to accuse me of giving up my democracy, because I feel that many of the great evils of the world will be rectified in 300 or 400 years, when the nations of the world are producing the things they are best fitted to produce. We see a movement in that direction when we find that the producers of the country are trying to fit men for the work they are best fitted to do. They are trying to get men who are best fitted for work at the lathes to work at the lathes; they are trying to get the men who are fitted for work at the forge to work at the forge; and it will not be long until the great will of the Almighty will be worked out, and each nation will produce that which it can most economically produce. Until that time I swear I will always vote, if I have the opportunity, against a merchants marine which can not exist in the face of a tariff, but at this time I will vote an embargo on wheat in order to help the great producing masses of America, who are now going through the greatest crisis that any group of people in America has ever gone through.

I only hope you will all realize it is temporary. We can go through the history of America for the past few years and we find that under the protective system we can go along for about eight years of production and then there has to be a depression. From 1873 we were able to jump to 1893 without depression; then from 1893 to 1907 without depression. But the overproduction must be taken care of, and always after those periods of overproduction we have a period of depression.

Now, if this bill were to call for a 10-year period of emergency, I would vote against it, because under the protective system we are now in there must be a depression. There must be a depression following this overproduction which may come, but we realize that with a five-year emergency period the farmer will be on his feet before the depression really comes upon us in other lines of work, and so I am in favor of it for that reason.

I only hope that in some way I can bring to you the spirit of the West. I feel that the farmers of Ohio are in pretty good condition now, and I feel that the gentleman from Ohio [Mr. THOMPSON] and myself, who are serving on the Committee on Agriculture, are in reality asking the farmers of Ohio to be missionaries and to be really charitable. They have diversified and they are in the midst of the finest markets in the country and are probably in the best condition of any farmers in the country, but, nevertheless, I shall go before them this fall and say that I, in behalf of them, have allowed them to be missionaries and to send their surpluses and to send their encouragement and to send their help to the stricken sections of our country in the West and the Northwest, and I am sure that the magnanimity of soul that has usually prompted the Ohio farmer will allow me to make that request of him, and he will grant it. I know he is in need in some respects, but is better off than most, and the gentleman from Ohio [Mr. THOMPSON] and I, I am sure, will have the indorsement of those men whom we are trying to represent.

I only ask that each of you go as did our Christ into Gethsemane and, considering the things that are confronting our country, let not your personal or your local prejudices guide you, but realize that the whole world depends upon food which we should produce as economically as possible. Go into your Gethsemane, consider the things that confront you, consider the struggling nations abroad, consider the farmer who to-night does not know the condition that confronts him to-morrow. He in reality is the greatest gambler that America has, not voluntarily, but from the nature of his occupation. As some of the speakers have said to-day, he has to depend upon the rain in its due season and upon the sun in its due season, and he depends upon the Almighty to send him the blessings his ground can produce. Therefore when he is passing through a very stringent crisis, it seems well for us to give him an opportunity to be placed on an equality with the great manufacturers, with the great bodies of laborers in other fields of en-

deavor, and allow him to again be that independent, splendid, intelligent citizen that has graced America from the very inception of her existence.

I thank you. [Applause.]

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

The CHAIRMAN. The gentleman from Ohio yields back 10 minutes.

Mr. ASWELL. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, it is always popular to talk about the needs of the farmer and what we propose to do for him. I am a little given to that myself. Farming is my principal occupation at the present time because if I should lose my place in Congress—I have lost my law practice—I have nothing but farms left.

I want to call attention to the fact that we have been doing everything the farmer has asked us ever since 1920. What was the first thing that came about when the slump came in 1920? They came here and asked that the War Finance Corporation be rehabilitated and be directed to lend money to take care of the farmer; and what did we do? After a struggle in the Committee on Banking and Currency we reported the measure out here. We put it through Congress and put at the beck and call of the agricultural interests of this country the $500,000,000 of capital which the Government furnished and the power of floating bonds to the extent of $1,500,000,000, or three times the capital, making $2,000,000,000 of capital we put to the service of the agricultural interests of this country. We limited this for a certain length of time, and they came back here in 1923 and wanted the time extended, and we extended it another year; and they came back in 1924, and on February 20, 1924, we extended it for another year, and they have had access to the greatest source of credit this Government has ever established for any class of people anywhere, amounting to $2,000,000,000. How much have they borrowed? I am going to speak just for a minute as to those States that are embraced within the wheat territory that are in such dire distress. I will give you the States: Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. They borrowed $144,614,000, which left the difference between that amount and $2,000,000,000 which could be loaned by the War Finance Corporation untouched. Therefore we should assume at least that in so far as they have credit they have had the capital and have had it at a rate below the rate they could get it anywhere else, and the bonds that have been issued are nontaxable and the notes which they gave did not even have to have revenue stamps because we took care of them to that extent.

Mr. AYRES. Will the gentleman yield?

Mr. STEVENSON. Yes; I yield.

Mr. AYRES. Do you not think that the farmers of the country at this time realize it was not credit they needed but a market?

Mr. STEVENSON. The farmers now realize it was not credit they needed, and they are not providing for a market now. What they are providing for is to get their hands into the Treasury and get the cash straight out, and out of the pockets of the consumers. That is what they are providing for, and they are providing to take it out of the Treasury and out of the pockets of those of us who buy flour and meat.

Let us see whether they are broke or not out there. Taking the bunch of States I have just named, that borrowed from the War Finance Corporation $144,000,000, how much do they owe to-day? Only $40,000,000. They have paid back $104,000,000, and they have paid that back when we have directed the War Finance Corporation, presided over by Mr. Meyer and directed by Mr. Mondell, who lives in the very heart of this country, and whose State has more of it than any other, $10,000,000——

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. STEVENSON. In just a moment. They have paid back $104,000,000 of it when we have directed them to continue to advance this money, and they are ready to advance it on anything that is reasonably sound. I have a table showing these figures, as follows:

State	Loaned	Outstanding
Idaho	$5,026,000	$1,244,000
Iowa	24,002,000	3,617,000
Kansas	4,768,000	1,125,000
Minnesota	12,551,000	4,804,000
Missouri	7,918,000	361,000
Montana	12,524,000	4,994,000
Nebraska	12,090,000	861,000
North Dakota	20,621,000	10,987,000
Oregon	6,437,000	1,231,000
South Dakota	14,648,000	7,020,000
Utah	12,921,000	231,000
Washington	1,054,000	395,000
Wyoming	10,054,000	3,610,000
Total	144,614,000	40,780,000

Mr. SHALLENBERGER. I simply desire to call attention to the fact that those figures simply show that while we are poor out there we are honest.

Mr. STEVENSON. Yes; I do not question that, and we are poor but honest down South, but I do not propose to have the right of taxation given to your people to tax my people because you happen to raise something that is not selling for a good price.

Now, what else did they do? The Farm Bureau Federation came here a little over a year ago and said that this was not enough, that they wanted something that was permanent, and what did we do? We labored day and night, and the gentleman from Massachusetts [Mr. LUCE] was one of the subcommittee, I believe, that finally recast the law that established the intermediate credit banks and put $60,000,000 of Government money at their control and provided for $60,000,000 more, making $120,000,000, and in addition to that we gave them the power of issuing additional bonds to ten times that amount, making $1,200,000,000, which makes a total of $1,320,000,000 of capital in the intermediate credit banks, put there for the purpose of discounting farm paper, and no other kind could be discounted at all.

We also increased from $10,000 to $25,000 the amount that one man could borrow from the farm land banks and increased the discount privilege for farm paper in the Federal reserve system. All of these measures I assisted in framing in the Banking and Currency Committee and in passing through the House.

So do not come here talking about Congress not doing anything for the farmers. What is the next proposition? They come around here, and if this bill means anything it means adding 30 or 40 per cent to the cost of flour and bread and 30 to 40 per cent on the price of meat. That is what it means. Go down to our country. I am a little different from the gentleman from Massachusetts. I am against his tariff, and I did not vote for it. I did not vote to make a 32-cent knife cost 75 cents. I am glad to see that the gentleman from Washington [Mr. SUMMERS] has got on the mourner's bench.

What do we find? We find that in the Fordney-McCumber tariff bill they have laid the hand of the manufacturer in the taxing power on every man in my country who raises cotton and has to buy manufactured goods; they have taxed him for the benefit of protecting the manufacturer; and there they get us once, and then under the Esch-Cummins law they give the taxing power to the railroads that manage your transportation business and say "put in all you need, take out all your expenses, no matter what they are, and levy a rate on these people who have to pay the freight on goods that come to them, pay the freight on cotton that goes out, then levy a rate that will give you 6 per cent, and you can get away with it." There is another tax on us for the benefit of a class.

Now, what is this proposition? This proposition is one that says here are the packers and the elevator men and the wheat farmers of the West who are not getting enough; they need more, and we are going to go down South and give them a law that will lay a tax on us, put a tax on the bread we eat, put a tax on the meat we eat, put a tax on everything else on earth that we buy that is covered by this bill, and then come here and talk to us about not being the friend of the farmer because we would not vote to take away the small profit that is now left under the present condition in the raising of cotton in our country.

Mr. FULMER. Will the gentleman yield?

Mr. STEVENSON. I will yield.

Mr. FULMER. I want to state to the gentleman that every witness that came from the Northwest, when we asked if we could not reduce the freight rates and the tariff, said, "No; we do not want to disturb that."

Mr. STEVENSON. No; of course not. They want to keep the tax for the benefit of the Massachusetts manufacturer, put a tax on that will pay the railroads, and put this tax on bread and meat, all for the benefit of the people out West. We may not be in the majority, but we can raise the devil from the time you start that, and I do not believe you can put it across. [Laughter.]

Now, Mr. Chairman, there is another thing about that proposition; we are asked to submit ourselves to another iniquitous form of taxation, a tax on the breakfast table, the dinner table, and every time we sit down to eat. It takes money from the consumers all over the country, especially when we can not raise wheat and do not raise hogs. We are asked to embark on this proposition, which has a direct tendency to destroy the market on which we depend. You can not put an embargo on goods from every other country while 60 per cent of the cotton goes abroad and is sold at a reasonable price and continue to sell our cotton to them. You are trying right now to destroy the export market, upon which the prosperity of our country depends; and if this bill becomes law, you will succeed; but you will never be able to get that across with the people who have heard it properly presented and understand it, because the pocket nerve is the "talking nerve," and they will never submit to that scheme of legal extortion from one class for the benefit of another class, as this bill provides. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I yield 20 minutes to the gentleman from Michigan [Mr KETCHAM].

Mr. KETCHAM. Mr. Chairman and gentlemen of the committee, there have been many measures before the House in which I have been very greatly interested and to which I have tried to give very careful thought, but to none that have been presented since my membership has there been given so much thought and sympathetic consideration, so far as I am personally concerned, as to the one that we now have before us.

Before proceeding with the formal discussion which I had planned I want to take just a moment to pay my tribute to the distinguished gentleman from Massachusetts [Mr. LUCE]. I have waited nearly three years for a proper situation to develop to tell a New England story, and this is the chance. Whoever visits those splendid New England States comes away feeling that there resides a wonderful people. The reception I have received as I have visited them lacks nothing in the way of cordiality and all other like things that go along with the fine spirit they have in that country. The only wish I have for the people of New England is that they come to recognize what the United States really is. Their conception of what the country is, is well illustrated by a story that is an old one in New England, upon which I was checked up very sharply when I first told it. Coming to that section for the first time, I said that the story was current in our section to the effect that the school-teachers of New England when they were teaching the boys and girls of New England to bound the United States taught them that it was bounded on the north by the Dominion of Canada, on the east by the Atlantic Ocean, on the south by Long Island Sound, and on the west by the Hudson River. There were some smiles, but I noticed one splendid, good, old New Englander sitting down about halfway in the crowd, who kept smiling all the way through. I suspected that I had something coming to me at the end of my address, and it proved to be the fact. He came to the front and he said, "Mr. KETCHAM, I want only to check you up on one fact. You are a bit wrong in your geography." I said that I was sorry about that and asked him to tell me in what way. He said that in bounding the United States I said that it was bounded, according to the conception of the New Englander, upon the north by the Dominion of Canada, on the east by the Atlantic Ocean, on the south by Long Island Sound, and on the west by the Hudson River. He said, "You are wrong in your western boundary, it is the Connecticut instead of the Hudson River." [Laughter.]

With all due deference to the distinguished Representative from New England, who has so ably pleaded for that section of the country, as I listened to him I was moved to wish that they could see the need of such a bill as the one before us, which would give the same degree of protective benefits to the farmers as the protective tariff has given New England for many years. My best wish for the royal people of New England is that they may learn something by personal inspection and visits to this great country of ours about its true extent and resources. Did they know them and did they clearly comprehend them, then I think there would have been no such tearful pleading for a particular section of the country as we have listened to from their distinguished Representative. He has made an able presentation of a narrow and sectional viewpoint. But this is a time when I believe our viewpoint should be a national one. We are not here advocating legislation that has for its sole purpose the benefit of one group of our citizens at the expense of the rest, but we are here with conviction in our hearts that when we do something to benefit agriculture we do something that will do good for the whole people of the United States. The very statement that the gentleman made with reference to the 6,000,000 idle spindles is proof of the fact that already New England has some evidence of the very substantial results of the dreadful situation that has been brought upon the American farmer. [Applause.] When you turn your back deliberately upon the fact that the farmer of the country constitutes 35 per cent of the buying power, and you put him out of the market, then you have no good reason to complain about the 6,000,000 idle spindles. I am not a prophet nor the son of a prophet, but I do believe this from the bottom of my heart, and that is the reason that I am so heartily advocating this bill. If it becomes a law, not only will the psychological effect be immediately apparent upon the farmers and the whole of the rest of the country but something more substantial will happen. The farmers of the country will appear in the buying market, and you will find that some of your idle spindles will then begin to hum. On the other hand, you can not ruthlessly neglect and laugh aside this legislation, nor by opprobrium, calling it class legislation and other derogatory terms, can you belittle it. You must face it squarely, not as a localized measure, not as class legislation, but as a national problem.

Perhaps the best answer to the plea that is made for the laboring men of New England is to let the men speak for themselves. We have had here a very eloquent plea in their behalf. However, I think we ought to get back to those who are supposed to know about it, and therefore I desire to present to the committee now just a few statements from the official representatives of these groups of people for whom the gentleman claims to speak. First, I shall read from the statement of Edgar Wallace, representing before the Committee on Agriculture the millions of members of the American Federation of Labor, and I shall take time only to give you just one sentence. Speaking in commendation of the bill, I quote a very vital sentence, which goes directly to the point. He says:

> What does it profit us if we can get meat for 10 cents a pound if we do not have the 10 cents?

It seems to me that is a very striking answer. Further:

> The farmers are our customers, and when they have no money we can not work. We are the farmers' customers, and when we can not buy their foodstuffs pile up and lose in value.

That demonstrates the very intimate relationship that exists between those who labor in the great centers of population in the East and the men out upon the western farms.

I quote now from the statement of Mr. Robert Fechner, representing the International Association of Machinists. Giving his indorsement of the bill, he closed with these words:

> We did so, and after giving due consideration to the entire matter we have officially recorded ourselves as supporting, in principle at least, the provisions of this pending legislation.

He followed that up with this further sentence:

> I certainly hope Congress will not stand still. That is what I am here for—to urge that something be done; and I am sure that the committee can formulate some plan.

I call now as my next witness Mr. Lovell, vice president and legislative representative of the Brotherhood of Locomotive Firemen and Enginemen, who said:

> Mr. Chairman and gentlemen of the committee, I have the honor to represent the Brotherhood of Locomotive Firemen and Enginemen.
>
> You will find in your record that our organization, representing 118,000 railroad men throughout the United States, went on record in favor of some measure to better the condition of the farmer.

I might go on and quote the testimony of Mr. Clark, who is the vice president and national legislative representative Order of Railway Conductors, all to the same effect. I congratulate these men upon their statements before the committee. They recognize very clearly that their welfare is inseparably bound up with the welfare of the men and women upon the land. Mr. Chairman, I deem this a good and sufficient answer to the plea that has been made on behalf of these men who work in the factories of the East, and I shall now proceed directly to the formal discussion of the measure before us.

As a preface to the discussion of this bill I shall quote from some remarks I made when the agricultural bill was under consideration in the House. In those remarks I stated that the program for the rehabilitation of agriculture had five

parts: First, reducing production costs; second, orderly and economical marketing of farm crops; third, legislative enactments; fourth, better organization; and last, the personal qualities of the individual farmer.

Under legislation I made the following statement:

The third step in a rehabilitation program for agriculture is a general Federal legislative one. Here two extremes must be avoided. One, the cry for Congress or State legislatures to "do something about it" in the way of legislation whenever a disagreeable situation arises; the other that classic of the conservative, "economic ills can not be cured by legislation." What is the plain truth? Many unhappy conditions can not be improved by legislation. Climate, seasons, soils, location, and management are outside the law. On the other hand, it is foolish to assert that legislation has not affected our economic situation. The echoes have scarcely ceased in this Chamber from the discussion of one such piece of legislation. No laboring man needs anyone to tell him the effects of millions of immigrants on his wage scale and his standard of living. No railroad man needs to be told of the economic effect of the Adamson or the Esch-Cummins laws. The tariff is possibly our oldest illustration. In short, these laws have affected our economic life. World conditions have made them necessary. We have built up a standard of living that leads the world. We are all for it and propose to maintain it. It costs more, but it is worth it. Because the farmer is not able to pass on the added costs which increased transportation rates impose on him and that higher wage scales demand of him, much of the new legislation has affected him unfavorably, however. The tariff is not fully effective in raising price levels on his export surplus. He produces a surplus of a number of the basic commodities which must find a market under world conditions from which much of our legislation has been designed to protect us. He buys by the American market and sells by the world market. If he is to survive he must be put on an American basis in his selling as well as his buying. To put him on such a basis is not doing him a favor. It is simply putting him on a par with the rest. It is plain justice. To acclaim the virtues of these higher standards of American life in one breath and in another to deny their practical application to all our people alike is a strange performance. It recalls some stirring references to "intellectual integrity" in other debates. The McNary-Haugen bill, so widely discussed, is directed straight at this price inequality which the farmer suffers under because of his production of a surplus which must be exported. The widespread demand for this legislation is based on our American gospel of the "square deal."

The farmer in supporting it is simply asking that he be put on equal terms with the rest of the country who have been made the beneficiaries of Federal legislation. His attitude is well summed up in the words of Henry Van Dyke:

> "In the game of life, as we play it here in America, the rules must be the same for all; the penalties must be the same for all; the prizes of life, so far as we can make them so, must be the same for all—and may the best man win."

In the historic language of this Chamber, the farmer wants to "go along" on equal terms with the rest and not trailing along in the rear. [Applause.]

Mr. Chairman, the McNary-Haugen bill is an emergency measure intended to make the farmers' commodity dollar equal to the industrial dollar and the labor dollar. It is grounded upon the theory that farm commodities are entitled to a fair exchange value with other commodities. It recognizes that American standards of living are higher than world standards. It acknowledges that the surplus of farm products over the needs of domestic consumption is sold in the world market and that this world price determines the price on the whole. It affirms that other Federal legislation has lifted price levels in industry and labor, and it proposes to give agriculture the same advantage.

Mr. PAIGE. Will the gentleman yield?

Mr. KETCHAM. In just a moment. I am sorry to say to my colleague from Massachusetts that I have only a limited time, and when I have finished my statement I shall be glad to yield. Now, we all recognize, Mr. Chairman and gentlemen, this bill covers a very broad field and that no one individual can begin to compass a discussion that should be given upon all the phases of it in the limited time. This idea was recognized by the committee, and so various sections of the bill were given to each Member for discussion. To me there was assigned the discussion in reference to the influence of this legislation upon the cooperative movements. Now, I would like to have this distinction very clearly kept in mind. The thought was presented in the very brilliant and able presentation of the distinguished leader of the minority on our Committee on Agriculture [Mr. ASWELL] when he indicated that it would be wise for us to substitute some legislation with reference to cooperative marketing in place of this bill.

So far as I am personally concerned, and I think that is the mind of the committee, we are agreed that cooperative marketing when it can finally be fully organized in a nation-wide manner will be a proper step to be taken, but the very best and the most hopeful view that can be taken of the situation is that cooperative marketing can not be brought into full operation within a considerable period of years. In the meantime the American farmer is in the situation which has been so well depicted before you this afternoon. As a friend of cooperation, I shall be glad to do everything I can to work out a plan for cooperative marketing, but I say again that this measure is not intended in any way to affect adversely the work of cooperation. I think I shall be able to show in the next few moments that it is not intended in any way to endanger, as has been held up before you this afternoon, the success of this great movement. The Curtis-Aswell bill and the Capper-Williams bill, two constructive efforts, have been worked out by distinguished Members of this House and the other body in order that a nation-wide system of cooperation may be considered. One has had no hearings, and one but a few hours, so that a substitution is absolutely out of the question. The great difficulty to-day in our marketing system, so far as the farmers are concerned, is this: That wide fluctuations in prices sometimes occur during the marketing seasons, and these wide fluctuations in price——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. I yield 10 additional minutes to the gentleman.

Mr. KETCHAM. These wide fluctuations in price are the things which particularly cause the difficulties in the agricultural situation. We must devise a plan that will provide for a seasonal flow, for a normal rate at which products shall be placed upon the market. We must avoid those great gluts at certain seasons when tremendous quantities of farm products are put upon the market. Some plan must be devised for accomplishing that particular thing. Now, I maintain the McNary-Haugen bill will contribute to that very end.

Why? Because the wide fluctuations in prices will not occur under the operation of the McNary-Haugen bill; and therefore the farmer will not need to worry, as he does to-day, about the uncertainty in price. He may give his time to the other proposition, namely, that of feeding his stock to the best advantage. He can then so arrange his feeding operations that his stock will come to proper maturity and will be marketed in an orderly fashion. The same may be said in reference to wheat. There will be no inducement to rush it in at certain times, particularly when there is a full market. This will be greatly to his advantage and will accomplish what we desire to accomplish ultimately by cooperative marketing.

Some opponents of the McNary-Haugen bill profess to see in it elements detrimental to the continuation and growth of cooperative marketing. In answer it can be said that the progress the McNary-Haugen bill has made before the people is largely through the activities of cooperative-marketing associations themselves, whose members have instructed their associations to use every legitimate effort possible to secure enactment of this legislation.

Let us analyze and study the cooperative-marketing situation and see just what there is to the argument that the McNary-Haugen bill endangers it. There are mainly three types of cooperative-marketing organizations now handling the commodities specified in the McNary-Haugen bill, namely: First, the cooperative-shipping associations, handling livestock; second, the cooperative elevators, acting as primary marketing agencies and handlers of grains for the farmers of their respective communities; third, the cooperative wheat-marketing associations, organized on the so-called commodity plan or pooling plan and acting solely in behalf of their members in marketing in an orderly way the wheat their membership produces.

Livestock-shipping associations would not come in contact with the operations of the McNary-Haugen bill until their activities reached the terminal market. At that time the only effect that would be apparent would be that they would find in that terminal market an additional and powerful buyer ready to buy their product at a price that would reestablish its prewar purchasing power. They would not be compelled to sell to this new buyer unless it was found advantageous to do so; therefore it is quite obvious to the fair-thinking person that the bill provides a real and substantial benefit to this class of cooperative-marketing associations.

The second class, the local cooperative elevator and cooperative-marketing organizations of this type, have never done more, nor have ever attempted to do more, with but few exceptions, than purchase the grain of their community and deliver it to a commission house at the terminal market for sale to

the large terminal grain dealers or the millers themselves. Inasmuch as the activities of the McNary-Haugen bill do not propose to extend beyond a few basic markets, again it is quite obvious that their activities would only be the providing of an additional buyer at the rate price. This would assure the country elevator of a substantial market and obviate to a very high degree the necessity for hedging.

Under the McNary-Haugen bill the country elevator will be able to operate without the expensive and uncertain hedge, which will permit it to operate to a much better advantage than heretofore and on a very small margin of profit. By giving a large net return to members the cooperatives will be strengthened.

In my own State of Michigan I believe we have one of the most successful cooperative organizations that the United States knows, namely, our Michigan Potato Growers' Association. Before our committee there came officials of that organization who said that cooperative marketing was a fine system so far as it had to do with collecting, with standardizing, and with the grading of the products, possibly collecting them in as large an organization as a state-wide organization; but that when you went across State boundary lines, then you ran into difficulty. The McNary-Haugen bill would obviate that difficulty by making the market the same for all cooperative organizations the country over. It would obviate the jealousies which sometimes develop between cooperative organizations when their products get into interstate commerce and come into competition.

Mr. VOIGT. Will the gentleman yield? I will yield the gentleman some time if he will answer a few questions.

Mr. KETCHAM. I will be glad to do that if the gentleman will just allow me to finish these paragraphs.

The third type of cooperatives enumerated, the pooling associations, have been in operation four years, and they will handle from the 1923 crop less than 4 per cent of the total production. The purpose of a pool is orderly marketing that a better price level may be sustained. When the price is made in Liverpool, the impossibility to develop a pool sufficient in volume and cohesiveness materially to affect that price is readily apparent. This fact is well understood by the farmers themselves, and therefore they have been unable to see the full advantage of the pooling movement and have not joined in any considerable number.

It is the pooling organizations that have first realized this and have therefore interested themselves in legislation such as the McNary-Haugen bill provides, with the hope that there might be a segregation of the surplus from the domestic supply and thereby an opportunity provided for beneficial operation, which is the one thing that will bring about their required growth.

There are 14 State pooling associations handling wheat. Nine of these are members of the American Wheat Growers' Association, and these nine have devoted their attention for the past six months in a very material way to the enactment of the legislation the McNary-Haugen bill provides. Of the remaining five the officers of one and the farm organization that sponsors it, namely, the Kansas State Farmers' Union, are devoting their attention to the furtherance of this legislation. Two others, namely, the Kansas Wheat Growers' Association and the Oklahoma Wheat Growers' Association are favorable to the bill. It is further known that the present board of directors of the Oklahoma Wheat Growers' Association refused to acquiesce in the action of their predecessors in opposing the bill. It is further interesting to note that, at 20 meetings held in Oklahoma attended by farmers, many of whom were members of the Oklahoma Wheat Growers' Association, in 18 of the meetings the bill was indorsed and in 16 of the 18 without a dissenting vote. The two remaining associations, the Texas Wheat Growers' Association and the New Mexico Wheat Growers' Association, have to-day indorsed the bill.

Cooperative marketing operates in a field aside from that in which the corporation created by the McNary-Haugen bill would operate. The principal function for cooperative marketing, in its present state of organization and for the five-year period at least, is to provide more direct and more economical distribution from the farm to the terminal markets, and therefore, inasmuch as operation of the McNary-Haugen bill would extend beyond terminal markets, there is no conflict with cooperative marketing. The opportunities for beneficial service with the surplus taken care of through an export corporation would be much greater than at present, and it would cause cooperative marketing associations to prosper and grow in a way that they have never been able to heretofore.

It is unholy argument to say that distress must prevail to make the farmer interested in cooperation. It is unjust and highly erroneous to state that low prices must prevail to permit cooperative marketing to develop. The facts are the financially independent farmer is the only one who can develop the cooperative movement.

The cooperative marketing associations themselves handling the commodities specified in the bill are the ones who are largely responsible for the bill and the ones who are giving it the greatest support. They understand and fully realize that they can best succeed through the aid of this legislation, and therefore it seems foolish to give heed to those who would oppose it on the ground that it might retard the growth of cooperative marketing.

Another thing which cooperative marketing associations have discovered is that farmers who are in financial distress are poor cooperators, not because they do not want to cooperate, but because they find it impossible to do so. Their crops are mortgaged; therefore they must be sold in accordance with the requirements of the mortgage. Their creditors are pressing them for the payment of obligations, necessitating dumping of their product on the market for any price available. Farmers in this condition, which at present is the condition of the majority, find it impossible to support their cooperative marketing associations in the manner that they must be supported if their associations are to succeed and bring about beneficial results.

At this point I desire to call your attention to the report of the committee in reference to the effect of this bill upon cooperative marketing organizations: On pages 42 and 43 you will find the following:

EFFECT UPON COOPERATIVE MARKETING ORGANIZATIONS

Only two truly cooperative organizations have opposed the McNary-Haugen bill. Officers of those organizations are now taking steps toward rescinding their former action, which was based upon misunderstanding of the bill, both as to facts involved and as to the methods and character of operation.

This bill is a stimulant and complement for cooperative marketing and not by any means a deterrent. It reaches directly at the surplus difficulties of American farming, an undertaking which marketing associations are not now in a position to accomplish. Without such governmental assistance as is provided by this measure, cooperative marketing associations for export surplus crops must eventually fail to secure that which is vitally necessary for their membership—legitimate prices for these crops. With assistance such as is provided by the bill commodity organizations will develop and thrive. Their membership will be recruited from producers whose financial affairs are in a healthy condition and whose knowledge of the benefits of organization will have been broadened through participation in the results obtained by the export corporation.

The bill does not oppose cooperation in the least. It fosters, encourages, and makes cooperation genuinely possible. It enables it to produce the necessary results. It affords a machine around which marketing associations can be constructed and developed until, with greatly increased membership, they can carry on when the temporary emergency conditions, to be tided over by the bill, have ended. These facts are recognized by the leaders of the cooperative marketing movement. They are also recognized by that element of the grain trade that opposes cooperation both in season and out and are an important reason for its opposition to the McNary-Haugen bill. General farm organizations and marketing associations in large numbers are found listed among the supporters of the measure.

Now, may I conclude my statement with one observation which comes from my own personal experience? It was my privilege for a number of years to be very actively identified with one of the leading farm organizations of the country, and in that connection to have the responsibility of organizing cooperatives in the very early days of the movement in Michigan. The great problem which confronts all those organizations is the problem of the ultimate market. How anyone can picture any danger to these cooperative organizations by having a steady market at a better price as the ultimate end of their own cooperative movements is more than I am able to understand. It seems to me that it would in a very large measure encourage the men who have been rather negligent about joining these cooperative organizations. They will say, "When we get together and have our local associations attend to the local collecting, grading, and processing, thus saving one commission to be paid to somebody else and sharing the result of that among ourselves, then we know we have this ultimate market at a better price than we had before." It seems to me that every encouragement should be given to the men for a more complete understanding and a more widely extended organiza-

tion of cooperatives, and I believe this bill will do this very thing. To go back to the best answer of all, it is not what you may think about it, nor what I may think about it, but it is what the folks who are members of these organizations themselves think about it. So in conclusion I do want to present just this little statement. I have here in my hand—and I will not take time to read it—a statement signed by two men representing the two largest cooperative movements in the United States at this moment, both of whom give their hearty and enthusiastic indorsement to the McNary-Haugen bill, believing that it shows the way out. The first—and I am glad to present their names—is Mr. John G. Brown, president of the National Livestock Producers' Association, the largest cooperative livestock marketing organization in the country.

This organization, together with the other cooperative livestock marketing organizations that were represented before the Agricultural Committee in behalf of the McNary-Haugen bill, handled over $200,000,000 worth of livestock for their members during the year 1923. The other signature is that of a gentleman who has been referred to several times this afternoon, Mr. George C. Jewett, general manager of the American Wheat Growers, Associated, representing the Cooperative Wheat Marketing Association in the States of the Northwest. Their indorsement is substantial and enthusiastic, and speaks the last word, in my opinion, as to whether or not cooperative organizations will be harmed by the enactment of the McNary-Haugen bill. [Applause.]

Mr. VOIGT. I will yield the gentleman two minutes if he will consent to answer a few questions.

Mr. KETCHAM. I will be glad to have the opportunity to undertake to answer them. I will certainly answer them if I can, but if I can not I will frankly say so.

The CHAIRMAN. The gentleman from Michigan is recognized for two additional minutes.

Mr. VOIGT. The gentleman has made a very interesting argument as to how this bill will affect the cooperative movement. Will the gentleman concede that the ultimate purpose of cooperation among farmers is to secure a better price?

Mr. KETCHAM. I should say there are two aims, as I see it. The first, of course, and the most important, is the ultimate price. Second, the cutting down of the operations that start with the taking of the grain to the first man who handles it, doing away with every possible expense, and bringing back to those who participate a larger share of the net return. I should say that the aim is both to secure a higher price and to reduce expenses. The combined result will be more money coming back into the pockets of the men who unite in the cooperative organization.

Mr. VOIGT. The second purpose the gentleman speaks about, of narrowing the spread between the producer and the consumer, so far as the farmer is concerned is to get a better price, is it not?

Mr. KETCHAM. Will the gentleman say that again?

Mr. VOIGT. I say that the gentleman names two purposes for which cooperatives exist. Now, it seems to me that the second purpose which he names—he says the prime purpose is to get a better price, and the second purpose he says is to narrow the spread between the producer and the consumer. Now, the purpose of that is to get a better price for the producer, is it not?

Mr. KETCHAM. Well, if the gentleman will just pardon me, I may say to the Members of the House that the gentleman from Wisconsin is a very astute lawyer and direct answers to his questions sometimes lead one to admissions he did not intend to make, and so I am simply going to answer his question in my own way.

Mr. VOIGT. Of course, if the gentleman does not want to answer the question——

Mr. KETCHAM. I just want to answer your question in my own way.

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

Mr. VOIGT. I yield the gentleman three minutes more.

The CHAIRMAN. The gentleman from Michigan is recognized for three additional minutes.

Mr. KETCHAM. I will simply say again that one object of cooperatives, as I see it, is to lessen the cost of gathering together in a local way and in the local communities all the products that are marketed by that association.

Mr. VOIGT. And the object of that, in turn, is to give the farmer a greater share of the spread.

Mr. KETCHAM. To get more money back into his pockets; yes, sir.

Mr. VOIGT. Now, then, are we not back at this point: The prime object of the farm cooperatives is to get the farmer a better price.

Mr. KETCHAM. Yes, sir.

Mr. VOIGT. That being true, what is the object of a farmer participating in the cooperative organization if there is only one Government price?

Mr. KETCHAM. For the simple reason that if he does not have his cooperative organization and it is handled by some other man than himself—inasmuch as the price is not fixed that the farmer shall receive—he will not have an opportunity to get the largest return possible. He still needs the cooperative to lessen the expense of local handling.

Mr. VOIGT. If the Government corporation fixes an absolute price, what would be the object of the farmer cooperating in an endeavor to get a better price?

Mr. KETCHAM. Simply to get the largest possible share of the ratio price back into his own pocket, just as he does now in his cooperative organizations.

Mr. VOIGT. He could not do it if there was only one Government price.

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

Mr. KETCHAM. I will be glad to yield.

Mr. PURNELL. May I ask the gentleman a question?

Mr. KETCHAM. So far as I am concerned.

Mr. PURNELL. Let us assume there is just one Government price. Through cooperation, according to the gentleman's own theory and according to my own theory, you would get a greater portion of that Government price.

Mr. VOIGT. The gentleman has already said that the object of cooperation was to narrow the spread between the producer and consumer; but if you have a Government corporation which stands ready to pay a price, and there is only one price, how can the farmer cooperate to get a better price? [Applause.]

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

Mr. VOIGT. I yield the gentleman two minutes more. Does the gentleman know of any labor organization which has indorsed the McNary-Haugen bill?

Mr. KETCHAM. I have simply the statements and the indorsement which I read just a few moments ago. I do not know whether the gentleman heard them or not. They were from representatives of labor organizations.

Mr. VOIGT. Has any labor organization whatever taken any official action indorsing this bill that the gentleman knows of?

Mr. KETCHAM. I can only state that my recollection is that one of the representatives stated that by definite action of their executive committee——

Mr. VOIGT. Does the gentleman know whether the American Federation of Labor has indorsed this bill?

Mr. KETCHAM. I can not say whether in their national organization they have taken formal action, but they gave this measure their indorsement through their legislative representative.

Mr. VOIGT. Is it not a fact that some of these labor organizations, through their officers, came before the committee and made the statement that they would favor any bill which would give the farmer an additional price, but did not indorse any particular measure? Is not that true as to what transpired before the committee?

Mr. KETCHAM. Mr. Wallace, as I recall, gave his indorsement specifically to this measure, and the general statement was that they indorsed any principle that would bring to the farmer a larger return for his product, which is the aim and purpose of this bill.

Mr. HAUGEN. Will the gentleman yield? I will read from Mr. Wallace's statement.

Mr. VOIGT. No; I can not yield just now.

Mr. KETCHAM. Here is a definite statement by Mr. Edgar Wallace, after referring to another bill and being in support of that, "Now, I am appearing in favor of the McNary-Haugen bill." That is Mr. Edgar Wallace, representing the American Federation of Labor.

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

Mr. VOIGT. I yield the gentleman another minute, Mr. Chairman. I want to say that I understand the secretary of the American Federation of Labor a few days ago wrote a letter in which he stated that that organization had not indorsed this bill. I do not want any misunderstanding on that score.

Mr. KETCHAM. I can only quote his own testimony given in the record as it was given before the committee. [Applause.]

Mr. VOIGT. Mr. Chairman, I yield 20 minutes to the gentleman from Minnesota [Mr. LARSON].

Mr. LARSON of Minnesota. Mr. Chairman, the first bill I voted for when I became a Member of this House was the agricultural emergency tariff bill. Since that time I have voted, without exception, for every agricultural relief measure. I come from the great agricultural State of Minnesota. This may have something to do with causing me to support these various farm measures. I have no apology to make for having supported them. In voting for them I thought I was promoting the general welfare of the whole Nation. I have never taken consciously a provincial view of my duties as a Congressman. I have been elected by the voters of the eighth congressional district of Minnesota, but I am here attempting, as best I can, to legislate for the entire country.

Agriculture is the Nation's basic industry. Upon it depends the prosperity of the Nation. That is so obvious that it is axiomatic. The farmer is the mainstay of the country. I am an individualist, but I believe that the Government should do what it legitimately can to promote the prosperity of the farmer. Such legislation is not, strictly speaking, class legislation for its benefits redound to the general well-being of the country at large. We all, more or less, share in the farmer's prosperity, and also, I may add, we all suffer economically when the farmer suffers. We are all, so to speak, a part of the same economic and business organism.

That is the attitude of mind with which I approach the consideration of the McNary-Haugen bill. The truth is I was more or less biased in favor of the measure because of its avowed purpose to benefit the farmer. But after I had studied it I had to come to the conclusion that it ought not to become a law. I shall not vote for it, although I come from a State that is said by the proponents of the bill to need the proposed legislation. [Applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. LARSON of Minnesota. Not now. My judgment is that instead of benefiting the farmers of my State it would ultimately work great injury, not only to them but to the State and to the entire Nation. I know that there are many organizations in my State that have indorsed this bill. It may be that among them is a labor organization.

Mr. BURTNESS. Will the gentleman yield?

Mr. LARSON of Minnesota. Not just now. Some men who stand high in so-called big business have indicated that they favor this measure. That a bill is supported by large numbers does not always mean that it has great merit. These men may not have given the matter thorough consideration. It is not a difficult matter to secure the passage of a resolution by almost any organization of citizens for or against any legislative bill. It is easy to manufacture public sentiment by carrying on a well-directed propaganda. People are too busy, or perhaps intellectually too indolent to do their own thinking. They are glad to accept the conclusions of others on almost any subject however important. The criticism is not confined to the so-called hoi polloi. A brief explanation of the purposes of this very bill made by one of its most ardent supporters to the chief executive of one of the greatest railroads in this country, persuaded that executive to indorse this measure. Do you think it is possible for any railroad executive or any big business man or any college professor to be able in a brief period of an hour or two to grasp even the essentials of this measure so that he may be justified in recommending its passage by the Congress of the United States?

I will say that without long and deep study, thorough concentration, no man, however great as an intellectual giant he may be, can reach an intelligent judgment on the merits and demerits of this most important, most complicated, most intricate, most revolutionary legislative proposal. The proposed corporation may do a business involving a capital of hundreds of millions of dollars, and engage in the operation of complicated and world-wide business transactions.

Why, it took at least four months for the members of the Agricultural Committee of the House to come to some definite conclusion as to what kind of a measure should be presented to this House. This committee had before it a large number of witnesses, many of whom, no doubt, were competent by reason of their experience and study to give the committee valuable testimony in regard to the merits or demerits of the proposed legislation. Yet notwithstanding this committee had four months in which to consider this measure, the committee is divided as to the kind of a measure, if any, that should be presented for our consideration. I will make this statement without fear of successful contradiction that no member of this committee can stand up and honestly assert that he knows how this proposal would work in actual experience. It is a speculation; it is a wild venture that may result in a business depression from which it would take years to recover. The proponents of the McNary-Haugen bill are urging us to venture upon an uncertain and uncharted sea without rudder and without compass. Where it would land us after five years have passed God only knows. It looks to me like a shipwreck before we would get very far on the stormy and turbulent sea.

Why do I think so? Time does not permit me to enter into an exhaustive consideration of the reasons for my conclusion. I shall briefly give you some of the conclusions I have arrived at through thoughtful and unbiased consideration of the bill.

If there is a real agricultural emergency, it is not so serious as to justify the proposed revolutionary experiment. The agricultural depression is being solved by the operation of natural economic laws. There has been considerable talk about the failure of banks, and unless we read with discrimination we may reach the conclusion that nearly every bank in the Northwest is about to close its doors. If we take seriously the statements of the calamity howlers, we may think that no bank in Minnesota or the Dakotas or in Montana is safe; that the banking business in those States is shot to pieces; that a great financial collapse in the Northwest is imminent and certain. What are the facts? It is true that some banks have gone to the wall, but the fact is that they were mostly shoestring concerns that never ought to have existed at all. I say most of them were such, not all. Their banking methods were unsound. They probably tried to overreach during the period of inflation, and when the period of deflation came they could not weather the storm. The records show that before the collapse of 1920 came there were 3,875 banks in the ninth Federal reserve district, altogether too many for sound banking.

North Dakota, the State so ably represented in part by my friend, Mr. BURTNESS, who is so zealously advocating the passage of this bill, has five banks where one would have been sufficient, based on the ratio of the population per bank for the United States as a whole. South Dakota has four, Montana has three, and my own State of Minnesota has twice as many as the national average. The fact is that the region involved is overbanked. The newly established banks had to get business. That meant the offering of more liberal loans to the farmers and merchants. That in turn accelerated and increased the inflation. When the crash came in 1920 these banks had to go. That was inevitable. But the situation is becoming normal. Let me quote what Mr. John H. Rich, chairman and Federal reserve agent of the Federal reserve bank of Minneapolis, says in a very excellent and exhaustive statement on the economic position of agriculture in the northwestern grain-raising States. I ask you gentlemen to listen to this, and then say whether there is a real agricultural emergency, at least in Minnesota:

> So thoroughly has the process worked itself out that wheat acreage has already been brought back by elimination to nearly a normal basis, while in banking, in merchandising, and in the distribution of goods the volume of service has been brought in right relation to the necessities of the population.

That is the testimony of a man whose business it is to know the farming, and especially the banking, situation of the territory inhabited by those whose interests the McNary-Haugen bill advocates are pleading I am not impugning the veracity of those who are trying so hard to write the word "Failure" all over the Northwest, but personally I prefer to rely upon the testimony of Mr. Rich, because his means of acquiring accurate and reliable knowledge are more extensive and better than are the means of those who are constantly howling everywhere and on all occasions that the great Northwest is about to fail; that it is going to the demnition bow wows.

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

Mr. VOIGT. Mr. Chairman, I yield the gentleman 10 minutes more.

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

Mr. LARSON of Minnesota. A little later. Mind you, Mr. Rich is not seeking political office from the masses. He is in a position to give us the unvarnished, the unbiased proof regarding conditions in the Northwest.

Much has been said in regard to the failure of the farmers. It has been stated that the farmers in great numbers are voluntarily or involuntarily abandoning their farms and seeking other means of livelihood. It is true that a great many men engaged in farming have failed to make good as farmers. The number of failures has been exaggerated, however. Many of them would have failed even if no deflation had come.

Everyone can not farm successfully. Farming requires intelligence, hard work, thrift, forethought, good health, and, most of all, business ability. All men do not possess these economic virtues. Some are ignorant, some are lazy, some are shiftless, some are unhealthy, some lack ordinary business experience and business sense, and such are bound to fail sooner or later. They can not make a success. They can not become successful farmers by congressional legislation or by presidential proclamation. When the Government assures us equality of opportunity, it has done all that it can do and all that it ought to do.

Another objection to this McNary-Haugen bill is that the plan proposed would aggravate the situation by stimulating overproduction. To my mind that is as simple as a, b, c. It is as certain as the day follows the night. When a price is fixed by the Government which is sufficient to guarantee to the farmer a profit in the sale of his agricultural products, is it not reasonable to suppose that the farmer is not going to take any chances on raising something about which there is an uncertainty as to whether he will get a profit, but will rather devote his energies and his time to raising something for which he will receive a guaranteed price sufficiently high to compensate him for the expenditure of his time and energy. Ah, you say that moral persuasion will be used to prevent him from increasing his wheat acreage.

When has that moral persuasion ever succeeded? Do you know of any price-fixing scheme in history where there was not an overproduction as a result of the price fixing? Such has been the case everywhere it has been tried. It would be so if this bill should become a law. Instead of solving the problem which is created by reason of the fact that there is overproduction, you are going to aggravate the difficulty of the problem. You are going to have even more overproduction than you have now.

If this bill should pass it would increase the already too high cost of living, and thereby cause popular discontent and bring about a vicious circle which would finally end in collapse.

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

Mr. LARSON of Minnesota. In a moment. It would retard, if not entirely destroy, the present agricultural cooperative movement. Did you gentlemen get the significance of the question that was propounded to the former speaker, Mr. KETCHAM, of Michigan, regarding the purpose of these cooperative societies? The ultimate purpose, of course, is to get the highest possible price, and in order to get such a price, of course, they have to eliminate the unnecessary waste caused by the intrusion of the unnecessary middleman. But if the Government gives the farmers the highest price possible, why indulge in any cooperative movement voluntarily? They would cease to exist.

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

Mr. LARSON of Minnesota. No. That seems to me to be true beyond any question. Although I own a farm, I am not a farmer——

Mr. CLAGUE. The gentleman has proved that.

Mr. LARSON of Minnesota. Oh, you can not always tell what a man is by looking at him, and that reminds me of a little story which I must tell on myself. A couple of years ago when I was campaigning I stopped in a small town in my district for a little time, waiting for my tin lizzie to be repaired.

I was sitting down in front of the only hotel when I was introduced to a young man of about 22 years of age. I found out in talking with him that he had lived for some years in Constantinople and it was about the time when the Near East crisis was on. I began to talk with him about what was happening over there. I found out that he was a very intelligent fellow, who had been a student at Robert College and spoke Turkish, Greek, Russian, French, German, and what not, and after we had exhausted the subject he said casually, "I can tell by looking at a man just what he is." I said, "Is that so? Can you tell me what I am?" "Yes." Then I sort of spruced up and made myself appear as much as I could like a real statesman, and I said, "You take a good look at me and tell me what I am." He said, "It is not necessary, I have been talking with you for a half hour." "What am I?" He said, "You are a barber." [Laughter.] I may have demonstrated to the satisfaction of my friend from North Dakota [Mr. BURTNESS] that I am not a farmer nor an agricultural economist, but only a barber who has attempted to express some ideas on this complicated McNary-Haugen bill. Now, to return to my subject. It would not only utterly destroy the present agricultural cooperative movement, it would probably wreck the present machinery evolved as a result of years of experience for the economical and efficient distribution of marketing our agricultural products.

For a time it might destroy our foreign markets for our agricultural products, especially our market for wheat, by causing the European governments to invoke countervailing, antidumping laws. I know it has been denied, but it seems to me just as inevitable as night follows day that if we undertake to dump our surplus products on the European market, Canada is going to object, Australia is going to object, India is going to object, and England, which desires to be on friendly terms with her colonies, is going to invoke her antidumping law, and then we will be in a position with an enormous surplus of wheat that we can not dispose of. In addition to that it might lead to international strife and discord.

It is a price-fixing scheme; you can call it what you please. History shows——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LARSON of Minnesota. May I have two additional minutes?

Mr. VOIGT. I yield the gentleman two additional minutes.

Mr. LARSON of Minnesota. History shows that never has a government price-fixing scheme worked successfully. You can appeal to ancient history or modern history, wherever government price fixing has been tried it has collapsed, to the serious detriment of the nation which undertook to try it. They have all ended that way. It never has been done, and it never will be done. The natural law of economics can not be long frustrated by government edict.

I do not, Mr. Chairman, impugn the motives of those who advocate the passage of this bill. They are sincere. I do not question their sincerity. For some of them I have a very high personal regard, but so were those who tried price fixing before. They, too, were sincere. So were the greenbackers who tried to cure the economic ills which followed the Civil War. They were sincere. So were the free silverites in 1896. So were Lenin and his disciples, who almost have ruined Russia economically by government intrusion in business. They were sincere. The proponents of the McNary-Haugen bill are sincere, but that fact, if it becomes a law, would not lessen one bit the damage that would result therefrom to American agriculture or American business generally. [Applause.] We have become the greatest and the richest and the most powerful nation in the world by encouraging individual initiative and private enterprise and by keeping wide open the door of equality and opportunity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOIGT. I yield the gentleman two additional minutes.

Mr. LARSON of Minnesota. Now, Mr. Chairman, let Russia experiment with government intrusion in business, but let us follow the safe and tried course that has brought our Nation to its acknowledged position of preeminence among the nations of the world. [Applause.]

Mr. EVANS of Montana. Will the gentleman yield?

Mr. LARSON of Minnesota. I will.

Mr. EVANS of Montana. Does the gentleman think the door of equal opportunity is kept open in this country when we maintain a tariff bill such as we have now and decline to do anything for the agricultural interests?

Mr. LARSON of Minnesota. In the first place, we have not declined to do anything for the farmers. As I said in the opening of my remarks, the first bill I voted for was the agricultural emergency tariff bill. Since then I have voted for a dozen or more bills, the object——

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOIGT. I yield the gentleman two additional minutes.

Mr. LARSON of Minnesota. The object of which was to benefit agriculture, and all these measures, as I recall it, have been enacted. I do not claim and nobody claims that there is perfect equality of opportunity in this land. There can not be; our Government is human made; it is therefore not perfect; but we have more equality and opportunity in the United States of America and under the American flag than under any other government in the world. That is what I maintain.

Mr. EVANS of Montana. There is no question about that.

Mr. RUBEY. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. WEFALD].

Mr. WEFALD. Mr. Chairman, I had not intended to take the floor at this time, but I feel that somebody from the State of Minnesota ought to say a few words right now. My good friend from Minnesota [Mr. LARSON], who has, during the last two sessions of Congress, so ably been representing the eighth district of Minnesota, in which is situated the city of Duluth, I am quite sure would not have delivered—I will say it was an able discussion from his standpoint—but I will say he would not have delivered that kind of a speech had he been a candidate for reelection. [Applause.]

Mr. LARSON of Minnesota. Will the gentleman yield?

Mr. WEFALD. The gentleman did not yield to me.

Mr. LARSON of Minnesota. But the gentleman made a personal observation.

Mr. WEFALD. I made it in all kindness and in all candor. In the city of Duluth I am sure there is no agricultural crisis. The city of Duluth is where most of the grain that is raised in the Dakotas and Montana passes through the terminal elevators. I remember the time that I was a member of the State Legislature of Minnesota, and some of these bolshevistic farmers that the gentleman from Minnesota has so ably and vividly pictured to you demanded an investigation of the grain business, and we found that out of the millions and millions of bushels of grain—wheat especially—that passed through the elevators at Duluth—and those elevators, I am quite confident in my own mind, are owned, controlled, and operated by the close, personal, and intimate friends of Mr. LARSON—we found that it was the most profitable place in the United States to raise wheat.

Mr. LARSON of Minnesota. Will the gentleman yield for a statement?

Mr. WEFALD. The gentleman did not yield to me.

Mr. LARSON of Minnesota. Well, I did not make any personal observations.

Mr. WEFALD. This is not personal; this is the truth. [Laughter.] We found that there were going through the elevators in Duluth——

Mr. LARSON of Minnesota rose.

The CHAIRMAN. For what purpose does the gentleman from Minnesota rise?

Mr. LARSON of Minnesota. I rise to ask that the gentleman now addressing the House permit me to make a statement.

Mr. WEFALD. I decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. WEFALD. There were twice as many bushels of No. 1 wheat passing out of the elevators, that was shipped out to Europe, as went into them. I do not wonder that the gentleman from Minnesota does not take the same view of this question that I and the other Representatives from the agricultural districts of Minnesota and the Dakotas and Montana take. The gentleman referred to some of the northwestern Representatives as calamity howlers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEFALD. Give me five minutes more.

Mr. RUBEY. I yield the gentleman three additional minutes.

The CHAIRMAN. The gentleman from Minnesota is recognized for three additional minutes.

Mr. WEFALD. I want to ask—I will not ask the gentleman from Minnesota, because I did not yield to him—if, as I was told in a letter by some constituent of mine who wrote me lately in regard to a rural-mail route, that upon that mail route five years ago there were 150 names and there are now only 50 names, whether in that part of the country there is an agricultural crisis? Is there a man within the sound of my voice who will say there is not? Oh, I never dreamed that I should at this day and age and in this place hear the Bourbon spirit speak like it has spoken here when the gentleman from Minnesota told us that the trouble with bank failures in Minnesota was that there were three times as many banks as the State ought to have. Such speaks only the voice of Wall Street. He says they were shoestring banks and went bankrupt. The gentleman has not been out in the agricultural districts of Minnesota and I do not believe he is very well informed on what has happened there during this last year. I can tell him of some banks in Minnesota that had a capital stock of several hundred thousand dollars and deposits that ran up into the figures of millions that have gone bankrupt. They were not shoestring banks at all. The gentleman told us a very funny story about being once mistaken for a barber. Yes; I do not wonder that he was at one time mistaken for a barber. Ah, I wonder whether there is a person within the sound of my voice who, after listening to his speech, did not think that every farmer in Minnesota was such that at this time he needed a shave and a haircut. The gentleman from Minnesota can give them both. Ah, it reminds me of the glorious days of old Senator Nelson, when he came out and talked to the wild-eyed and woolly hayseed farmers. That is what he called them. That was all the sympathy the farmers got from him when they complained. There was agricultural distress at that time also. Yes; I have heard something about Russia. It has been the stock in trade of the new school of politician in Minnesota to talk about Russia.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. VOIGT. I agreed to yield the gentleman several minutes, I believe. I will yield the gentleman three or four minutes, if he wishes them.

Mr. WEFALD. I thank the gentleman.

The CHAIRMAN. The gentleman is recognized for four additional minutes.

Mr. WEFALD. Russia does not scare any man in Minnesota any more. We have a governor in our State who, in his first campaign for the governorship, went before the people, and there was agricultural unrest at that time. What did he say? He spoke about Russia; he said practically the same things that the gentleman said upon this floor to-day, and what did they do to him? He was elected in his first election by a majority of 140,000; in the next election that was cut down to 14,000; and last year, in the senatorial election, he was defeated by a plain dirt farmer to the tune of 95,000 votes. Ah, yes; there is an agricultural crisis in the State of Minnesota, my friends. Any Member of Congress from that State that does not know that will be told so in the next election.

Mr. BLANTON. Will the gentleman yield?

Mr. WEFALD. The gentleman always gets at least five minutes, and I suppose I have only a minute or so left.

Mr. BLANTON. I want to ask the gentleman a very pertinent question.

Mr. WEFALD. Well, go ahead.

Mr. BLANTON. The gentleman is a distinguished representative of the Farm-Labor Party?

Mr. WEFALD. Not very distinguished.

Mr. BLANTON. Does not the gentleman know that his party has denounced this bill?

Mr. WEFALD. My party?

Mr. BLANTON. Through the president of the Farm-Labor Party, Mr. Fitzpatrick?

Mr. WEFALD. Fitzpatrick lives in Texas, I think. [Laughter.]

Mr. BLANTON. Mr. Fitzwater?

Mr. WEFALD. He lives in Texas.

Mr. BLANTON. Is he not your president?

Mr. WEFALD. No. I will tell the gentleman that I am glad he asked that question. My party is a political party; it will reach Texas in time.

Mr. BLANTON. He is the president of the Farmer-Labor Party, is he not?

Mr. WEFALD. Just give me time to answer. I met the gentleman you speak of last winter in a meeting here at which we discussed these farm-relief questions, and he told me that the gentleman from Texas had not seen the light, but they were going to make him see the light by the next election. [Laughter.]

Mr. BLANTON. Somebody made me see the light, because I always see it.

Mr. WEFALD. I am glad the gentleman asked me the question. I have here in my pocket a prepared speech that it would take me nearly an hour to deliver and I can not get the time now, but if I can get the time to deliver it, I shall show the gentleman what the Democratic Party ought to do and what their pledges were in the last campaign, and what the Republican Party's pledges were in the last campaign, and I can prove to this House that the Republican majority in this House in their platform in the last campaign stands pledged to pass a bill of this kind and nature. I do not support the bill because it is proposed by my party. I am not a slave to party. I do what I think is right. I am not against the bill because the men I have been affiliated with here have not suggested it. I am proud of the fact that my insurgent friend from Wisconsin [Mr. VOIGT] has delivered the ablest argument against the bill, because that shows that in the insurgency in this House there are some brains attached to it. It shows that we insurgents differ at times and can not be driven like sheep. But I am for this bill in spite of the fact that it is a Republican measure proposed by Republicans, and I think that a Republican President ought to sign it.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I am opposed to this bill and for that reason will vote against it. I regret that I have to vote against a bill that is said to be in the interests of agriculturists—the farmers of the land. I have a sympathy for the men who till the soil, but in that respect I suppose I am no different from millions of city dwellers who realize that we in America who live in great towns and cities are at the longest period but a few generations removed from an ancestry that in all probability tilled the soil in European

countries and other lands for several thousands of years. I regret that I have to vote against the measure that is said to be in the interest of the yeomanry of our land who form the real foundation on which is constructed and built up all of our greatness and glory, or to phrase it in the language of our own immortal poet, a greatness and a glory that surpasses "the glory that was of Greece and the grandeur that was of Rome." Over the main archway of the Union Station, one of the Capital's architectural wonders, may be seen an inscription selected by President Eliot, of Harvard University, the first three lines of which should ever be in the minds of the statesmen, though the balance of that inscription is also worth remembering:

> The farm, best home of the family, main
> Source of national wealth, foundation of
> Civilized society, the natural Providence.
> The old mechanic arts, controlling new
> Forces, build new highways for goods
> And men, override the ocean, and make
> The very ether carry human thought.
> The desert shall rejoice and blossom
> As the rose.

Both in the legislature of my native State, where I served the people among whom I was born and reared for 12 years, and in this the Congress of the United States I have unfailingly and sympathetically supported every measure that I thought might afford some relief to the agriculturists of our country. I will continue to do so as long as I serve in a public capacity or live in private life. But I can not support this bill. I can not vote for it, because I am convinced from the annihilating analysis made of it by my colleague Doctor ASWELL, wherein he has demonstrated beyond all cavil and doubt that it will not do the farmer himself any good but will lead to his complete destruction after it has burdened his city wage-earning brethren to the point where their backs will be broken, benefiting only the packers and a few giant holders of agricultural commodities; that it is totally at variance with economic truth and is the last word in governmental fallacy and absurdity. I am convinced by his masterly, forceful, logical speech on this subject that this measure, if enacted into law, will ultimately lead to the unspeakable poverty of the tiller of the soil and the wage earner in the city, adding to the wealth only of those who are presently rich beyond the dreams of avarice. It is a measure that, without being offensive in my statement of the case, is the acme of folly in that it ignores completely the law of demand and supply, a law as ruthless in its operation and as unceasing, inexorable, and unsubduable and unpreventable as the tides of the sea or the seasons of the year. Things perhaps ought to be, but, however sad it may be to come to such a conclusion, things are; and we do not prevent the operation of law by closing our eyes to the situation or ignoring that law.

I would not, if it were not for the persuasion of my friend Doctor ASWELL, address the house on this bill. I am a city dweller, city born and city reared, and that fact might appear to make it impossible for me to understand and appreciate the condition of the poor countryman, farmer or agriculturist, as you will, who is striving to make his humble lot a little brighter and his country a little better for any effort that he may put forth; but my colleague knows that I possess, in common with all of my countrymen, an affection for the man with the hoe, who toils from sunrise to sunset, who earns a pittance, and whose only consolation is that he is still a free man except for his financial burdens, is a son of great nature, free from the artificial restraints that afflict his city brethren, has the open spaces for his breathing spots, and at night the broad canopy of the heavens, star studded, to suggest to him the wonders of the universe and the omnipotence of his God. I wish I could offer some remedy for the financial embarrassment that besets the path of the farmer. He was the first man on earth, and he will be the last man on earth. He was our first kinsman, and he will be the last one of our line when this old earth is speeding on to its final destruction. Altering the lines of a celebrated sentence in a great speech delivered in Congress years ago: If I could be instrumental in lifting his burdens and solving his problems, I would not exchange the proud satisfaction that I would enjoy for all the triumphs that ever decreed to the most successful conqueror.

Then, inasmuch as I know that no statute of any legislative assembly, no resolution of any lawmaker can alter or amend the immutable law of supply and demand, what have I to offer to my toiling countrymen in the fields of the land? Just a few observations from which he may draw a lesson that will in itself suggest a thought that may ripen into other thoughts and carry to other minds that which may result in something that will bring about the betterment of his unhappy financial lot. But before I reach my suggestion, let me repeat, reiterate that any attempt to control, subdue, or prevent the operation of the great law of exchange and trade will be as idle, as foolish, and as barren of results as the pose of Ajax in the fabulous story of his defying the lightning, as the command of Canute to the ocean to stay her proud waves on the shores of his dominion, as the order of Joshua to the sun to stand still, which was tantamount to the ordering of the earth to stop revolving on its axis. No artificial restraint imposed by man can even for a moment prevent the operation of any natural law, or the operation of a law springing into being as the result of conditions that were brought into existence by the operation of some other law. The universal scheme of things is dependent upon law, and that law is in operation unceasingly, though we see it not, understand it not, know it not. In the fullness of time we make the discovery and give its principle an application that works for our individual advancement and promotes the general welfare. Even our great transportation problem, subject to the immutable law that governs all things, will solve itself by a unification of waterways, highways, railways, and airways, inescapable, unavoidable, inevitable as the result of the general growth that will make unerringly and irresistibly for that unification. No; we can not make men rich by congressional resolution or legislative enactment, so far as they will affect the operation of economic laws.

Why, gentlemen, if we could solve the problems that afflict the agriculturalists of this country to-day with a price-fixing measure—and this is a price-fixing measure, soften the term as you will—the problems of the world would be settled for all time to come. I am absolutely convinced, I repeat, that it is utterly at variance with economic truth to think you can do so, and that you are attempting to accomplish the impossible—that is, by resolution of the lawmaker to undo that economic law which has been operating unceasingly night and day from the beginning of time, and like all law will continue to operate until time is no more. You can not do it, gentlemen, as much as I would like to see you do it, and the fact that some of the ablest proponents of this measure to-day have reluctantly conceded that it is not a perfect piece of legislative mechanism, that it is subject to criticism, means nothing more or less than if you were to attempt to put it into operation it would mean unthinkable poverty for nine-tenths of the agricultural masses and for the vast and overwhelming majority of the city dwellers.

The only people who would reap benefits from this bill, I repeat, and I can not repeat it too often, are the packers and the gigantic holders of commodities who would be subject to its provisions, or, rather, the beneficiaries of its provisions. The title has passed from the hands of the men whom you would aid and assist, and God knows I would like to see you in a position to aid and assist them. I know you are sincere; I know you are honest in your endeavor; but that does not render that effort the less susceptible to criticism or less erroneous.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. No; I can not yield now, I regret to say.

Mr. Chairman, I am not severely analytical in my attitude to human existence. The lesson of life has been learned by me by actual observation, and it is that experience that I usually bring to bear in trying to solve the problems that confront me.

Probably, in no other city in the United States of America are the inhabitants so closely related to the people of the surrounding country as we are in the city of New Orleans, where we are blood of their blood and bone of their bone and sinew of their sinew.

That romantic old city, situated at the foot of the river near the Gulf of Mexico, is dependent for her prosperity if not for her existence on cotton, sugar, and rice, so that the people of our city are really within the cousin degree of the people who live around us. In other words, we of New Orleans are of the country and for the country. Now, to the suggestion I referred a short while ago. Years ago when I was stenographer for a cotton house, I learned one of the great lessons, which I will endeavor to indicate to you in hopes that it will fall on fertile ground and bear some results, if not now, at some other day.

For years the South had been obsessed by the slogan or high-sounding expression "cotton is king." The humblest white man in the South swayed by that alluring and appealing announcement refused to make any other crop than a crop of cotton. In fact, he did not think of the matter from any other standpoint or in any other light.

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

Mr. VOIGT. Mr. Chairman, I yield the gentleman from Louisiana 10 minutes from my time.

Mr. O'CONNOR of Louisiana. I learned in those days that there is more danger in a slogan than in a dynamite bomb. I learned that a blind attachment to a tradition, that worshipful reverence almost of the expression "cotton is king," prevented for years the progress of diversification and retarded the new development and prosperity of our section to an immeasurable extent. As a result of our failure to hearken to the cry of a few John the Baptists who were preaching in the wilderness, as it were, the necessity of diversification, cotton hit bottom in 1895, when middling sold for a little above 5 cents per pound. It was a fearful time. But we learned through the stress of that never-to-be-forgotten period the bitter lesson, though we have not learned it entirely. "God moves in mysterious ways His wonders to perform," and it is through saddening experiences that we learn the law and move to a higher and better knowledge of the things that control us, if we do not control them. During those clerkship days I was in a position to know first hand the trials, the tribulations, the disappointments, and the woes and burdens of the cotton planters, high and low, the merchants and the tenants of the country who raised and shipped their product to the city for sale—for the pittance that it brought in those unhappy days. Yes, I can and do sympathize with the afflictions of the northwestern farmer, for I witnessed the privations and the suffering that our farmers in the South underwent and endured while endeavoring to restore their section of our common country during and after the reconstruction period, when we felt that all was not lost as long as we had honor and the faith of our fathers left.

It was during those dark, terrifying days that there came among us to lift us in a measure from the slough of despond, as it were, a gallant soul from New England, a man who played out magnificently the grand part allotted to him in the drama of life. He was indeed a cloud by day and a pillar of fire by night to us of Louisiana. He preached day in and day out, week after week, year in and year out, in season and out of season, "Diversification, multiplication of products, diversify, diversify." He realized that such was the only way out of our deplorable situation and that a reasonable application of the doctrine he preached continuously was only the acknowledgment, the meeting, the acquiescence in the living up to the law of production and that economy which teaches that you can not spend more than you make, that you can not have your cake and eat it, too.

We are a very conservative people, Mr. Chairman and gentlemen of the House, as you who have observed and studied our dispositions, tendencies, and reactions know. We are extremely reluctant to break old habits or depart from established customs, violate precedents, or change an attitude that might even spell economic vassalage. Notwithstanding the zeal of a few, Peter the Hermit, leading a new crusade, the crusade for diversification, we made little progress in that direction. Our preachments, our sermons, fell to a large extent upon deaf ears, until a terrible day when we awakened to the fact that we were face to face with a calamity that whitened faces and stilled the beatings of our hearts, for a situation suddenly confronted us that had no parallel in history. The boll weevil, insignificantly small in size, but making up an army numbered by millions and millions, cut across the Mexican border and in the twinkling of an eye the prosperity of a vast section was changed to adversity little short of prostration.

I had often read of the desolation of India under the misrule of Warren Hastings and the misery of Oude as depicted by Burke and Sheridan, but never had a grasp of what agricultural ruin meant until I crossed the once fertile fields of north Louisiana, from the Mississippi to the Red River, during the first year of the destruction wrought by the weevil. I shall never forget that trip. Abandoned farms, deserted cabins, making for a solitude so vast that one felt as if he were under the influence of some evil wilderness spirit. The once inspiring slogan "cotton is king" was forgotten, and the boll weevil had apparently conquered. We had not diversified to any extent. We were still a "condensed-milk country with cows running wild." We are learning the great truths of human existence, of the orderly and the wise way, slowly but surely, my friends. That is the only consolation that disaster brings to us, Mr. Chairman, in its wake, and that is that it teaches us some valuable lessons through its chastening rod.

Our people had fled from their fertile fileds where they raised cotton only—because cotton was king—as if from a plague-stricken land, for that is what is was after all. Fields that whitened with cotton one day were a waste the next, the boll ravaged by the weevil, against whose advance and depredation we were powerless, which suggests the thought that the human race will be vanquished by an invisible germ against which our guns and high explosives will be useless.

But the longing for home is irrepressible and generally resistless. Our disheartened and discouraged but brave men and women returned to their old homes resolved to do and dare again, and to struggle to hold the old homesteads for their children. Slowly they journeyed back and began life anew and knowing they could not depend upon cotton learned the value of diversification. But I do not think that north Louisiana has yet risen from the position into which she fell then as a cotton-producing section of this country. However, they learned a great though severe lesson. They learned diversification, they learned to avoid the cost of goods bought in the cities and freight costs by making on their farms what they formerly bought. And by the way that is another factor that some day will enter into the calculations, the conversations, the discussions of able men in this country, the tremendous saving that can be effected by avoiding unnecessary freight charges. Economists will ascertain that transportation is overdone in our land. We can not go on shipping raw material practically across the continent to have it put into the finished product, and back again across the continent for consumption, as such a freight charge adds enormously to the sale price of every article sold and consumed. Transportation plays too important a part in the affairs of this country, to the extent that by location of factory near the raw material we can avoid considerable freightage. But only time and a logical development of our great resources can cure the ills that are afflicting us recently, industrially, commercially, and agriculturally.

Mr. Chairman and gentlemen, I wish to thank the gentleman from Wisconsin [Mr. VOIGT] and my good friend from Louisiana [Mr. ASWELL] for the time they have allowed me. I know that I have not contributed very much to the value of this discussion. Some one once said that some men can talk half a minute and keep the world guessing for half a century while others can talk for half a century and not keep the world guessing for half a minute. I know that I do not belong in the first class, and I hope that I do not belong in the latter. I have endeavored to carry to your minds the fact that you can not by resolution, by legislative enactment, alter the great laws that have been constantly working from time immemorial to use the solemnity of a legalist. Otherwise you would have the millenium or, more than that, you would have the law that governs all things subservient and controlled by the legislative fiat of mere man. [Applause.]

Let me conclude; but before I do so permit me to say that the majority Members have not labored in vain. They have labored long, earnestly, and industriously with a problem that has puzzled philosophers and students since the sunrise of civilization in hopes of bringing to us a solution. Inexhaustible zeal, indefatigable enterprise, untiring activity have marked their course in the consideration and the reporting of this bill to the House. They have not failed, though the measure do not pass. They have aroused discussion, and it is upon the anvil of discussion that the spark of truth will fly. Though they lack the victors, they shall not want the toiler's pay.

Mr. ASWELL. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I represent an agricultural district. My constituents are principally farmers and stockmen. They are now suffering great distress due to deflation following the war. Many stock raisers who owned considerable properties before the war are now bankrupt. I am deeply concerned about their welfare. I am very anxious, indeed, to help them. They deserve help. All will admit that agriculture must be put back on its feet. Farm life and farm profits must be made so attractive that the boys who have left the farms will return to them and be satisfied there.

But what is it possible for a Congress through legislation to do that will help and assist agriculture? It would not be a sound policy to give money to farmers. And they do not want their Government to give them anything. All they want is a fair, square deal. They want the Government to stop discriminating against them. They want a fair show. They want a fair market. They want only one middleman, not a dozen, making profits between them and the consumers.

I would vote for any bill that offers any sure relief for agriculture. But I will not fool the farmers and stockmen. When they ask for bread I will not give them a stone. I will not help to appropriate $200,000,000 in their name out of the Public Treasury and then make it possible for this stupendous sum of money to be squandered by others, and then tax the farmers and stockmen to make it good. I will not hold out make-believes and then rob them. During the eight years I have been here I have seen the Congress appropriate about $70,000,000 each year in the name of the farmers and turn it over to the Department of Agriculture, and then watched the

most of it expended in salaries and traveling expenses for swivel-chair employees; and when the overhead is compared with the small benefit bestowed upon the farmers and stockmen, it reminds me of when the little boy said he would rather have the bite than the apple.

Calling this McNary-Haugen bill a "farmers' relief measare" does not make it so. I have found that titles to bills are very misleading. I have found that all of them deserve close scrutiny. This bill will cause to be appropriated $200,000,000 of money out of the Public Treasury, and to get it the people of the United States—farmers and stockmen—will have to be taxed. And this money will be turned over to a Government corporation presided over by five directors, the chairman of it drawing $12,000 and the other four $10,000 each per year, and from the minority report we glean that we will probably have about 50,000 extra employees put on the pay roll to administer this act. Is not that too many employees? Is not that going it pretty strong on increased expenses? Have the farmers asked that we thus spend their money? No! For in that petition, signed by 350,000 actual dirt farmers of the United States, which they sent to us Congressmen through one of the leaders of the Republican steering committee, published in the CONGRESSIONAL RECORD, they demanded of Congress that we must not create any more boards, that we must not create any more commissions, that we must not create any more high-salaried positions, but that we must stop waste and that we must stop extravagance. And Congress has not yet paid any attention to them.

When the distinguished gentleman from Kansas [Mr. TINCHER] was discussing this bill he was asked why the consumers now had to pay just as much for pork when farmers are getting only 7 cents per pound, as they did when the farmers received almost double that price, and why all this profit between the producer and consumer was permitted. His reply substantially was that there was no provision in this bill designed to remedy that situation. Why is there no provision in this bill to stop these unconscionable profits of middlemen between the producers and consumers? That is the only thing the producers are asking of Congress. Even if this bill were workable—which it is not—and even if it would cause farmers now to receive 11 cents per pound for their hogs instead of 7—which it will not—there is not one paragraph in the bill to prevent these same numerous middlemen collecting their profits over and over again above this 11 cents before the consumer is able to put the pork on his table.

It would be a very easy matter, indeed, for Congress to limit these intermediate profits if it wanted to do so, but seemingly it does not want to do so, for it does not. President Wilson recommended that Congress do so. But it did not. Why does it not do so? Is it a fact that these middlemen have so much influence that they are able to prevent Congress from passing such a law? If this is not so, then why is it that Congress does not pass a law that will stop it?

There are many cattle and sheep in my district. My constituents are vitally interested in the price of beef, mutton, and wool. But even the proponents of this measure must admit that this bill will not benefit these products one penny. Why? Simply because the bill does not operate on any product until there is declared an exportable surplus of that product in the United States. And every posted Member of this House knows that we import more beef, and more mutton, and more wool than we export, hence there could not be declared an exportable surplus on any of these three commodities, hence it is clearly apparent that this bill will not benefit any cattle raiser or sheep raiser one penny's worth.

Mr. Chairman, we are witnessing a most peculiar situation. We have here a bill before us called a farmers' relief bill. The initial appropriation to come out of the Treasury authorized by this bill and which is to help the farmers is the great sum of $200,000,000, and yet all of the cotton farmers all over the United States—and cotton is the main crop in my State—think so little of the bill, however much they want relief, that they have come in and demanded that they be left out of it, and they were left out. Hence no cotton farmer in the United States will get any relief whatever from this bill. Is not that a wonderful situation? We have a farmers' relief bill that is to take an initial appropriation of $200,000,000 out of the Treasury, with cotton farmers and cattle raisers and sheep raisers all needing relief, and we find that the bill offers none of them any relief whatever, and we see the Representative of a farmers' district, our friend from Louisiana [Mr. ASWELL] on the committee, yet fighting it. We have a farmers' relief bill to appropriate $200,000,000, and we find another strong Representative of a farmers' district, our friend from Kentucky [Mr. KINCHELOE] on the committee, yet fighting it. And we find fighting it another member of the Committee on Agriculture, our colleague from Texas [Mr. JONES], who represents a farming and stock-raising district. They are fighting to keep you from placing it as a shackle around the feet of the farmers of the country. Is not that a peculiar situation?

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

Mr. BLANTON. I ask the gentleman to kindly excuse me as I have so little time. We see another peculiar situation. The distinguished gentleman from Minnesota, our friend and colleague, Mr. WEFALD, is the representative and the only representative in Congress of the Farm-Labor Party. I have the highest regard for our friend Mr. WEFALD. He is a splendid gentleman. But I have no regard whatever for his party.

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

Mr. BLANTON. I yield to my friend because he is always courteous, and he yields to everybody.

Mr. WEFALD. I thank the gentleman. I wish to be fair always. Does the gentleman know anything about my party? [Laughter.]

Mr. BLANTON. I am now going to tell the gentleman something about it, with respect to its attitude toward this bill which it condemns. I have a letter here that has just been sent to me within the last two hours. It is dated to-day, May 22, 1924, and is from the Farmers' National Council. On the letterhead it gives the names of the officials who compose this Farmers' National Council. Let me read some of them: "W. W. Fitzwater, president of Farm-Labor Union of America." He is the national president of the gentleman's great organization known as the Farm-Labor Union.

Mr. WEFALD. Where does he live?

Mr. BLANTON. It does not state here, but I happen to know that he lives at Bonham, Tex. Let me give you some others. Here is "A. M. Hilliard, president Farm-Labor Union of Texas." The other was the national president. Here is "S. P. Russell, president Oklahoma Farm-Labor Union." Here is "R. W. H. Stone, president North Carolina Farmers' Union." Here is "J. C. Thompson, president Arkansas Farm-Labor Union." Here is "J. E. Warren, president Mississippi Farm-Labor Union," and I could read a whole batch of the others, but I have not the time; but that is a sufficient recitation to show you that they are some of the leading representatives of the gentleman's party, the Farm-Labor Union, and while I do not indorse either them or their party, I want to read you their just condemnation of this vicious bill.

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

Mr. BLANTON. I regret that I have not the time; otherwise I would gladly yield. I must read to my distinguished friend from Minnesota [Mr. WEFALD], who represents this Farm-Labor Union in Congress, and is its only Representative here, just what this letter from this Farmers' National Council says about this bill. I want you to understand clearly, however, that I do not indorse any of these men who are members of this council and I do not indorse their council, but however misguided they have otherwise been on political, economical, and governmental questions, they seem to have a pretty good idea about the viciousness of this bill.

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

Mr. BLANTON. In just a moment. From this letter, dated to-day, from this Farmers' National Council I quote the following excerpts:

To Members of the House of Representatives:

GENTLEMEN: The Haugen bill is worth many hundreds of millions of dollars a year to meat packers and millers, bakers, and other speculators by increasing the value of stocks of their products they have on hand as soon as it goes into effect and by enabling exporters to assess back upon the farmers losses which they claim with their padded accounts to have sustained on the exports of meat products, flour, etc.

The Haugen bill is admitted by its author to be so injurious to farmers that he incorporates (sec. 305, p. 27) a criminal penalty of one year in jail or a $5,000 fine, or both, on farmers who "willfully" fail to comply with its wicked and unworkable provisions.

The Haugen bill is dishonest and deceitful; it pretends that farmers are to be paid the pre-war ratio price, though they were going broke at that price, but its sponsors privately admit farmers won't get over three-fifths to four-fifths of the pre-war ratio price. That is true.

The Haugen bill, through the intermittent operation of the export corporation opens the way to such colossal fraud, waste, and loot as make Teapot Dome lease look sanctified.

The Haugen bill is sponsored by Charles J. Brand, long the meat packers' efficient tool in the Department of Agriculture, whose present job is endangered by revelations regarding the Haugen Packers' Act.

The Haugen bill has not been indorsed by a single real national general farm organization, and all clear-thinking farmers are opposed to it. * * *

The Haugen bill has not been indorsed by a single real labor organization * * *.

Chairman HAUGEN suppressed the testimony I gave before his committee against the Haugen bill in which I exposed its vicious origins and results.

The Haugen bill is indorsed by the big financiers and bankers, like Otto Kahn, who see a chance to save their speculations. Who has paid for the enormously expensive propaganda for the Haugen swindle on farmers?

The Haugen bill is indorsed by * * *. They also indorsed the Cummins-Esch robbery and the ship-subsidy steal, and are fast losing their members. The Haugen bill will increase the cost of living by at least $1,500,000,000 a year, or $64 per family, of which the farmers may not be prevented from getting $300,000,000 to $400,000,000 in cash, to have it taken away from them later in higher prices for what they buy. The profiteers will take the rest, about $1,100,000,000.

The Haugen bill is a scheme to fill the treasury of the Republican Party—the oil funds being dried up.

Chairman HAUGEN knows he is misrepresenting the position of the American Federation of Labor, whose representatives stated they are willing to pay a higher price for farm products if the farmer gets it. They certainly would not be a party, nor would any other labor organization, to any bill to rob producers and consumers for the benefit of the gamblers and bankers who, Mr. HAUGEN admits, favor his bill. (CONGRESSIONAL RECORD, May 20, pp. 9028-9029.)

The Haugen bill is part of the big meat packers' scheme to create a food monopoly. Mr. HAUGEN amended his bill to include rice. In the one year, 1917, Armour & Co. became the greatest rice merchant of the world. The Armour Grain Co., of which the Armour family owned 86.9 per cent in 1917, handled 23 per cent of all grain receipts at Chicago, the greatest market in the world. At this minute, while Mr. HAUGEN is pushing his packers' subsidy bill, Armour and Swift are fighting in the courts to have the packers' consent decree set aside so they can get Mr. HAUGEN's subsidy on wheat and rice, as well as on all products of cattle, swine, and sheep. Not a single big packer appeared against this bill. They have their agent, Charles H. Brand, working with Mr. HAUGEN for it. Ask Mr. HAUGEN if he dares deny these facts.

The Haugen bill is a typical standpat perversion of the bounty system of embargo and bounty which pays the bounty out of the Public Treasury. The Hangen bill provides for an embargo, but instead of paying a bounty to the producers of controlled crops, it almost criminally soaks the farmers to pay a bonus to speculators in these farm products.

Mr. Dante M. Pierce, Republican, leading farm journal publisher, says in the Iowa Homestead:

> "The McNary-Haugen bill, in my opinion, is a snare and a delusion created to befog the farmers' minds, becloud real farming issues, and make political capital for a little clique of men. * * * It is an effort to devise a system which will not bother the grain gamblers, the brokers, the commission men, or the packers."

The Haugen bill is a sinister move to kill a real efficient marketing system for farm products and end real cooperation. Kill the Haugen bill, and the administration and the House and Senate majority leaders will pass a real measure for farmers instead of the fake McNary-Haugen swindle on farmers. They won't dare not to. They might as well not have an election if they do not. They know it.

Eugene Frey, formerly lecturer for the Illinois State Grange, writes:

> "I can not support the McNary-Haugen bill. To me it simply spells the death knell for genuine cooperative effort. The McNary-Haugen bill is vicious."

The present administration has deceived, robbed, flimflammed, deflated, and buncoed and broke nearly a million farmers. The Haugen bill is a climax of iniquity to this record.

I want you gentlemen to understand that the above denunciation of this bill does not come from me but from this Farmers' National Council. And while I agree that this bill is bad and should be defeated, I am almost ashamed to quote this organization and its board of directors, some of whose names I have given you.

The foregoing, however, is what an organization that I do not approve of says. I have been reading its condemnation just to show that the distinguished gentleman from Minnesota does not seem to be in accord with his party; he seems to be out of accord with these officials. Now I will yield to the gentleman.

Mr. WEFALD. I am glad the gentleman yielded at this time so I may set him right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Will those in charge of time kindly give me five minutes more?

Mr. VOIGT. I yield the gentleman five minutes.

Mr. BLANTON. I gladly yield to the gentleman from Minnesota.

Mr. WEFALD. I wish to say to the gentleman that I came to Congress pledged to the support of the Norris-Sinclair bill.

Mr. BLANTON. Why, then, did the gentleman not get behind that and help us kill the Haugen bill?

Mr. WEFALD. Just one second. At this time it seems to me that the Haugen bill is the only bill that we can have a chance to get action on. I think it is the next best to the Norris-Sinclair bill. The gentleman used names of men who indorsed the Norris-Sinclair bill. Will the gentleman from Texas support that bill if it comes before the House?

Mr. BLANTON. I have not had time yet to study it, but I am willing for the men on the committee who represent real farming districts close to me to look after that bill, and if they say it is good I would then study it to see whether I will support it.

Mr. WEFALD. That bears out what I told the gentleman, that the gentleman from Texas is going to see the light, and I think he is beginning to see the light.

Mr. BLANTON. Mr. Chairman, I find that this letter tells the truth when it mentions Otto H. Kahn, because in another circular here is what I received in the way of the Kahn propaganda [exhibiting it] which came in another envelope, coming from a different State and post office.

I also got this circular [exhibiting another], supposed to come from Kansas, and then in another envelope from another post office I got this circular that is supposed to be an indorsement from organized labor; but when you put all three of them together you will see they are printed on the same printing press, with the same printer's ink, and with the same paper and type, if you please, all coming from the same source. Some one master mind sent all of this propaganda to us.

Mr. TINCHER. Will the gentleman yield to me?

Mr. BLANTON. Not at the moment. I regret I have not the time.

Mr. TINCHER. I always yield to the gentleman.

Mr. BLANTON. If our friend from Kansas had additional time to yield me, I would gladly yield for questions. I wish I had the time, because I do think a great deal of my friend from Kansas. Let me call attention to some other serious——

Mr. BLACK of New York. Was the union label on that last union circular?

Mr. BLANTON. I do not think it is on it. Look at it. I do not think the union label is on it. Well, since the label is not there, throw it away, because without the union label on it we know it is not authentic. The other night when the distinguished gentleman from Wisconsin [Mr. VOIGT] was making the best speech I have heard here in many a day he turned to the chairman [Mr. HAUGEN] and he said, "When these 80,000 hogs come on the Chicago stockyards and the Chicago stockyards can not use but 50,000 of them, and there are 30,000 to be handled by this Government corporation," he said, Mr. Chairman, "tell me what this Government corporation is going to do with those 30,000 surplus hogs"; and the chairman said, "Just send them on to another market; pass them on; send them on." How are they going to do it?

Mr. PAIGE. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. PAIGE. I assume that the gentleman believes that the law of supply and demand will regulate this whole matter.

Mr. BLANTON. Of course, I agree with the gentleman.

Mr. PAIGE. You remember three or four years——

Mr. BLANTON. You can not beat the law of supply and demand, if you prevent combinations.

Mr. PAIGE. The gentleman remembers when the slogan was "Buy a bale of cotton at 10 cents." That cotton to-day is 25 cents. If the southern cotton growers had then made a move for a bill of this kind to put cotton to 25 cents, it would have closed down every textile mill that used cotton in this country.

Mr. BLANTON. The gentleman is right. Now I want to mention the hog proposition. Some of you gentlemen who raise hogs—I think our friend from Ohio [Mr. BEGG] ought to hear this, the hog expert on class A hogs; I think he ought to be present and hear this.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. VOIGT. I yield to the gentleman five additional minutes.

Mr. BLANTON. I want to use those five minutes myself, and I must decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLANTON. If any of you have ever rounded up your hogs and put them in a wagon or two wagons and started to market with them, before you got there, maybe so, you would find two or three 300-pound hogs dead in the wagon. I have seen that happen. When you get a hog fat and ready for market it is a pretty risky business to handle him under certain conditions.

You are taking big chances on him; you have got to know how to handle him in order to have him reach market alive. Suppose you ship hogs from several other States to Chicago, and when they reached the stockyards the packers could not take them, and then the corporation had to rehandle them and ship them somewhere else. Do you not know that the Government is going to lose many in that bunch of hogs by reloading them on the cars and sending them elsewhere after the Government purchases them?

I want to refer to just one other matter in these five minutes in order to show you the ridiculous attitude our committee is in. Our friend from Missouri [Mr. RUBEY] virtually admitted this was a price-fixing proposition.

Mr. RUBEY. I did not admit that.

Mr. BLANTON. I am going to ask you to look at his remarks to-morrow and see what he did say.

Mr. RUBEY. I will tell the gentleman what I said.

Mr. BLANTON. Mr. Chairman, do not take this out of my time. I decline to yield.

Mr. RUBEY. I will tell the gentleman what I said.

Mr. BLANTON. Here are about the words the gentleman used. I paid close attention and the gentleman will not deny them when I say them. Here is what our friend said. He said, "We do not admit this is a price-fixing matter, but," he said, "for the sake of the argument, let us presume it is," and then he said, "What of it?"

Mr. RUBEY. Well, what of it? Tell us.

Mr. BLANTON. Mr. Chairman, I ask that this interruption be not taken out of my time.

The CHAIRMAN. The gentleman asks not to be interrupted.

Mr. BLANTON. I am going to tell him "What of it." I have seen this Government price-fixing machine operate. I was here during the war, and we had a southern man, if you please, as Secretary of Agriculture—Mr. David F. Houston. He had been president of my State University of Texas for several years, and he had been my professor in the State university when I was a young man attending college there in 1894 and 1895. He was supposed to have at heart the interests of the southern farmers, yet when cotton was worth 45 cents a pound we found this southern Secretary of Agriculture attempting to fix a price of only 25 cents a pound on cotton, which would have bankrupted every cotton farmer in the United States. That is an illustration of what may happen with Government price fixing.

I want to say this to you on this price-fixing proposition: It works both ways. It can be fixed up and it can be fixed down. I heard that distinguished orator from New York, the Hon. Bourke Cockran, stand on this floor and in one of the last speeches he made here say this. He said:

> I represent 5,000,000 consumers in the city of New York, and I am here to stand and fight for them to get everything they eat and everything they wear at the very lowest price possible.

Those are the words of the former distinguished Bourke Cockran, of New York. That is what we find to be the attitude of those coming from the great metropolises of this Nation. We will find the Representatives of the 5,000,000 constituents of New York voting to get what they eat and what they wear at the very lowest minimum possible, and there could come a time when, by the vote of the Representatives on this floor, the producers of this country, the producers of food, clothing in the raw materials, if you please, could have their rights jeopardized by a price-fixing machine which would run them off the farms. You have already run the boys off. It is the men and the old men, women and little girls, children who do the work there now. The boys are going to the cities. But if you should ever start a price-fixing machine there will come a time when you will run them all off the farms, and you people who live in the big cities of this Nation, in New York, Chicago, and San Francisco, will starve to death for want of food.

I am going to vote with the farmers' representatives on this committee, men like the gentleman from Louisiana [Mr. ASWELL], men like the gentleman from Kentucky [Mr. KINCHELOE], men like my colleague from Texas, MARVIN JONES, who represents not only a farming district but a stock-raising district. He has the interests of the stockmen at heart. He knows what could happen to the stockmen if this price-fixing machine is once started and put into operation. I am going to vote with those men, and I hope I shall get a chance to vote to strike out the enacting clause of this bill so that we may stop it where it is.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. TINCHER. I am in a position to yield to the gentleman one minute in order that I may ask him a question.

The CHAIRMAN. The gentleman from Texas is recognized for one additional minute.

Mr. TINCHER. I want to know who signed the letter the gentleman has read.

Mr. BLANTON. A man for whom I have neither respect nor regard, a man named Benjamin C. Marsh, managing director of this Farmers' National Council.

Mr. TINCHER. I just wanted to know who the man was.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman and gentlemen: There have been more misstatements of fact in the discussion of the McNary-Haugen bill than I have ever listened to in the discussion of any bill during the five years I have been a Member of this House, a part of the time, perhaps, for specious argument and at other times, no doubt, for lack of information.

Many have had something to say in regard to price-fixing. I maintain that this is not a price-fixing bill and my statement can be substantiated by the figures. If the bill had been in operation during the past year the effect on wheat prices would have been as follows, month by month. Starting with January, 1923, the price would have been, central market, highest grade wheat, $1.65; the next month, $1.66; the next month, $1.68; $1.68; $1.65; $1.62; $1.59; $1.59; $1.63; $1.62; $1.61; $1.60; and the first three months of this year, $1.60, $1.61, and $1.59.

How can anybody say that this is a price-fixing bill with a price that fluctuates practically 12 times in the year and a different price each and every month?

Now, gentlemen from New England have been very much disturbed as to the effect the enactment of this bill into law is going to have on their constituents.

I want to read to you a telegram received to-day, which tells you the effect that the agricultural depression is already having on your constituents, on your cotton mills, and you, men, in your cotton fields:

ROSALIA, WASH., *May 19, 1924.*

Hon. JOHN W. SUMMERS,

House Office Building, Washington, D. C.:

Cotton growers and manufacturers and wholesalers in eastern trade centers have direct interest in passage McNary-Haugen bill to restore buying powers to farmers.

Merchants in typical farm centers show remarkable decrease in merchandise purchases from New England and eastern Central States.

Six merchants of Walla Walla, Wash., purchases in 1920 aggregated $1,530,000.

The same merchants in 1923 purchased only $873,000.

Five merchants, Pendleton, Oreg., same years, reduction from $954,000 to $421,000.

Six merchants, Colfax, Wash., same years, $421,000 to $245,000.

All showing farmers' reduced buying power, $2,904,000 to $1,539,000.

F. J. WILMER,

President Whitman County National Bank.

The figures show a decrease in eastern purchases of nearly exactly 50 per cent.

That is what is the matter with your cotton mills and that is what would be the matter with your cotton prices in the South if it had not been for the boll weevil, which destroyed your crop and brought your price up to where it is to-day. I can not understand how men can gather their righteous economic robes about themselves and draw themselves off into one little section of the country and think that they and theirs are living alone. It does not happen. It can not be. We are all interdependent, interrelated one with the other. [Applause.]

All these facts show that the purchasing power of the farmer has been enormously reduced. While these figures especially reflect conditions in 9,000 towns west of the Mississippi River, they apply with almost equal force in Illinois and Indiana and several of the other states of the Union.

Are you now going to say that this is a sectional measure, that this is a class proposition? There is not a problem before the American Congress that compares with it. The tax bill, the bonus question, or any of the measures that we have had before us do not compare in their effect on American commerce, on American citizens, on American labor, and on American industry with the bill we are considering now. If I had the time,

I would like to show the effect on the banks. Our friend from Duluth, Minn., spoke about 1920. Why, there have been eight times as many bank failures in the last eight months as there were in 1920, the year he cited as the worst year.

I would like to show you the figures on tax payments. I will show you that farmers in a highly productive country are paying only 5 per cent of the income taxes they paid four years ago. Does not that affect you throughout the United States? [Applause.] Gentlemen of the Southland and of the industrial East, I want you to know conditions as they are.

THE MAN BEHIND THE PLOW

Mr. Chairman and gentlemen, a few days ago I received this telegram:

WALLA WALLA, WASH., *May 18, 1924.*

JOHN W. SUMMERS,

House of Representatives, Washington, D. C.:

Following are comparisons of purchasing power of bushel of wheat in 1913 with to-day:

Two-bottom plow cost then 80 bushel now 140.
Wagon then 80 bushel now 200.
Double harness then 40 bushel now 80.
Suit clothes then 40 bushel now 80.
Pair of shoes then 6 bushel now 12.
Machine operators per day then 8 bushel now 16.
Harvest labor per day then 3 bushel now 6½.
All other articles in same ratio.

F. O. HAGIE, *Secretary Chamber of Commerce.*

These cartoons, which Allen Sousa, our courteous keeper of the west door, has enlarged at my request, forcefully illustrate the condition of the American farmer.

This one shows farm products in one end of the balances and all commodities in the other end. You will note the striking disadvantage of the farmer. Note the surprise on Uncle Sam's face as he confesses he "did not know conditions were so bad."

Our second cartoon shows the evening up of the balances under the McNary-Haugen bill.

Uncle Sam's cup of joy is full; his face is one broad smile of surprise and happiness. He wants to treat all his people fairly. "That's more like it," says Uncle Sam. "A square deal is all I want," says Uncle Reuben.

THE FARMER

The American farmer is the greatest stabilizing force in American life, American institutions, and American government to-day. So he has been since the foundations of the Republic were laid. I will go further and remind you that he furnishes the chief market for American industries, and that without him they must crumble; and in the crash American labor suffers most of all.

THE GOOD OLD DAYS

Prior to the World War the price of farm products kept pretty even pace with the products of factories, with transportation, and with labor. During the very normal 10-year period just preceding the war the price of farm products and of 404 commodities on which statistics are kept were on about the same level. We all agree that this parity was just.

Since agriculture is our great basic industry, no doubt all who hear me will agree that in common fairness agriculture of right should move up and down with all commodities.

WHY FARM PRICES LAG 30 TO 50 PER CENT

However, since the war we find the all-commodity price about 154 as compared with 100 before the war, and agriculture dragging 30 to 50 points behind. Why is agriculture lagging? For two reasons: First. Transportation, manufactured articles, and labor are high—perhaps not too high—but these enter largely into the farmer's cost of producing, and he can not escape these costs. He may work longer hours; he may strive as he will, but he can not control these high cost factors.

Second. As conditions are to-day we see the farmer carrying his surplus product to Liverpool, there to barter against the products of cheap lands, cheap labor, and lower living standards of peasants and peons in the Argentine, Australia, and India, and the new, productive lands or northwest Canada. Not only does he sell his surplus in Liverpool, but there also from day to day under those conditions is fixed the price that controls the remainder of his product in America.

HOW FARM PRICES ARE FIXED

That Liverpool does control not only the prices of our export product but of our home-consumed products, is well illustrated by the sale of wheat in my home town of Walla Walla, Wash. I speak of wheat only because I am more familiar with it and because it is typical of all major farm products.

If I go down town and offer my wheat for sale before 10 o'clock on any morning in the year the grain buyer will say, "I have not heard from Portland this morning." A little later he hears from the exporter at Portland, whose price is the Liverpool price less handling and carrying charges. If I go around the corner and offer to sell to my miller, he invariably bases his price on what the exporter is paying. So, whether my wheat goes abroad or remains at home it sells on the basis of the Liverpool price. This condition prevails throughout the country.

ENGLISH AND FRENCH FIRMS WITH INTERLOCKING DIRECTORATES CONTROL IN AMERICA

As a matter of fact, the biggest exporter of American wheat is Samuel Sanday & Co., of London, England, an English partnership operating through a branch office in New York. The next largest export firm is Louis Dreyfus & Co., of Paris, France, with branch offices in London, New York, Buenos Aires, Antwerp, Bombay and Calcutta (India), Melbourne, Australia, and other points. Through these and other companies and their subsidiaries with interlocking directorates, operating at every important port on the map—shown by United States Federal Trade Commission—the grain trade of the world is absolutely controlled. Prices are moved up and down at will—but seldom up. The American farmer who produces under American standards is played against the peasants and peons of other countries. His production costs are on a stepladder; his sale price is on a footstool.

FARMERS BETWEEN TWO MILLSTONES—OTHERS ARE GROUND

American agriculture is between two great millstones: One, the 50 to 100 per cent increased cost of production since the war; the other, a manipulated world market which remains near the pre-war level.

Let us consider what these millstones are doing to the man behind the plow.

He sells for less than the cost of production. He fails to meet his obligations at the bank; he can not pay the implement dealer, the grocer, and the merchant who are also financed by the same bank.

What happens?

The Comptroller of the Currency answers the question. A statement just received from him shows as follows:

Failures of State and national banks by fiscal years

Year	State	National	Total
1920	44	5	49
1921	330	28	358
1922	363	33	396
1923	237	37	274

From June 30, 1923, to April 6, 1924, national	112	
From June 30, 1923, to February 8, 1924, State (partial)	311	
Incomplete returns bank failures during past eight months	423	423
Total		1,500

From 1870 to 1920 there were 3,050 bank failures in the United States.

The figures here quoted show approximately one-half as many bank failures during the past three and one-half years as during the preceding 50 years. Probably 250 failures since this Congress convened.

Millions have lost their savings. A bank failure brings general consternation to its community. These failures have occurred mostly in agricultural States, but the effects are felt in remote financial centers and by the jobbers and manufacturers throughout the country. Ten bank failures have occurred where normally there would have been but one failure. Wise observers say the crash has only begun.

Do you know there were more national-bank failures during 1923 than there were from 1863 to 1872?

Do you know there were three times as many national-bank failures in 1922 as there were in the panic of 1877?

Do you know there have been five times as many national-bank failures during the past nine months as during the panics of 1873 and 1877 combined?

THE CROSSROADS AND THE FEDERAL TREASURY

The millstones are not only grinding the man down at the crossroads, they are shifting the burdens of taxation to other shoulders. That the farmer has been almost eliminated as a Federal income-tax payer is proven by the following figures from the most productive wheat section in America and with the 1923 yield well above normal. The territory covered is 200 miles in extent and produced 100,000,000 bushels last year.

COLFAX, WASH., *March 25, 1924.*

Hon. JOHN W. SUMMERS,
House of Representatives, Washington, D. C.:

This county produced about 13,000,000 bushels of wheat last year. Decreasing incomes and losses of representative farmers show necessity for some constructive measure of relief.

Here are some cases taken at random that show Nation effect: One farmer in 1920 paid $1,900 income tax. He paid no income tax for 1922 and 1923.

Another paid $800 in 1920. No tax paid during past two years.

Another paid $1,100 in 1920, $400 for 1922, and nothing for 1923.

Another paid $1,700 in 1920 and nothing since.

Another paid $7,800 in 1920. Paid $1,900 in 1921 and no tax since.

These are not special cases, but reflect the condition and trend of the farming industry.

CHAMBER OF COMMERCE.

WALLA WALLA, WASH., *March 18, 1924.*

Congressman JOHN W. SUMMERS,
Washington, D. C.:

This is one of heaviest wheat-producing areas in United States. Unusually good crop last year.

Condition of agriculture shown by following figures: Nineteen farmers paid $9,031 Federal income tax in 1920. These same farmers paid $545 tax for 1923.

CHAMBER OF COMMERCE,
F. O. HAGIE, *Managing Secretary.*

PENDLETON, OREG., *March 25, 1924.*

Hon. JOHN W. SUMMERS,
House of Representatives, Washington, D. C.:

Income tax paid Government four years ago by six of our big farmers aggregated $28,205.89.

One of these farmers paid $284.29 in 1923; no interest earned on his paid-up investment of half million dollars. The other five farmers show losses for 1923 aggreaging $35,000.

GEORGE C. BAER,
Secretary Commercial Club.

ROSALIA, WASH.

Hon. JOHN W. SUMMERS,
House of Representatives, Washington, D. C.:

One hundred and fifty farmers this community in 1920 paid $36,000 income tax. The same farmers paid $2,000 this year.

F. J. WILMER,
President Whitman County National Bank.

Taken collectively these figures show the farmer is only paying 5 per cent of the Federal income tax he was paying four years ago, while 95 per cent of his Federal tax has been shifted to the shoulders of his more prosperous industrial neighbors or perhaps it never reaches the Federal Treasury.

There are 6,500,000 farmers in the United States. If in normal times their Federal taxes average but $50, then fixing the price of American farm products in Liverpool is costing the industrial sections of the country in taxes, or else it is costing the Federal Treasury, more than $300,000,000 annually.

BUYING CAPACITY CUT IN TWO

Meanwhile the farmer has been living on his accumulated resources and buying, not what he wants, not what he needs, but only what he must have. Mortgages increase from year to year while cash and credit decrease. The effect must inevitably reach the industrial centers with increasing force with each succeeding month.

TWO MILLION FOUR HUNDRED THOUSAND STARVED FROM THEIR FARMS IN TWO YEARS

The farmer does not readily yield to difficulties. However, with broken spirits and resentful of the millstones, 100,000 have been starved from their farms monthly during the past two years. Department of Agriculture figures indicate that nearly 2,500,000 of our farm population has given up the struggle during that period.

Mr. Chairman and colleagues, I ask you seriously, What does it mean and when and where will it end?

I grant you the small farmer who employs little or no labor and lives within a stone's throw of the market suffers less severely. However, the cowman, the wheat rancher, the corn and hog grower are all deeply involved. The problem is nation-wide. It challenges the best thought of every serious-minded man in America, and especially does it challenge this Congress.

HOW THE EMERGENCY CAN NOT BE MET—LIMITING PRODUCTION

The suggestion is seriously made that the farmer "limit his production to home consumption." Well, the farmer never has done that, but as to wheat he is exporting but little more now than in 1913, and less than he exported in 1914, 1915, and 1916.

Again, agricultural exports constituted more than 40 per cent of our total export trade last year. It brought to America $1,800,000,000. Would you deprive the railroad and steamship lines of that tonnage? Would you limit the farmer's purchasing power that much? In brief, would you deprive America of $1,800,000,000 wealth annually?

Someone has said, "If farming is not profitable, better abandon it." I ask, What, then, would the farmer do with his livestock, his machinery, his debts, his investments, his home? Where would several millions find jobs and places to lay their heads? The farmer has his life's savings in his farm and equipment. Would you have him abandon them? It would be as reasonable to suggest to the manufacturer that he limit his endeavor and output to domestic requirements. Were the advice followed in both instances, then we would trade dollars among ourselves and rapidly exhaust our gold on imports.

DIVERSIFICATION

Diversification is advisable under certain conditions, but diversification on multiplied millions of acres is impossible, because the lands are only suited to growing wheat. Again, to stop growing one crop at a loss and start growing another crop at a loss profits nothing.

COOPERATION

"Cooperative marketing" will solve the farmer's problems, says another. The farmer believes in cooperation, but several years will be required to organize 6,000,000 widely scattered and isolated farmers. Everyone familiar with the present crisis knows that however much cooperation may do for the future it can not meet the present emergency. The farmer knows this best of all and will hold to strict account the administration, the political party, and the individual that brings him relief two or three or five years after the sheriff's sale. Cooperation can not at this time span the 45-cent gap between the cost of growing wheat in the United States and the cost of growing wheat in Canada. The Liverpool price will still stare him in the face regardless of cooperation.

AS TO LOANS

"Since deflation started all his troubles let us loan him more money" says some wise soothsayer. But the farmer down at the crossroads has thought the thing through to the end. He knows he can not sell his crops year after year below the actual cost of production and keep in the game. He also knows his is a legitimate industry and that he is entitled to some small return on his capital investment. The farmer knows he can not borrow himself out of debt. Not more credit but more price is his only way to relief.

THE SIMON-PURE ECONOMIST

Then comes the simon-pure economist who says, "the only proper solution is to bring everything else down to the farmer's price." The economist means, repeal the Adamson law of 1916, undo the crime of speedy deflation in 1920, repeal our tariff laws, repeal the transportation act and open wide our gates to unrestricted immigration. The economist knows that what he has suggested can not be done; and if it could be done then America would be living on the same plane as the peasants and cheap labor of other countries and would have to pay her $22,000,000,000 war debt with 50-cent dollars.

The economist insists that world supply and demand shall control the price of farm products. But supply and demand do not control the price of the knife I hold in my hand. If it did my knife would cost me 30 cents instead of 75 cents and would come from Germany or Japan instead of Pennsylvania.

Supply and demand do not control the price of the clothes I wear, otherwise this suit would cost me 25 bushels of wheat instead of 50 bushels. World supply and demand do not control labor costs, otherwise a day's labor would cost the farmer 1 bushel of wheat instead of 6 bushels. World supply and demand would bring the all-commodity price level in America from the step ladder to the footstool. As a matter of fact for half a century or more we have enacted legislation for the specific purpose of interfering with supply and demand and of establishing American standards.

PROFANITY NOT A SOLUTION

One other solution is frequently offered. The pseudostatesman gets red in the face and tries to solve the problem by cursing, damning, abusing, and calling the farmer names for

seeking a solution of his problems. It can not be done that way, gentlemen.

The farmer's problem is not imaginary. It is the most real thing in America and before the American Congress to-day. It is immeasurably bigger than the tax bill, the bonus bill, or the immigration bill, and I voted for them all.

Time forbids my discussion of the bill now before us, but the question which you will answer soon is: Shall the biggest industry in America, touching the lives and fortunes of a hundred million people, survive or perish?

Farmers on the verge of bankruptcy by the millions are awaiting your answer. They will penetrate any gesture at relief, however well disguised.

The farmer's attention is focused on this Congress. He already is impatient. I warn you now, promises can not deceive and will not satisfy the man behind the plow. [Applause.]

Mr. HAUGEN. Mr. Chairman, I now yield 10 minutes to the gentleman from North Dakota [Mr. SINCLAIR].

Mr. SINCLAIR. Mr. Chairman and gentlemen of the committee, I have given a good deal of careful thought to the question of farm relief. I have considered this bill with the other members of the committee and we have given it, I believe, the most painstaking, industrious study and dissection that any bill could have.

I take a somewhat different position from some of the other members of the committee. I do not believe that this bill is the best bill that the Congress could enact, but I will say it is the judgment of the majority of the committee that it is the best we can pass, and consequently I am for the bill. [Applause.]

Mr. Chairman, the farmers of the United States are passing through the most serious financial crisis in the history of the country. The serious plight of the farmers is not confined to any one State but seems to affect agriculture everywhere. The worst conditions are to be found in the Great Plains region west of the Mississippi River, extending from Canada to the Gulf, heretofore one of the most prosperous sections of the Nation. There bankruptcy and failure run rampant. Over 430 bank failures have been reported out there in the past seven months. Innumerable business disasters have occurred, and practically one-fourth of the farmers have become insolvent and have lost their farms. This condition in perhaps a lesser degree prevails in all parts of the country where farming is the principal industry.

The gentleman from Minnesota [Mr. LARSON] has said that the disaster has been overstated. I wonder if any of you read in the newspapers a week ago that the Capital National Bank, of St. Paul, a $5,000,000 institution, had closed its doors. That did not seem like a shoestring institution.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. SINCLAIR. I yield.

Mr. NEWTON of Minnesota. The Capital Trust Co. closed its doors——

Mr. SINCLAIR. The Capital Trust Co.; yes.

Mr. NEWTON of Minnesota. And the bank sold out to another institution.

Mr. SINCLAIR. Yes; it was the Capital Trust Co. and not the Capital National Bank.

LAW OF SUPPLY AND DEMAND

We are told that this condition is brought about by the natural workings of economic law. If this be true, is it not strange that the farmers should be the ones most hurt? There has been no cessation on the part of the farmers in their production. They have been quite as industrious since the war as before. In fact, the volume of food crops raised the past four years has been up to the general average. Yet, notwithstanding the fact that the wealth of the Nation has increased, the producers are getting poorer and poorer in the process. Other industries have not suffered in a like manner with agriculture, and there is a reason for this.

Economic laws work naturally when left to their free play. Supply and demand rule prices if not interfered with by tariffs and other legislative devices. But in the highly complex condition of modern civilization the natural laws have been superseded by trade rules and agreements. Highly organized business units have changed the natural basis of trade and exchange to the advantage of those strong enough to control the means of barter. The organized unit or corporation always gains over the unorganized individual.

FIXED PRICE ON WHEAT DURING WAR

The condition complained of with reference to farmers is not due solely to natural causes. We find that during the war many legislative acts contributed to put the farmer at a disadvantage. In the first place, the farmer—especially the wheat farmer—was the only one asked to deliver his product at a fixed price, in many cases far below the natural market level. At a time when wheat was selling at $3.06 in Chicago, the Grain Corporation fixed a price of $2.20. It is true that at the time the price was fixed it was supposed to represent the minimum price that would be paid for the ensuing crop. Most farmers, and I might add dealers, did not expect that that price would be the maximum price, and in fact would prevail as the only price received for wheat during the full operation of the law creating the Grain Corporation. It proved to be the fixed price for almost three crop years. While wheat was selling abroad for $4 per bushel farmers of the United States were getting but $2.20 on the Chicago market. When freight rates were increased 6 cents a bushel the price was raised to $2.26. It is conservatively estimated that during the three crop years the farmers of this country were paid at least $2,000,000,000 less for their wheat crops than they would normally have brought in the markets of the world. Nor should we forget that the Grain Corporation, through which the wheat was handled, made a profit of some $60,000,000. At the very least, Congress owes consideration to wheat farmers to that extent.

In other words, in order to prosecute the war successfully, the Government commandeered the wheat crop of the United States, and put a price on it at a level of from 70 to 100 per cent below the natural market price of that time. In fact, the Government of the United States not only furnished large sums of money in loans to the Allies, but took from the American wheat grower his wheat and delivered it to the European allies at a price from one to two dollars cheaper than the governments of Europe were paying their own wheat growers, and to the wheat raisers of other parts of the world.

In support of this, I will quote the guaranteed prices fixed by the governments of Europe which were paid to the respective farmers of each nation allied with us during the war. At the time when our maximum guaranteed price for wheat was $2.20 the following-named countries paid:

France	$3.30
Switzerland	3.18
Holland	3.70
Norway	4.09
Italy	4.80

England did not fix a guaranteed price on wheat, but permitted her farmers to sell at the full price and in addition paid them a bonus amounting to approximately $15,000,000 annually on the average for the seven years during which it was continued. Canada organized a wheat pool by the Government and assisted her farmers to get the highest market price paid. This plan was continued for two years after the war. Other governments adopted similar helpful plans. The United States alone, of all the nations engaged in the conflict, played the part of philanthropist—with her farmers bearing the burden. We not only furnished food at less than cost to the Allies, but loaned them the money with which to buy it, no part of which has been repaid. Thus the burden of farm taxation has been made heavier and the farmers further handicapped in their efforts to meet world competition.

At the time the price was fixed on wheat, labor, machinery, and freight rates were much lower than they are now. Since the guaranteed price was put into effect there have been many legislative acts to promote the welfare of other lines of industry. For instance, the Adamson law was passed, increasing the wages of railroad men. We have also the immigration laws which have kept out competitive labor and permitted the organized workers of the entire country to maintain their high standard of wages. The price of farm labor has increased from 50 to 62 per cent; railroad labor about 75 per cent; machinery from 50 to 100 per cent; freight rates from 35 to 45 per cent. The tariff law has been passed, which in turn enables the manufacturer to shut out cheap foreign competition and maintain the domestic prices for his output far above the world price. Freight rates are now, under the transportation act, maintained at a rate, especially on agricultural products, of from 30 to 45 per cent above the pre-war level. And we are told from the reports of 1923 that never in the history of American railroading has there been such a large amount of earnings as in that year.

The Federal reserve act has been an important factor in stabilizing the banking industry. The Government lends its credit to the banks, but even this additional aid has not been sufficient to save many banks which are dependent on agriculture for their support.

All of this legislation to assist various industries has been beneficial, but it seems to me that it has been at the expense of the basic industry—agriculture—from which springs all

helpful commerce, and in which all new wealth of the Nation is created. It would seem, therefore, that there is ample precedent for legislation to benefit agriculture. Heretofore, the industry has flourished by reason of the great resources and the development of new fields. The time has arrived when Congress should determine whether or not our Nation will adopt a policy which will permit of a well-defined balance between industry and agriculture. The present trend will stifle agriculture and develop industry.

That will mean that in the future this great Nation will have to look to other lands for its food supply. We can not allow any such condition as that to come to pass. We must adopt a sound policy which will develop all industry, agriculture included, along equal lines. The Nation then becomes sufficient unto itself. By encouraging all lines of endeavor the greatest wealth and the greatest happiness for the people can be promoted.

SUGGESTED REMEDIES

There have been various remedies suggested in this Congress to restore normal conditions among farmers. Because of some of the practices that obtained during the war a very decided prejudice has been created against price fixing. Many Members of Congress and others who have studied the question are opposed to this. I am frank to say that under the present circumstances a definite profitable price for agricultural products is the only thing that will restore agriculture to its pre-war basis. However much we may be opposed to taking such action, in my opinion it is the only immediate means of getting the desired relief.

Several years ago I became convinced that farmers would have to have governmental aid to put them on their feet, and in 1921 I introduced a bill to give them a fair price on their products. I have had such a measure in Congress ever since that date. At that time the friends of agriculture were able to rally almost no support for the proposal that agricultural-relief legislation be enacted, as we were assured that there was no necessity for it, that conditions were improving and would soon right themselves. Since then, as we all know, they have grown steadily worse until they can no longer be ignored by the Congress. It is already too late to save thousands who could have been helped by prompt action on our part at the right time, but we can still by the enactment of legislation do much to check the course of agricultural disaster and restore national prosperity.

Some have suggested that the tariff on manufactured articles be reduced; others that there be a graduated decrease in freight rates. Reductions in the prices of farm machinery and a reduction in labor costs have been urged. Some advocate increased credits to farmers. No doubt all would be helpful, but to attempt to put them all into operation would be most disastrous to the economic welfare of the Nation. When farmers remember that 75 per cent of their market is found among our industrial workers they can readily understand that to curtail the purchasing power of city workers would reflect injury upon agriculture as well. It is very evident that the price of agricultural products must go up or all other prices must come down. Inasmuch as it is not practicable, at this time at least, to set in motion remedies which might injure the prosperity of the manufacturing industries, we must devise a means of raising agricultural prices to a plane of equal prosperity. I might add that it would not solve the problem to reduce transportation rates alone, as that would afford but a small measure of relief.

M'NARY-HAUGEN BILL

Of the various relief proposals before the Committee on Agriculture during a period of many months the McNary-Haugen bill was finally reported out by a majority of the committee. The committee has worked for four months on this bill, and has been in almost daily session since last December. We have rewritten all of the measure four times, and parts of it as many as seven times, in order to perfect it and to overcome the legitimate objections raised against it. I believe it is the most carefully prepared piece of legislation ever presented to this House, and if all economic criticism is not satisfactorily met it is because of the stupendous magnitude of the problem with which we have to deal. It is, however, generally conceded by the friends of this legislation that as a result of the work put upon it by the House Committee on Agriculture it is a much better bill than when originally introduced. As a matter of fact, its sponsor in the Senate, Senator McNARY, recognized this, and asked that the Senate cease from further consideration of the original bill, substituting the improved House bill therefor.

The McNary-Haugen bill, now under consideration, contemplates no changes in the marketing machinery or agencies already set up. It merely attempts to raise the domestic price by withholding or withdrawing the surplus product which seeks its market on a world level of prices, and prorates the loss that may occur from the sale of that surplus upon the domestic output equally. I do not believe that it is the best remedy suggested. I do not think that it touches at the fundamentals in the problem of marketing. The agricultural inquiry commission, which held exhaustive hearings and published a report two years ago, found, among other things, that the cost of distribution was too expensive in the United States, and was one of the chief causes of low prices to the farmer. In its report, the commission stated that out of every dollar paid by the consumer the farmer received but 36 cents, the balance being charges and profits taken by the middlemen. That in itself is a serious indictment of our present distributing machinery. No other country in the world is so extravagant in its distribution. Consumers pay enough, and too much, but the middlemen reap the profit. Expressed in other terms, it can be said that in 1922 the consumers of the Nation paid $22,500,000,000 for their food products. The farmers received for these same products but $7,500,000,000, leaving $15,000,000,000, which represented the cost of distribution. In other words, it costs $2 to distribute $1 worth of food products. Manifestly, there is something wrong with such a system, and agriculture can not be placed on a permanent paying basis until it is corrected. To finally solve the question of marketing, which has always been the problem with agriculture, we must strike at this fundamental and try to shorten the spread between producer and consumer. Never, until that service can be performed at cost, will the farmer's marketing problem be solved.

The Norris-Sinclair bill, favorably reported in the last Congress by both Senate and House Agricultural Committees, and reintroduced in the present Congress, has for its avowed object the shortening of the spread between producers and consumers by the elimination of the enormous profits of middlemen. It is the only bill before Congress which aims at a better system of marketing and distribution, and if enacted into law it would make of cooperative marketing in this country the success that it has had in other lands. I am convinced that eventually we will have to pass some such measure as this to establish agriculture upon a permanently prosperous basis. However, it is the judgment of the committee that the McNary-Haugen bill offers the most immediate remedy in the present crisis.

The McNary-Haugen bill does not attempt to solve the marketing problem. Consequently, as I said before, it is not fundamental in its operation. It is but temporary in its relief. There are those who take the view that the bill would be unworkable and that its effect would be to pyramid the cost to the consumer. In some commodities covered by the bill I believe that is true. However, I am not concerned about all the commodities mentioned therein. I am here to speak for my constituents, who are wheat growers and who depend on that product as their chief crop.

EFFECT UPON WHEAT

So far as wheat is concerned, I think that the bill will be extremely helpful. I have no doubt but that it will result in a much better price for the wheat crop of the country. I am confident that the price of wheat can be greatly increased without necessarily increasing the price of bread. Our committee has had ample testimony to show that the average 10-cent loaf of bread which is sold throughout the country contains flour for which the wheat raiser received but 1½ cents. If 50 per cent were added to the price of wheat, the flour in the average 10-cent loaf of bread would not cost more than 2 cents. That increase can be fully absorbed by the middleman, and the price to the wheat grower raised to somewhere near the cost of production. If the legislation does only this one thing—increase the price of wheat to somewhere near the cost of production—it will be well worth enactment.

I realize that there are some who say that the hog grower and cattleman are in equally hard circumstances. However, the difficulties in handling or marketing meat and meat products are a hundred times greater than those of wheat. Marketing and handling wheat is a comparatively simple process. Much of the surplus can be and is exported in the raw state. This is not true of hogs and cattle. Practically all of our livestock is slaughtered, and none of the surplus is exported except in a manufactured state. I would suggest, therefore, that the operation of the law be confined to wheat at the start until the machinery can be set up and a sufficient knowledge gained to deal successfully with other commodities.

WILL AN INCREASED PRICE RESULT IN OVERPRODUCTION?

It has been contended that if the farmer gets a fair or increased price for his wheat the result will be a greatly stimulated production. This would have the effect to negative any advantage gained by this legislation. I can not agree that there would be overproduction. During the war, despite the great patriotic urge, and with every known agency of propaganda used, the total wheat production never equaled the 1915 crop, which was over 1,000,000,000 bushels. The average pre-war acreage of wheat was approximately 50,000,000 acres for the entire country. From 1914 to 1919 the acreage planted gradually increased each year until it reached the peak, in 1919, of 76,000,000 acres. In bushels of wheat the increase was from 690,000,000 bushels, the five-year pre-war average, to 945,000,000 in 1919. Since then, because of the reduced price, a gradually decreased acreage planted has resulted. Last year, 1923, only 58,000,000 acres of wheat were sown, and the production amounted to 786,000,000 bushels. It will be seen that the increased acreage during the war was due to the great public sentiment created by Government and private agencies working together in a patriotic cause. No such conditions will obtain during the life of this bill. There will be a substantial increase in price from 30 to 50 cents per bushel, but that, under existing conditions, will not be above the cost of production, and can not result in any great stimulation of the acreage planted.

In fact, it is more than probable that the decrease in planting, because of the deplorable condition in which farmers find themselves, can not be arrested for a period of at least five years, the time provided for the operation of the law. Farmers in large numbers have been driven off the land, and thousands of acres are left vacant. The movement from farm to city has precluded the possibility of immediate increased production. In addition, the marginal wheat areas of the Central States, which planted wheat during the war, have returned to other crops, and will not be induced to venture into the raising of that cereal again for many years to come.

The slow turnover in farming will also prevent any great increase in production. The forces set in motion resulting in any trend in farming are not quickly overcome. It will take years to arrest the present tendency to decrease wheat production. Unless higher prices prevail this will continue until the danger point is reached. Cheap wheat lands are no longer readily available to come under the plow. The chief factors in bringing about a normal production, we can only hope, are improved tillage and climatic conditions. No one would want to advocate such a crop reduction brought about by disastrous economic forces that would reduce the national food supply below the normal wants of the Nation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. I yield to the gentleman two minutes more.

FARM-MORTGAGE INDEBTEDNESS AND HIGH TAXES

Mr. SINCLAIR. A further reason why farmers can not continue to operate on the pre-war level of prices is the fact that the farm-mortgage indebtedness has almost doubled since 1914. According to the United States census of January 1, 1920, the total farm-mortgage indebtedness of the Nation amounted to $7,857,700,000. Nearly one-half of this amount, or $3,199,690,000, is in the west north-central group of States—Minnesota, Iowa, Missouri, North and South Dakota, Nebraska, and Kansas—the great wheat, corn, and hog raising section of the country. There is no doubt but that this indebtedness has been augmented since 1920. Taxes upon farm lands have also increased over 100 per cent more than the pre-war period.

In 1914 the property tax of the United States amounted to about $344,000,000. In 1922 it was approximately $797,000,000. This places upon farmers a heavy additional burden of fixed charges of taxes and interest, at least 100 per cent more than they paid during the pre-war 10-year average.

The price of the wheat crop of last year is about equal in dollars to the pre-war wheat crop value. Yet the taxes and interest on the land which produced this crop have about doubled. It is absolutely unjust to expect farmers to pay off this load of debt and taxes on the basis of pre-war prices for wheat. Much of this debt, in fact all of the increased debt, has been contracted in the past five years when the dollar would not buy much more than half what it would before that time. In other words, the debts were contracted under an all-commodity index price of 100 per cent advance. The effect, under present prices, upon the farmer is that he received 50 cents for his $1 of debt, and must now pay it out at its full face value.

AGRICULTURAL RELIEF LEGISLATION WILL BENEFIT ALL INDUSTRY

It has been stated that this is purely class legislation. That is, it is for the relief of farmers and agriculture alone. Even if this were true, which it is not, farmers are as much entitled to legislative aid as are other lines of industry which have already had it, as previously stated. However, while the legislation will directly give first aid to farmers it will benefit all business. It is a fact that farmers consume about 40 per cent of the manufactured products of the United States. They are the best customers of all industry. If you cripple their purchasing power, which lessens their consumptive power, you have injured all business. The prosperity of agriculture affects all workers and business men. Consequently, it should be to the interests of every branch of industry to favor any legislation that will tend to restore agriculture to a normal basis.

The American farmer has not been organized to market his product as have all other industries. The steel business, the textile business, the coal business, as well as all lines of manufacture, are highly organized and unified. They have a sales agency which controls the output and to a large extent names the price at which their product shall be sold. Agriculture alone has to ask the consumer, "What will you pay?"

The price for the farmer is set by someone else, not by him. It is not surprising, therefore, that he has to accept a proportionately lower price than anyone else. The marketing corporation set up by this legislation will form a great unified sales agency for agricultural products. It can be used as the nucleus for future development of cooperative organizations of farmers. We all realize that cooperation of producers and consumers must eventually and permanently solve the evils of our present expensive marketing system. While the proposed bill is primarily an emergency measure, its powers are broad, and the corporation established will be able to name a price on farm products which will give the farmer cost of production and a profit. With this lift he can hope to get square with the world once more, work his way out of the mire of debt now engulfing him, and again become one of the best customers of manufacture. Thus, not only farmers but manufacturers, merchants, business men, bankers, and all others will benefit. I hold it to be the most important duty this Congress can perform for the whole Nation to enact agricultural relief legislation, and to do it now.

Unless something of this kind is done we are going to see the worst times that the United States has ever experienced. This is a problem that interests everybody, and it is a problem that is going to reach out and affect New England before very long and all of the manufacturing States. [Applause.]

Mr. RUBEY. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Chairman, it ought not to require argument to induce Congress to grant the relief to agriculture proposed in the McNary-Haugen bill. It is difficult to demonstrate a proposition that is self-evident. But we are compelled to recognize the fact that there are those who oppose this measure, and not only do they oppose this measure; they are opposed to any legislation that will bring any substantial relief to agriculture. I regret that any Member of this House should take that attitude, but I am amazed to find that some of the opponents of this bill come from agricultural districts. I appreciate the fact that we are all more or less influenced by selfish interest and that we are frequently restricted in our views and activities to the things that affect us most intimately, and I fear that sometimes the solicitude for the purely local interest blinds us to the opportunity for larger service not only to our own localities but to the country as a whole.

Our people as a nation are so interrelated politically, socially, and economically that no class of our citizenship can be reduced to a state of abject poverty without a reaction therefrom to the detriment of the whole people. Such a condition is now being created and in a large measure already exists among the farming classes producing the staple food products of the country. It can not be possible that the membership of this House is not informed of the necessitous condition of our farmers. Shortly after the close of the war the financial powers decreed that the farmer should be deflated, and the result was that within a year and a half the value of farm products was reduced from $14,000,000,000 to $6,000,000,000. This deflation policy did not embrace the entire economic structure of the country, but the farmer was singled out as the arch victim of that economic crime. He was literally robbed of more than 50 per cent of the value of his crop productions. The scales of economic balance were tipped against him, and he has not been able to regain that balance. For all his crops carrying an exportable surplus his prices were suddenly reduced to the level of the demoralized European markets less the cost of transportation to those markets, and in addition to the high prices paid for labor in the production of his crops he was compelled to buy

his merchandise and equipment in the protected markets of the United States. The manufacturing industries were protected, labor was protected, and transportation was protected, but agriculture was left unprotected. What is the result? Manufacturing is prosperous, transportation is prosperous, labor is receiving good wages, and agriculture is bankrupt. Everyone knows and concedes these facts. To contend that the distress of agriculture is not due to discriminations against it through the protective legislation of this Government is to impeach either one's intelligence or his sincerity.

The soul and heart of the legislation offered in this bill is the proposition to give to the farmer a square deal. Is the temper of this House such as to listen to a plea of simple justice for him? You have set up a standard of artificial economics under the protective policy of this Government for every class of industry and enterprise except that of agriculture. This Government is committed to the policy of industrial protection, in one degree or another. Any tariff policy other than that of free trade is protective. I am not advocating and do not anticipate the establishment of a free-trade policy for this Government; but I insist that in the prosecution of the policy of protection it is not fair, it is not just, and it it not honest to confer that benefit upon certain classes of industry and persons to the discrimination and disadvantage of others. The people of this Nation did not establish our Government and invest it with legislative and administrative powers with the intent or any idea that the manufacturing industries, the railroad corporations, or any class of individuals should have a preferred right to governmental economic advantage. Such an advantage is perversive of the will of the people, the power of the Government, and the spirit of the Constitution.

The policy of protection must be based on the dead level of honesty and give to agriculture the same degree of protection that other industries enjoy. Protect everybody or protect nobody. [Applause.] Give every industry and every individual a square deal with special privileges to none.

The farmer is not asking any special favor; he is merely asking to be restored to his right to an equal opportunity, the right of which he was deprived when every industry except agriculture was placed under the economic protection of the Government. He is not asking that some one else be deprived of a right that he may be favored, but is simply demanding that his own right be restored to him.

The banker has facilities for privilege and protection through the Federal reserve system; the manufacturing industries have protection through the levy of duties on importations of manufactured products; the railroads have protection through the Esch-Cummins Act; labor has protection through the Adamson law, the restriction of immigration, and through the strength of its organizations. But the farmer has no protection through governmental intervention and has been unable to effect organizations of sufficient comprehensiveness and solidarity to emulate in his own behalf the accomplishments of labor through its organization. But labor has not through organization alone been able to secure and hold the advantages it has obtained. Protective laws have been enacted in its behalf to aid and make possible of attainment the purpose of organization of labor, and it may be well to remember also that such protective laws were enacted because, and only because, labor through organization was strong enough to force such action on the part of Congress. Nor can agriculture through organization and cooperation alone secure the relief necessary to its protection. It must have legislative assistance in the form of protection.

This protection can not be afforded solely by a tariff duty on importations of agricultural products of which we produce an exportable surplus. It would be a waste of time to set forth the reasons why this can not be done, when it is universally recognized that as to such products the export markets determine the price both at home and abroad. Agriculture must have a protected domestic market to place it on the same economic basis enjoyed by other protected industries. It has never had a square deal in the law-made economic scheme of this country.

In this great Nation, founded on and to secure principles of justice and equal opportunity to all men and all classes of legitimate enterprise, the hardest thing to accomplish and maintain is industrial and economic justice.

We are face to face with the plain proposition that to secure for any class of industry or any class of individuals its economic rights the demand therefor must be supported by sufficient political strength to enforce the demand.

A great advance was made in the progress of civilization when this Government was established. It was the crystallization of the thought and spirit of the American people at the time and it is the crystallization of the thought and spirit of the American people to-day. The fault is not in the Government, but in the perversion of its powers. The powers of our Government are only such as the people as a nation delegate to it. Both the Government and its powers belong to the people and constitute a political instrumentality designed and intended to serve impartially the highest interests of all the people. The national power is the life of the Government, and its only source of life. Without this power there can be no Government.

Government, concretely stated, is but the method or means through which the power of the people is harnessed, centralized, controlled, and applied. The only proper application of this power is to the service of the public good without discrimination in favor of one class of citizens as against another. If this power were so applied, we would not find the economic system of the country out of balance as it is to-day. The whole difficulty is the result of the perversion and exploitation of the power of the people for private gain and advantage by directing such power against the people as a whole and thereby using the people's power to destroy their rights instead of preserving them. We are not to lose sight of the fact that it is the power of the people that is being used and directed at all times in the administration of the Government, regardless of whether the Government is being rightly or wrongly administered. Whatever is done through the governmental agency is done through the strength of the power of the people. There is no other governmental force.

If governmental functions are being exercised to the prejudice or destruction of the people's rights, the power that is employed for so doing is the people's own power. There can be a perversion of this power but no substitution for it in governmental affairs. The people always furnish the power, but private interests can direct the control and application of the power, and that is what is being done to-day. The power of government has been controlled in the interest of private enterprise since the early history of our Government, as a result of which there has been established in this country an artificial system of national economics founded on the protective tariff policy, which in plain language is a system of legalized robbery enabling certain classes of persons to exploit and rob the whole people. It is immoral in principle, unjust in design, and destructive of the economic freedom of the individual.

This policy was inaugurated to build up the manufacturing industries on a cost-plus basis that levies tribute on every consumer of the country for the enrichment of such protected industries. The protective tariff policy was first demanded and sought to be justified on the ground that it was necessary to enable our infant industries to gain sufficient strength to compete in manufacturing and commerce with established institutions; but when in the course of time the plea of infancy could no longer find basis in fact, the protective system was continued and sought to be justified on the ground that it was necessary in order to insure a high wage scale which our standards of living required for labor. In other words, the argument for the protective tariff abandoned the infancy plea and took for its basis the necessity of the protection of labor. Labor, however, was given no guaranties in any tariff law ever written and has always been compelled, in order to receive a just and reasonable wage, to resort to demands backed by the force of organization. The protected industries after securing protective legislation seek to employ labor in the competitive markets of the world and to pay only such wages as shall be determined by the free operation of the law of supply and demand in the labor markets. With such purpose in view, these favored industries oppose restrictions of immigration and advocate the open shop.

But labor has organized and through its organized efforts is compelling a recognition of its rights in the matter of wages, hours of labor, and conditions under which to work. Labor is thus rendering a service to the great unorganized and unprotected masses of the people by interposing the only effective obstacle to the progress of capital in its designs to fasten the yoke of economic slavery upon the necks of the plain people. But in compelling recognition of its power organized labor has received protection in the restriction of immigration, has procured the enactment of the Adamson eight-hour law, and has forced great increases in wage scales.

Here, then, are two classes that have secured protective financial advantage through a system of artificial economics, namely, the manufacturing industries and organized labor. The former, through the prestige and influence of wealth;

the latter, through the sheer force of numbers and power of organization.

A third factor that has contributed to the economic disadvantage of the whole people is the governmental protection extended to transportation, whereby the railroads are placed in a favored class through the mandate of the Esch-Cummins Act directing the Interstate Commerce Commission to authorize such transportation charges as will produce revenue sufficient to pay cost of operation, interest on indebtedness, and, in addition thereto, a return of 5½ per cent on the value of the invested capital.

The wealth-producing industries of this country are agriculture, mining, and manufacturing. From these sources plus existing natural resources comes all the wealth of the Nation. Commerce begins where production ceases. The products of the farm, the mine, and the factory become the commodities of commerce. Commerce does not operate to produce wealth, but to distribute, exploit, and market it after it is produced. Industry creates wealth; commerce creates profits or losses. Transportation is an instrumentality of commerce. Labor is a factor, both in the production of wealth and in the commerce of wealth, but the wages of labor are fixed by commerce. Industry and commerce are dependent one upon the other. The various classes of industry and also the various characters or phases of the same class of industry have an interdependence that invokes the intervention of commerce.

The costs of production and the distribution and market values of the products of industry are controlled and determined by commerce and not by the producing industries.

Commerce controls the economics of the country, and commerce in turn is the institution of, and is directed by, the dominant financial powers that control the securities and credits of the country. These powerful financial interests, sometimes for convenience designated as "big business" and "Wall Street," through political subservience to their demands, have gained control of the administrative policies of the Federal reserve bank system and have perverted it to their service in their cold-blooded design to reap the profits of all industry and to bring under their economic control the producers of all wealth. These powerful financial interests either own or control, or both, the manufacturing industries and the transportation systems of the country. They are directly financially interested in the prosperity of these enterprises, and through their dominance and dictatorial powers in politics and economics they have forced the Government of the people to underwrite their financial investments and to secure them not merely against loss, but to insure them great profits through protective legislation at the expense of the whole people. They are using the people's Government to extort from the people a constant and generous flow of financial tribute into the coffers of the big interests.

These financial powers are not interested in the protection of labor and they are not interested in the protection of the agricultural industry. They are not concerned with the distress of the farmer except as to the political aspects that might develop from his desperation. They are in control of the Government policies now and are satisfied with those policies and the existing conditions. It brings no pain to their consciences or appeal to their hearts to be told of the ruin and wreck of the homes, the fortunes, and the hopes of the farmers whose progress has been blocked and whose profits have been turned into losses because of the unjust, heartless, and impossible economic conditions imposed upon them in order that the greatest possible portion of the wealth of the Nation may continue to flow unimpeded into the coffers of the masters of finance.

Is this Congress—is this administration—are the people of this Nation going to permit the farmer to be sacrificed on the altar of special privilege? If so, it will be the beginning of the end of agriculture as an industrial occupation of free men and will mark the beginning of the decadence of that great basic industry toward the depths of a servile subordination intolerable to contemplate. It will mean the reduction of landlords to tenants, or else the abandonment of farms to idleness and unproduction. It will mean that millions of homes of America's most sturdy, virile, and liberty-loving manhood will be converted into hovels of an agricultural peasantry and that the sovereigns of the soil will give place to the peons of poverty. The last vestige of economic freedom will pass from our agrarian population when the Molochs of avarice become the country's masters. It will mean the passing from reality to romance of the boasted ideals that constituted the fundamental social structure and political security upon which this Nation was established and which have sustained it to the present time.

This is the fate that impends as to agriculture and 40,000,000 of our people directly dependent upon it. Inaction on the part of Congress in this crisis will be inexcusable. The farmer can not solve his problem unaided by remedial legislation. He did not create and can not control the conditions under which he is helplessly struggling. They are, in the main, the direct results of protective legislation by Congress which left the farmer out of the protective scheme. He now appeals to the author of his undoing for a belated correction of the injustice done him. He can not continue without relief.

I speak advisedly. For 20 years I have lived in Douglas County, in the State of Washington, in the midst of rich agricultural lands and good farmers. During all that time I have been an interested observer in close contact with the agricultural industry. I know the conditions of agriculture and of the farmers generally not only in my own district but throughout the great Northwest. The conditions in my district are typical.

Nature dealt with a lavish hand in the formation of that country and endowed it with such combinations of soil, climate, and altitude as to adapt it to a wide range of agricultural pursuits, abundantly productive. But man-made economic laws are not operating to aid nature's beneficence. Wheat, apples, livestock, and hay are the principal productions in my district. A few years ago the farmers were prosperous and most of them paying income taxes to the Government. Within the past four years their prosperity has vanished; their surplus accumulations have been absorbed by deficits in operating costs; they have been forced deeper and deeper into debt in their efforts to stem the adverse conditions of high cost of transportation, of labor, of merchandise and equipment, and ruinously low prices for their products. Not only have their surpluses been exhausted, but their capital investments have been either dissipated entirely or deeply impaired and depleted. Instead of prosperity, bankruptcy now is the prevailing condition. This result has followed not because of short crops but solely because of inadequacy of prices to meet cost of production. Last year Lincoln County, which has the largest wheat-producing area of any county in my district, had a bountiful wheat crop and I think as large a yield as it can reasonably expect to produce in any single year, and yet I did not find one farmer in that whole county who exhibited the least enthusiasm over his abundant crop or that claimed he got cost of production out of it.

It is difficult for one who has not actually been on the ground and seen the situation himself to understand fully the exceedingly distressful condition of the wheat farmers. There is no inducement to exaggerate the seriousness of the situation prevailing among them, for the actual situation taxes one's faculties to adequately portray it. Farmers are daily throwing up their hands in despair and quitting their farms and mortgage-ridden personal property; many are being foreclosed, still more are making voluntary assignments and others are seeking relief from their burdens of debt through bankruptcy proceedings. Men are literally walking out and away from their farms, moneyless, scantily clad, the accumulations of a lifetime lost, with families to support and destitution to face. They are desperate; they are not in a good humor toward a Government that will permit such economic conditions to exist. Mortgage holders, the banks, and merchants who have extended credit are left the disheartening prospect of realizing little or nothing from a sale of the abandoned property or the alternative of taking it over and operating it at a loss.

This condition was distressfully acute last year. It was evident early in the year that, unless some relief that would insure a larger price for wheat than that prevailing were provided, increased losses to the wheat farmer would inevitably follow. Fully appreciating the seriousness of the situation, a number of Members of Congress and others wired and wrote and otherwise importuned the President to call an extra session of Congress to relieve temporarily the distress of the wheat farmer by legislation authorizing a guaranteed price that would cover cost of prodnction plus a reasonable profit.

The President refused to call the extra session, and the farmer got no relief from losses on last year's crop. I thought then, and I still think, the President should have acted as he was requested and urged to do. I advocated last fall in my campaign for Congress a guaranteed fixed price of $1.75 a bushel for wheat as an emergency measure. The farmer was entitled to that relief to tide him over the emergency until Congress could work out a more satisfactory solution of his economic difficulty. This proposition of $1.75 for wheat was in line with the bill introduced by Senator GOODING, of Idaho, in the Sixty-seventh Congress and again at the present session of Congress. I did not propose such guaranty as a permanent

solution of the wheat farmer's difficulty and I invariably stated in my speeches during the campaign that it was not an economically sound proposition, but that it was just as economically sound as the protective tariff and guaranteed rates to the railroads, and it is. Senator GOODING, as I understand it, is not pressing his guaranteed price bill this year, but, as I am informed, is lending his support to the McNary-Haugen bill.

I think the McNary-Haugen bill is to be much preferred over a flat price-fixing measure. I sat in conference with the framers of the export corporation measure, afterwards known as the McNary-Haugen bill, before it was put into final form and introduced. I have kept in touch with it ever since; I believe it is in economic harmony with the protective system of this Government. I have worked for its advancement incessantly since its introduction. I sincerely trust that it may pass and become law. If it should fail to pass, I say to you frankly, I hate to contemplate the fate that awaits the wheat farmers of this Nation.

If it is impossible to pass the McNary-Haugen bill, I am ready to vote and work for the next best farm-relief measure whether it be a guaranteed price for wheat, the Norris-Sinclair bill, or some other measure. I am ready to work and vote for any measure that will offer substantial relief to the farmer in this emergency, and I will not quibble over or stand back on economic ethics, theories, or policies in so doing. The crisis is grave, the country's welfare is at stake; the happiness, prospects, and hopes of my neighbors, friends, and constituents are jeopardized. The people of the fifth district of Washington are my clients in the presentation of this plea to the House of Congress for the passage of this bill, and more than that, it is my responsibility and pleasure to place at their service my every faculty and power to promote their success and prosperity.

The great burden of my heart is the distress of the farmers throughout the wheat-growing sections of the country. I have received hundreds upon hundreds of letters, resolutions, and petitions setting forth the great and pressing need for relief and appealing for quick action on the part of Congress.

I shall not burden the RECORD unduly with these communications, but I want to read the following two letters I received, which set forth graphically the conditions prevailing in my home county and which are typical of the situation throughout my district:

WATERVILLE, WASH., *April 22, 1924.*

Hon. SAM B. HILL,
Washington, D. C.

DEAR SIR: For the past six years I have been acting as county agent for Douglas County, Wash., which comprises one of the very good wheat sections of the Big Bend region, and have had an opportunity to study farm practices, and have been brought in close touch with the circumstances of farmers.

During the period extending from 1905 to 1916 farmers of eastern Washington were relatively prosperous and built up their homes and community interests; business during this period was sound and there was every indication that healthy development would continue as a reward to the industrious efforts of our agricultural people. Beginning with 1917 farmers began to go in debt, and each year since that time has brought the farmer into more unfavorable circumstances until we now face the position of absolute bankruptcy.

That you may more fully appreciate conditions which exist throughout the Washington wheat-growing sections, I am offering for your consideration the following data applying to Douglas County:

"Five banks out of six have failed in the last two and one-half years; three banks failed during 1923.

"Mortgage foreclosure sales, 1923, $676,000, involving 26,006 acres.

"Mortgage foreclosure sales, 1924, to April 1, $152,000, involving 10,000 acres.

"Voluntary assignments, 1923, approximately $300,000.

"Delinquent taxes to date, $450,000."

During the last three years farmers have generally attempted to diversify to the extent that climatic conditions warrant, and while this tendency has been beneficial to the extent of assisting farmers in securing a large share of their living on the farm, it has been altogether insufficient to meet indebtedness incurred on their major crop. As a result of the present deplorable conditions and apparent hopelessness of the future our farmers are very much unsettled and we are rapidly approaching a condition of complete disintegration throughout a large part of the wheat-growing area.

Farmers and business men in the affected area appear to be of one mind concerning the cause of the present difficulties, namely, the unsatisfactory ratio which has existed between the prices of farm products and industrial products which are abolutely essential in the farmers' business. There seems to be complete agreement that the proposed McNary-Haugen bill, which is now receiving the attention of Congress, offers a thoroughly sound, practical, and urgently essential solution of the surplus producers' difficulty. We sincerely hope that you will give this proposed bill your earnest consideration and, in view of the serious emergency now existing, lend your hearty support toward its passage.

Yours very truly,

F. H. ZENTNER,
County Agricultural Agent.

WATERVILLE, WASH., *January 25, 1924.*

Hon. SAM B. HILL,
Washington, D. C.

MY DEAR SAM: Your recent letter received and was very glad to know there is some prospect of Government help for the agricultural industry. As I see it, help must come at once or this country is bankrupt.

Up in the St. Germain country I have just had three more ranches turned back to me. Two of these were leased ranches and one I had been carrying on a sale contract for several years.

These three men are broke and are leaving the country, going, only God knows whither, they do not.

I have eight ranches on my hands that I can not rent on any terms. The country is depopulating in droves.

Yesterday I talked with Doss Gallaher, from the Buckingham country. He wants to quit and turn over everything he has as part payment on his debts, but the Seattle bank which holds most of his paper is begging him to stay.

They will throw off his interest and advance money for his taxes and living expenses, but Doss says, "What's the use?"

It will mean just more loss every year, and he is advising them to take their loss now and quit.

They are particularly urgent in his case because, as you know, he is a sort of bellwether in his section, and if he quits most of his neighbors will. His is a fair sample of this whole section.

The British at the siege of Lucknow had nothing on these poor devils. They have hung on until they can hang no longer.

Douglas County, once the banner wheat county of the State, is in a pitiable plight; farms deserted, banks broke, merchants broke, and no definite help in sight.

The price of labor is clear to the skies; sacks cost one-fifth of the price of the wheat; machinery so high no man can buy it; the old machinery about gone.

Taken up one side and down the other, it is a real pleasant prospect. Not the least serious side of the case is the fact that these conditions are breeding bitterness against the existing order and contempt for our Government and its laws. A short time ago I started after a man who had sold some of my mortgaged wheat. I told him such a report had reached me, but I could hardly credit it, and asked him if he had done so. His answer was "Yes, by God, I did. Neither my wife nor my children had any underclothes or any other clothes, nor had we proper food for winter. What are you going to do about it?"

I did just what you would have done. I told him to keep it.

Sam, a certain knowledge that wheat will bring a decent price here next fall will keep part of these men hanging on until that time; nothing else under God's heaven will.

If Congress can help us, they will be criminals if they do not.

With best regards to both of you, I am

Very truly, M. B. HOWE.

Upon my intimate acquaintance with the men who wrote these letters, I vouch for every statement they contain.

What is the remedy to correct the troubles of agriculture? In order to prescribe a remedy, the trouble must first be diagnosed.

The difficulty under which the wheat farmer is laboring, together with the producers of livestock, is inadequacy of price to make his farming operations profitable. The cause of the inadequacy of such price lies in the fact that the principal factors which enter into the costs of farm production must be paid for at the high cost level to which they are inflated by the protection given them within the United States, and that such farm products must be sold both in the domestic and foreign markets on the basis of their export price. The export price is determined by an unprotected world market in which the surplus products of all countries are in competition.

The clear recognition of the fact that domestic price depends upon export price is one of the fundamental principles that must be faced in any attempt to give farm relief. (Report McNary-Haugen bill, p. 26.)

The remedy, then, is to place agriculture on the same basis of protection as that upon which the protected markets within the United States rest. This can only be accomplished by—

separating the export surplus from the total domestic crop and selling it in the world market at the world price and by disposing of the domestic part at a domestic price on a parity with other commodities.

The McNary-Haugen bill proposes such a remedy.

The tariff protects domestic products against competition with imported products within the United States. But it can not protect a domestic product when competing in world markets with other products. The protective tariff is directed toward one problem; the McNary-Haugen bill is directed toward the other. The farmers seek, and this legislation seeks to give them, an instrumentality that will effectuate tariff protection for them just as the general schedule of tariff duties protects manufactured articles. (Report McNary-Haugen bill, p. 30.)

The specific object and result to be attained by this bill is to separate or withdraw the domestic market of certain specified agricultural products from the controlling and determinative influences thereon of the export or world market and to stabilize such domestic market on a price level which will restore to such agricultural products an exchange value approximately equal to the average of the exchange values of other commodities of commerce in the domestic market.

By segregating the exportable surplus of such products from the quantity thereof required for domestic use and consumption and by selling such surplus as a segregated entity in the export market, the domestic market can be made protective for the benefit of the remainder of such products. Such a plan presents the only method, aside from a guaranteed fixed-price plan, of bringing agricultural products under the protective policy of the Government.

The method proposed in the McNary-Haugen bill to extend to agriculture the protective policy of the Government is, briefly stated, as follows:

(1) To create a governmental corporate marketing agency, designated as the United States agricultural export corporation, with a capital stock owned exclusively by the Government.

(2) To authorize such corporation to go into the domestic market and buy quantities of any basic farm commodity as to which an emergency has been officially declared to exist, at a price which will give to such commodity an exchange value compared with other commodities equal to that which it had during a representative period prior to the World War.

(3) To sell the quantity thus purchased by the corporation, which would constitute the exportable surplus, at the best price obtainable in the world market.

(4) To assess against the producers the administrative expenses of the corporation and the loss sustained by the corporation in selling the exportable surplus at the world-price level.

(5) To protect from foreign competition the domestic price for any such basic farm commodity by an adequate import duty.

(6) To return to the Federal Treasury all funds advanced by the Government for the purchase of the capital stock of the corporation.

This Nation can not exist without agriculture. Agriculture can not survive except on a self-sustaining basis. It is not on a self-sustaining basis now. If the consuming public is not willing to extend to the food-producing industry the protection it requires to enable it to operate at its present capacity on a basis of cost plus a reasonable profit, on the theory that such protection would advance the cost of food, the consumers deserve the fate that will await them when the cruel conditions of bankruptcy shall have driven the farmers to seek other means of livelihood and food production is thereby reduced below the level required to feed the people of this Nation. The shortsightedness of selfishness supplies the only explanation for opposing relief to the farmer. The truism that "the laborer is worthy of his hire" holds good for all time. The laborer in this instance is the farmer and he is not receiving his just hire, but is demanding it. He is asking the Government to supply the machinery for the protection of his industry and to operate it at his expense. He proposes to repay the Government the money to be advanced by it and to pay all costs and losses incurred in executing the plan proposed for his protection under this measure. No such burden is imposed on other protected industries.

The Government stands to lose nothing through this proposed legislation, but it is shown the way and opportunity to rescue its basic industry from the collapse of financial ruin.

Much hostility has been voiced against the McNary-Haugen bill. A little of this has come from sincere friends of the farmer, but in the main it has come through the channels of an organized propaganda, inspired and directed by those whose profitable business has been to prey upon the production of agriculture and who are not now, and never were, favorable to any plan that would aid the farmer to reap the harvest of his labor.

Many objections have been interposed against the bill, all under the pretense of friendly criticism in the interest of the farmer. It is urged that the plan proposed is communistic, unconstitutional, unworkable, uneconomic, and otherwise numerously objectionable. But while the objectors may have deceived themselves or been deceived, they have not misled the farmer. Never before in the history of the Government have the farming classes shown such unanimity in the advocacy of a measure for the relief of agriculture as exists toward the present bill. For years they have endured their economic ills with a patience born of hope that they might be able to work out their problems through voluntary cooperative organizations, but the conditions of agriculture have steadily grown worse and their burdens greater. Patience is exhausted through hope deferred. And now the farmer has turned to Congress in his straits of desperation and demands legislative aid for his relief.

The McNary-Haugen bill presents an appeal for justice—not favoritism—for the farmer. This appeal must be heeded and decided on its merits. There can be no dodging of the issue. The farmers have been victimized through unjust legislative discriminations, and they are now demanding the correction of this economic evil. They have been crushed to the point of desperation. They are pleading for, demanding, and expecting relief from this Congress at this session. Election day next November will be fruitful of disappointment to any political party or any Member of Congress that fails now to use its or his best efforts to secure the relief demanded in the interest of agriculture. It is not a partisan question from the standpoint of the farmer and it is not a partisan question from the standpoint of Congress. Any effort to make it such or to so regard it, and any circumstances which would tend to lend a partisan color thereto, will be readily sensed and resented by the farmer, as they should be. The farmer knows the difficulties that beset him and he knows the remedy for those difficulties, and that remedy lies in the enactment of the McNary-Haugen bill. Will you give it to him? That is what he wants to know and that is all he wants to know at this time. He wants an answer now in the form of legislation. Too long and in vain has he waited for Congress to find and initiate a basic remedy to correct the artificial economic disadvantages imposed upon him, which measured by every moral test constitute an economic crime against him. The farmer, through the strong incentive of self-preservation, has surveyed the broad field of political and industrial economics and has found his location and status therein. He found that agriculture, with a few exceptions, is still operating under the natural law of supply and demand, with the prices of its products controlled and determined by the open and unprotected world markets, while the costs of its products are artificially inflated, controlled, and determined by domestic legislative protection. In other words, the farmer buys and produces on the basis of a noncompetitive, protected domestic market, and sells his products on the basis of a competitive, unprotected world market. The economic discrimination against him is obvious. It is also artificial, having its origin and creation in discriminating protective legislation. The remedy the farmer seeks is the correction of this inequity, and the remedy is presented in the McNary-Haugen bill.

The farmer knows what he wants and the remedy that will meet his needs, and he will not be put off by any soporific substitutes, subterfuges, or alibis. He knows that the talk about further extensions of credit, diversification, tariff on products having an exportable surplus, and so forth, is meaningless and barren, except to confuse the issue and to discourage the legislation that will afford him relief. The remedy he seeks is in economic harmony with the protective policy of this Government.

It makes no difference whether the tariff rates are unjustifiably high as they are now, or whether they be fixed on a competitive basis, as they should be, the protective plan proposed in the McNary-Haugen bill will fit into the scheme with perfect harmony and also with justness. Moreover, this plan will automatically adjust itself to harmonize with any changed or modified rates of the tariff system which affect the level of commodity prices. This measure invokes the same principle of protection for agriculture as is applied to other industries and the same degree of protection.

Any tariff schedule, whether it be fixed on the basis for revenue only, a competitive basis, or whether it be primarily designed for protection or monopoly, operates pro tanto as a protection to the industry to which it applies. In one form or another, upon one theory or another, every political party of this country stands for and advocates a tariff policy that protects all domestic industries except the basic industry of

agriculture. It is true, then, that this Government is committed to a protective policy and that, too, without regard to the particular political party which may be in control of the Government. Is such a protective policy economically sound? It must be deemed either economically sound or economically necessary, else there can be no justification for the policy and all of our political parties should be condemned for incompetency or unfitness. In any event, we have the protective policy and it operates to the disadvantage and detriment of agriculture. The McNary-Haugen bill would correct this inequity and place agriculture on the same basis with other protected industries. Is there anything unfair, unjust, or unsound in such a scheme? There is not, if agriculture be entitled to the same consideration as other industries. Can anyone deny that it is entitled to such consideration?

It is doubtful whether in the history of our country the agricultural industry has been depressed to such dire straits as now, and that, too, in the midst of conditions of prosperity in all other lines of industry and commerce. We have had so-called panics that have been nation-wide in their paralyzing effects on commerce and industry, affecting impartially all industries, but in such crises it may be said that all manufacturing, producing, financial, and commercial interests shared in the misfortunes of such depression, perhaps not equally or to the same extent, but all were seriously and detrimentally affected.

The equalizing principle of supply and demand artificially uncontrolled is the natural law of economics. Under the operation of this law the labor wage would tend toward and approximate a world level; manufactured commodities and agricultural products of every country would compete in the markets of all countries on a basis of parity considering, of course, differences in quality and costs of transportation, so that the world supply and the world demand would determine the domestic prices in each individual country and would work an equitable adjustment on such basis of the prices of all commodities, whether of manufacture or agriculture, relative to each other.

I am arguing neither for nor against such a free-trade world policy, but endeavoring simply to call attention to conditions that would prevail in the markets everywhere should the natural principle of supply and demand be permitted to operate universally. But if the natural law of supply and demand is to be supplanted by an artificial law of economics under a protective policy, such policy, to be just, must embrace all industries and confer upon all industries alike the benefits of protection.

There are two prime factors that interfere with and prevent the determination of prices by the natural law of supply and demand, namely, governmental protection and private commercial price-fixing combinations, commonly called trusts. We have in this country both governmental protection and price-fixing combinations, and one or both of these factors are operating in this country to increase the prices of practically all of the manufactured products of commerce in our domestic markets above that of the world markets thereof. But neither of these factors, except in a few instances, is operating to increase the price of farm products in our domestic markets above that of such products in the world markets.

Furthermore, the manufacturing plants of this country which have more than a local status in our Nation's commerce are operated under a centralized control of large aggregations of capital, and they can and do so regulate their output or the supply of their manufactured products as to keep them within the limits of the demands therefor. But not so with agriculture. It is an individualized industry, and every natural economic tendency is toward its decentralization, making it extremely difficult, if not impossible, to centralize its control through voluntary cooperation. The enactment of the McNary-Haugen bill will overcome this handicap and disadvantage inhering in the farming industry.

The well-being and perpetuity of a nation depends upon the preservation and maintenance of economic conditions that will secure to all its people the opportunity to reap the just rewards and fruits of their labor and industry. Every citizen and every class of citizens in this country has the God-given and constitutional right to have this Government so administered as to guarantee equal opportunity to all men. The great basic industry of agriculture must be preserved and must be given equal consideration with other industries in the economic policy of governmental protection. The 40,000,000 of our people employed in agriculture must be secured a living return for their labor and enterprise. This country must continue as the home of both political and economic freedom. Sovereignty must not descend to serfdom.

The CHAIRMAN. The hour of 7 o'clock having arrived, the committee will automatically rise.

The committee rose; and the Speaker having resumed the chair, Mr. SANDERS of Indiana, 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. 9033, the McNary-Haugen bill, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from Iowa asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. BLANTON. Reserving the right to object, we have a lot of committee meetings going on, and we can not be in two places at the same time. We want to hear this debate.

Mr. HAUGEN. And we want to get through with the debate to-morrow, if possible.

Mr. BLANTON. Well, I will not object; I am the farmer's friend.

The SPEAKER. Is there objection?

There was no objection.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair may not be able to be here at 11 o'clock to-morrow; and in case he should not be present, he designates the gentleman from Connecticut, Mr. TILSON, to act as Speaker pro tempore.

WILLIAM E. BAKER

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I wish to present a privileged matter and ask for the adoption of the following resolution.

The Clerk read as follows:

House Resolution 325

Whereas certain charges against William E. Baker, United States district judge for the Northern District of West Virginia, have been transmitted by the Speaker of the House of Representatives to the Judiciary Committee: Be it

Resolved, That the Committee on the Judiciary be, and they hereby are, authorized and directed to inquire into the official conduct of William E. Baker, United States district judge for the Northern District of West Virginia, and to report to the House whether in their opinion the said William E. Baker has been guilty of any acts which in contemplation of the Constitution are high crimes or misdemeanors requiring the interposition of the constitutional powers of this House; and that the said committee have power to send for persons and papers, to administer the customary oaths to witnesses, and to sit during the sessions of the House until adjournment and thereafter until said inquiry is completed and report to the next session of the House.

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

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Certainly.

Mr. GARRETT of Tennessee. I understand that this is a unanimous report.

Mr. GRAHAM of Pennsylvania. Yes. We appointed a subcommittee to examine the papers referred to us. They were quite voluminous. Each one of the subcommittee read them through, and after a conference they thought that the committee ought to take action to further investigate. That is the unanimous action of the committee.

Mr. BLANTON. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. BLANTON. Why the necessity for carrying this matter over during the vacation?

Mr. GRAHAM of Pennsylvania. Because there will be no opportunity to get it consummated. The examination will go on. The House will not be in session to act upon it.

Mr. BLANTON. Under this resolution this committee can meet anywhere it wants to in the United States.

Mr. GRAHAM of Pennsylvania. It certainly could, but it is not likely that it will.

Mr. BLANTON. The gentleman knows how some such resolutions have been executed in the past during the vacation of six or seven months.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GARRETT of Tennessee. This involves the investigation of charges against a Federal judge that may or may not constitute the basis of impeachment. I have looked into the matter somewhat, and I think the resolution should pass.

Mr. BLANTON. Does not the gentleman think this investigation ought to be here in Washington?

Mr. GARRETT of Tennessee. Oh, I do not know.

Mr. BLANTON. That is the only thing I am thinking about.

Mr. GARRETT of Tennessee. I do not think that is necessarily true as a matter of economy, even.

Mr. BLANTON. It ought not to be in Seattle.

Mr. GRAHAM of Pennsylvania. There is no likelihood of that.

Mr. GARRETT of Tennessee. It is scarcely possible that the Committee on the Judiciary investigating the charges against a judge in West Virginia would go to Seattle.

Mr. BLANTON. For instance, this week—to-morrow, I understand, and the next day—there will be a committee sitting in New York City, the special committee investigating the Shipping Board.

Mr. GARRETT of Tennessee. It may be economy for them to do so. It may save money by doing that rather than by summoning witnesses here.

Mr. BLANTON. If the gentleman from Tennessee thinks it is necessary, I will withdraw any objection that I have.

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

The resolution was agreed to.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. McSWAIN, for two days, May 23 and 24, on account of public business, the annual visitation to the United States Military Academy.

CAMP JACKSON MILITARY RESERVATION

Mr. McSWAIN. I ask unanimous consent to extend my remarks in the RECORD by inserting therein the following brief statement.

The SPEAKER. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, yesterday when the House was considering H. R. 9124 and I proposed an amendment relating to the disposition of a part of the Camp Jackson reservation, at page 9128 of the RECORD, the following colloquy took place:

Mr. GRIFFIN. Mr. Speaker, I reserve the point of order on this amendment for the purpose of asking the gentleman if this is not the same bill that was on the Private Calendar on last Friday night, to which objection was made by the gentleman from Michigan [Mr. CRAMTON].

Mr. McSWAIN. Yes; that is the same bill that was under consideration at that time. The gentleman from Michigan [Mr. CRAMTON] stated that he wanted more information in respect to it. I am informed by the gentleman from South Carolina [Mr. FULMER] that he has talked the matter over with the gentleman from Michigan and that he is satisfied.

Mr. FULMER. It is in line with the same bill that passed a few moments ago, having in mind identically the same purpose.

Mr. GRIFFIN. Mr. Speaker, I withdraw the point of order.

I am now informed by the gentleman from Michigan [Mr. CRAMTON] that he had not become satisfied about the provisions of the proposed amendment and that I was in error in my statement. He feels, and justly so, that he has been misrepresented. He and the gentleman from South Carolina [Mr. FULMER] and myself have talked over the facts and I am now convinced that I drew a conclusion from my conversations with them at different times that now appears was not justified. I regret this exceedingly, and have so expressed myself to the gentleman from Michigan [Mr. CRAMTON] and to the gentleman from New York [Mr. GRIFFIN].

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6357. An act for the reorganization and improvement of the foreign service of the United States, and for other purposes;

H. R. 6207. An act authorizing and directing the Secretary of War to transfer to the jurisdiction of the Department of Justice all that portion of the Fort Leavenworth Military Reservation which lies in the State of Missouri, and for other purposes; and

H. R. 8262. An act to fix the compensation of officers and employees of the legislative branch of the Government.

HAUGEN-M'NARY BILL

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter from representatives of farm organizations addressed to Members of the House.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, when one of the St. Louis newspapers came in this morning I was surprised to note in the most conspicuous position on the front page an open letter signed by the representatives of the various farm organizations here in Washington and issued last Monday.

As soon as I read it I called up one of the signers and asked why so important a letter had not been released to the Washington papers. He said it was not only sent to the Washington papers but that they were repeatedly importuned to publish it, and notwithstanding these personal appeals they declined to give it space or even, refer to it.

This letter is a statement signed by the official representatives of the farmers of America, a class comprising one-third of the people of the United States and operating our largest and most indispensable industry, and it outlines their views on one of the most important pieces of legislation which has come before this or any other Congress. They are entitled to be heard. They have the right to present their side of the question, and to have their day in court, and the action of the Washington newspapers in refusing to give them that opportunity is a violation of the ethics of journalism and a reflection on that high calling.

This policy of the Washington newspapers is not merely a matter of local concern. It assumes the proportion of a national menace when the Congress and the President must legislate in an atmosphere devitalized by the deliberate suppression of the news and poisoned by the insidious miasma of propaganda. And if the interests which control these newspapers will permit an observation, I would suggest that they are defeating their own purpose and militating against their own cause by such obtuse and unsportsmanlike partizanship.

This letter merits the careful consideration of the Members of the House. It is authoritative. The official representatives of the farming interests of the Nation announce that after long and exhaustive consideration of all pending and proposed farm legislation they consider the McNary-Haugen bill as best suited to promote the interests of the farmers and the interests of the country at large. They state in emphatic and unmistakable terms that they desire no substitutes; that so far as the farm organizations are concerned they desire the McNary-Haugen bill or nothing.

They speak not only from a technical knowledge of the bill and the conditions which prompt it but as the representatives of 30,000,000 people, those who are most at interest. And for the convenience of Members who desire to read their presentation of the case I ask unanimous consent to insert it as a part of my remarks.

The following letter has been sent to Members of the House and Senate by representatives of farm organizations who are in Washington supporting the McNary-Haugen export corporation bill. In addition to the men and organizations signatory to this letter over 300 other farm organizations, as well as many hundreds of commercial and professional associations, have indorsed the measure:

During the recent press comment on the McNary-Haugen bill, the statement has frequently been made that the present Congress will not adjourn without passing some kind of farm legislation, and the only inference which can be drawn from such statements is that if Congress can not see its way clear to give the farmer what he wants then it will give him something it thinks he ought to have. And we, the undersigned, who represent the largest and the most representative farm organizations of the country, believe that the time has come when we should make our position in these premises clear to Congress and to the whole Nation, and, therefore, without the slightest semblance of threat, but with an overwhelming conviction of the gravity of the situation which now confronts the farmer, we want to make it perfectly plain that no mere legislative palliative can save agriculture from the collapse which now impends, which has already forced tens of thousands of the best farmers in the land into bankruptcy and which at this hour menaces tens of thousands of other farmers with the same catastrophe.

The single and solitary purpose of the McNary-Haugen bill is to give to the farmer as big a dollar for the products of his toil during the next five years as the dollar that he is forced to pay to industry under the Fordney-McCumber Act and to labor under the existing generous wage scales, and in all candor we desire to ask of Congress and of the country, is there anything unfair about this proposal? Can the farmer be expected, on the one hand, to bear a large share of the burdens imposed by industry and labor who have created living conditions of their own liking, and then, on the other hand, accept a price for his wheat, hogs, cattle, and other surplus farm commodities, at home and abroad, established in competition with the peasant and peon farmers of the whole world? If the American

manufacturer is unwilling to meet the foreign manufacturer on an even footing, and if labor believes that the time for absolute exclusion, with reference to immigration, has come, then should they ask the six and a half million farmers of this country to do what they themselves refuse to do?

Through the McNary-Haugen bill we have approached this situation as best we knew how. For four long, weary months this measure has stood the fire of the opposition before the House and Senate committees and during this time we have sought to cure every fair and valid objection made against its various provisions. Therefore we have a firm conviction that the measure as it now stands is legally sound, practical, and workable. Nevertheless, if any Member of Congress can, in good faith, propose any further amendment that will make it more so and yet subserve the full purpose which the act has in view, then we shall most cordially welcome such assistance, for, certainly, we want it to be sound and workable, and, certainly, also, we do not want to take a penny out of the Federal Treasury that is not returned, for we are asking Congress to help us save agriculture from impending ruin. We are not asking for charity. But if, after placing ourselves in this friendly and conciliatory attitude, Congress should still see fit to deny our petitions, then we shall go back home and save as much out of the wreck as we can.

In the meantime let Congress and the whole country understand that the day of soft-soaping agriculture is past; that in this hour, when the average farmer is struggling for his very existence, it would be an insult to offer him a mere legislative nostrum that does not honestly and fairly seek to relieve him of the tremendous handicap under which he is laboring. In all kindness, but nevertheless with profound firmness, we therefore say, Give us the McNary-Haugen bill, for agriculture is unable to accept a substitute.

The above statement has the unqualified indorsement of the following organizations, whose representatives are on the ground in Washington:

T. C. Atkeson, Washington representative National Grange.

John G. Brown, president National Live Stock Producers' Association.

George G. Coale, Knox County, Ind., banker.

Thomas E. Cashman, president American Hereford Breeders' Association; director, Minnesota Farm Bureau Federation.

R. A. Cowles, treasurer Illinois Agricultural Association.

Carl Gunderson, director, South Dakota Wheat Growers' Association.

William Hirth, president Missouri Farmers' Association.

C. W. Hunt, secretary-treasurer Iowa Farm Bureau Federation.

George C. Jewett, general manager American Wheat Growers' Association.

F. W. Murphy, St. Paul Association and Northwest Campaign Committee for Promotion McNary-Haugen Bill.

J. F. Reed, vice president Minnesota Farm Bureau Federation.

J. R. Riggs, Producers' Commission Association of Indianapolis, Ind.

C. G. Selvig, president Minnesota Export Commission League.

Gray Silver, Washington representative American Farm Bureau Federation.

William H. Settle, president Indiana Farm Bureau Federation, Indiana Wheat Pool, Indiana Dairy and Produce Association.

L. J. Tabor, master National Grange.

John Tromble, president Kansas Farmers' Union.

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 7 o'clock and 6 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Friday, May 23, 1924, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

502. A letter from the Secretary of War, transmitting a draft of proposed legislation for the relief of Felix Davis; to the Committee on Claims.

503. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia for the fiscal year ending June 30, 1924, to pay salaries and expenses for the continuance of the Rent Commission from May 23, 1924, to May 22, 1925, $75,220 (H. Doc. No. 300); to the Committee on Appropriations and ordered to be printed.

504. A communication from the President of the United States, transmitting a list of judgments rendered by the Court of Claims, which have been submitted by the Attorney General through the Secretary of the Treasury, and require an appropriation for their payment, as follows: Under the Department of the Interior, $4,737.09; under the Navy Department, $10,178.51; under the Treasury Department, $0.59; and under the War Department, $80,098.85; in all, $95,015.04 (H. Doc. No. 301); to the Committee on Appropriations and ordered to be printed.

505. A communication from the President of the United States, transmitting record of judgment rendered against the Government by the United States District Court for the Eastern District of Virginia, sitting in admiralty, in the case of the Brovig *v.* The United States (steamship *Babcock*), $8,904.40 (H. Doc. No. 302); to the Committee on Appropriations and ordered to be printed.

506. A communication from the President of the United States, transmitting a list of judgments rendered against the Government by the district courts of the United States, as submitted by the Attorney General, through the Secretary of the Treasury, which require an appropriation for their payment, as follows: Under the Department of Labor, $328.75; under the Navy Department, $5,483.12; under the War Department, $412.25; in all, $6,224.12 (H. Doc. No. 303); to the Committee on Appropriations and ordered to be printed.

507. A communication from the President of the United States, transmitting schedules of claims amounting to $1,190,870.49 allowed by the various divisions of the General Accounting Office, as covered by certificates of settlement, the numbers of which are shown in the first column of said schedules (H. Doc. No. 304); to the Committee on Appropriations and ordered to be printed.

508. A communication from the President of the United States, transmitting judgments rendered against the Government by the United States district courts, as submitted by the Attorney General through the Secretary of the Treasury, under the War Department, $427,511.45 (H. Doc. No. 305); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on Military Affairs. H. R. 9012. A bill to make available an officer of the Army of appropriate grade for service in charge of public buildings and grounds in the District of Columbia and for the exercise of certain other functions; without amendment (Rept. No. 814). Referred to the Committee of the Whole House on the state of the Union.

Mr. McKENZIE. Committee on Military Affairs. S. 1376. An act to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia; without amendment (Rept. No. 815). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAJOR of Missouri: Committee on the Judiciary. S. 624. An act to amend the practice and procedure in Federal courts, and for other purposes; with an amendment (Rept. No. 816). Referred to the House Calendar.

Mr. JOHNSON of South Dakota: Committee on Indian Affairs. H. R. 3387. A bill authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Sanish, formerly Fort Berthold Indian Reservation, N. Dak.; without amendment (Rept. No. 824). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. H. R. 7522. A bill to authorize and direct the issuance of patents to purchasers of lots in the town site of Bowdoin, Mont.; with an amendment (Rept. No. 825). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEAVER: Committee on Indian Affairs. H. R. 8083. A bill to designate the Croatan Indians of Robeson and adjoining counties in North Carolina as Cherokee Indians; without amendment (Rept. No. 826). Referred to the Committee of the Whole House on the state of the Union.

Mr. HICKEY: Committee on the Judiciary. H. R. 8906. A bill to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; without amendment (Rept. No. 827). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD of Nebraska: Committee on Indian Affairs. H. R. 8965. A bill for the relief of the Omaha Indians of Nebraska; without amendment (Rept. No. 828). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WURZBACH: Committee on Military Affairs. H. R. 1691. A bill for the relief of Charles F. Getchell; without

amendment (Rept. No. 811). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 2421. A bill to remove the charge of desertion from the military record of Matthew Thomas; with amendments (Rept. No. 812). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 9354. A bill for the relief of William P. Quarles, known as Qualls; without amendment (Rept. No. 813). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 1958. A bill for the relief of Frederick Sparks; without amendment (Rept. No. 817). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 1962. A bill for the relief of Thomas J. Gardner; with an amendment (Rept. No. 818). Referred to the Committee of the Whole House.

Mr. HAYDEN: Committee on Indian Affairs. H. R. 2258. A bill for the relief of James J. McAllister; with an amendment (Rept. No. 819). Referred to the Committee of the Whole House.

Mr. ROACH: Committee on War Claims. H. R. 7631. A bill for the relief of Charles T. Clayton and others; with amendments (Rept. No. 820). Referred to the Committee of the Whole House.

Mr. HASTINGS: Committee on Indian Affairs. S. 2526. An act providing for an allotment of land from the Kiowa, Comanche, and Apache Indian Reservation, Okla., to James F. Rowell, an intermarried and enrolled member of the Kiowa Tribe; without amendment (Rept. No. 821). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. S. 2676. An act authorizing the Secretary of War to lease, or, in his discretion, to convey by quitclaim deed a certain tract of land in the military reservation of Santa Rosa Island, Fla.; with an amendment (Rept. No. 822). Referred to the Committee of the Whole House.

Mr. HILL of Maryland: Committee on Military Affairs. S. 2764. An act authorizing the President to order Leo P. Quinn before a retiring board for a rehearing of his case and upon the findings of such board either confirm his discharge or place him on the retired list with the rank and pay held by him at the time of his discharge; without amendment (Rept. No. 823). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 5278. A bill for the relief of Edward N. Moore; without amendment (Rept. No. 829). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 7131. A bill for the relief of Pleasant P. W. Harris; with amendments (Rept. No. 830). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 7133. A bill for the relief of James Shook; with an amendment (Rept. No. 831). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9202) for the relief of Herman Lincoln Chatkoff; Committee on Military Affairs discharged, and referred to the Committee on World War Veterans' Legislation.

A bill (H. R. 9265) granting an increase of pension to Charles H. Black; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KNUTSON: A bill (H. R. 9380) granting the consent of Congress to the Board of County Commissioners of Aitkin County, Minn., to construct a bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. ABERNETHY: A bill (H. R. 9381) to establish a national military park at the battle field of Moores Creek, N. C.; to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 9382) declaring an emergency in respect of certain agricultural commodities, and for other purposes; to the Committee on Agriculture.

By Mr. GRAHAM of Pennsylvania: Resolution (H. Res. 324) for the consideration of S. 790, for the establishment of a Federal industrial institution for women, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. COLE of Iowa: A bill (H. R. 9383) granting an increase of pension to Orrel Tucker; to the Committee on Invalid Pensions.

By Mr. COOK: A bill (H. R. 9384) granting a pension to Louisa W. Kohser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9385) granting a pension to Eliza J. Saxon; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 9386) granting an increase of pension to Sarah A. Nighswander; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 9387) for the relief of Rachel Parke; to the Committee on Claims.

By Mr. FISH: A bill (H. R. 9388) granting an increase of pension to Annie Fitzpatrick; to the Committee on Invalid Pensions.

By Mr. FULBRIGHT: A bill (H. R. 9389) granting an increase of pension to William Huskey; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 9390) granting a pension to Lydia Gault Read; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 9391) granting a pension to Jessie F. Loughridge; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 9392) granting an increase of pension to Mary C. Hale; to the Committee on Pensions.

By Mr. SIMMONS: A bill (H. R. 9393) granting an increase of pension to Marie Spencer; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 9394) for the relief of John Milton Pew; to the Committee on Claims.

By Mr. TAGUE: A bill (H. R. 9395) granting a pension to Isadore J. Rogers; to the Committee on Invalid Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 9396) authorizing the Secretary of War to deliver to the city of Augusta, Ga., two condemned bronze or brass cannons, with their carriages and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. WINSLOW: A bill (H. R. 9397) granting an increase of pension to S. Angeline Wheeler; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

2842. By the SPEAKER (by request): Petition of the board of directors of the Maritime Association of the Port of New York, favoring a carrying out of the plan of the Secretary of the Navy to modernize the Navy; to the Committee on Naval Affairs.

2843. Also (by request), petition of convention of Illinois mine workers, favoring increase of salaries to postal employees; to the Committee on the Post Office and Post Roads.

2844. Also (by request), petition of national executive committee of the American Legion, expressing appreciation of the action of the House of Representatives in passing the adjusted compensation bill; to the Committee on Ways and Means.

2845. Also (by request), petition of city parliament of the Community Councils of the City of New York, N. Y., favoring a congressional investigation of telephone rates and service throughout the United States; to the Committee on Rules.

2846. By Mr. BROWNE of Wisconsin: Petition of Soo Line Employees' Association, against Howell-Barkley bill; to the Committee on Interstate and Foreign Commerce.

2847. By Mr. FULLER: Petition of 900 citizens of Peru, La Salle County, Ill., favoring the enactment of the bill H. R. 4088, known as the Upper Mississippi River or Izaak Walton League bill; to the Committee on Agriculture.

2848. By Mr. GALLIVAN: Petition of Boston Central Labor Union, protesting against the bill which authorizes the authorities at the Federal penitentiary, Leavenworth, to equip a portion of its institution with shoe-manufacturing machinery, which will enable convict prison labor to compete with free labor in the boot and shoe industry; to the Committee on the Judiciary.

2849. Also, petition of Boston Central Labor Union, Boston, Mass., protesting against the awarding of a contract by the United States Government for 500,000 yards of khaki cloth to be manufactured by a firm in England while there are thousands of textile workers out of work or on short time in the United States; to the Committee on Military Affairs.

2850. By Mr. LEAVITT: Petitions of county officials of Fergus County, Mont.; city officials of Lewistown, Mont.; Fergus County (Mont.) Republican central committee; Fergus County (Mont.) Democratic central committee; Wright Land & Investment Co., Lewistown, Mont.; Power Mercantile Co., Lewistown, Mont.; Fergus Loan & Investment Co., Lewistown, Mont.; Carl Peterson, Fergus County agricultural agent; and Lewistown Democrat-News, Lewistown, Mont., urging passage of the McNary-Haugen bill; to the Committee on Agriculture.

2851. By Mr. RAKER: Letter from A. W. McKenzie, Bieber, Calif., protesting against increase of parcel-post rates; to the Committee on the Post Office and Post Roads.

2852. Also, petitions of C. G. Brainerd, Loomis, Calif.; Angelina M. Redstreake, Johnsville, Calif.; Huron B. Brown, Denair, Calif.; and F. E. Moore, Copperopolis, Calif., indorsing House bill 9035, increasing salaries of fourth-class postmasters; to the Committee on the Post Office and Post Roads.

2853. Also, petitions of J. S. Hussey, Cromberg, Calif.; Belle Stevens, Igo, Calif.; F. B. Jones, Los Molinos, Calif., indorsing House bill 9035, increasing salaries of fourth-class postmasters; to the Committee on the Post Office and Post Roads.

2854. Also, petitions of Parker & Waterman Manufacturing Co., Los Angeles, Calif., and H. R. Williar, San Francisco, Calif., protesting against passage of House bill 4123 and Senate bill 1898, providing for increase in salary for postal employees; to the Committee on the Post Office and Post Roads.

2855. Also, petition of A. A. Berke, jr., counsel for the Pueblo Indians, 33 West Forty-second Street, New York City, urging passage of Senate bill 2932, in re lands of Pueblo Indians; to the Committee on Indian Affairs.

2856. Also, petition of Mr. Clarence B. Yates, secretary Gold Hill Grange, No. 326, Lincoln, Calif., resolution opposing creation of a department of education; to the Committee on Education.

2857. Also, petition of Joseph T. Watson, 824 LaJolla Avenue, Los Angeles, Calif., urging support of House bill 6484, providing for retirement of disabled emergency Army officers of the World War; to the Committee on Military Affairs.

2858. Also, petition of Miss Myrtle C. Robertson, Kirkland, Wash., protesting against change in the name of Mount Rainier; to the Committee on the Public Lands.

SENATE

FRIDAY, *May 23, 1924*

(Legislative day of Tuesday, May 20, 1924)

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

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

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

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

Ball	Fess	Lenroot	Sheppard
Bayard	Fletcher	Lodge	Shipstead
Borah	Frazier	McKinley	Simmons
Brandegee	George	McNary	Smith
Broussard	Gerry	Mayfield	Smoot
Bruce	Glass	Moses	Spencer
Bursum	Hale	Neely	Stanley
Cameron	Harreld	Norbeck	Stephens
Capper	Harris	Norris	Sterling
Caraway	Harrison	Oddie	Swanson
Copeland	Heflin	Overman	Trammell
Couzens	Howell	Owen	Wadsworth
Cummins	Johnson, Calif.	Pepper	Walsh, Mass.
Curtis	Johnson, Minn.	Phipps	Walsh, Mont.
Dale	Jones, N. Mex.	Pittman	Warren
Dial	Jones, Wash.	Ralston	Weller
Dill	Kendrick	Ransdell	Willis
Edge	King	Reed, Pa.	
Ferris	Ladd	Robinson	

Mr. CURTIS. I was requested to announce that the Senator from Iowa [Mr. BROOKHART], the Senator from Arizona [Mr. ASHURST], and the Senator from Montana [Mr. WHEELER] are attending a meeting of a special investigating committee of the Senate.

The PRESIDENT pro tempore. Seventy-four Senators have answered to the roll call. There is a quorum present.

ADJUSTED COMPENSATION VETO—PERSONAL EXPLANATION

Mr. OWEN. Mr. President, I wish to have it appear in the RECORD that my failure to be present and vote on the soldiers' bonus bill on Monday last was due to a misapprehension on my part. As I believed that I was paired with the Senator from Vermont [Mr. GREENE] at that time, I was not present when the vote was taken. I merely wanted this statement to appear in the RECORD. Had I been present I would have voted to override the President's veto of the bill.

TAX REDUCTION—CONFERENCE REPORT

Mr. SMOOT. Mr. President, I submit a conference report on the bill (H. R. 6715) to reduce and equalize taxation, to provide revenue, and for other purposes. At this time I shall ask that it be printed in the RECORD without reading and I give notice that I shall call it up to-morrow morning.

Mr. SMITH. May I ask the Senator if the report is unanimous?

Mr. SMOOT. The report is unanimous. I have also had copies of the report printed and I shall have a copy placed on the desk of each Senator this afternoon, together with a copy of the bill containing the exact amendments that have been made to the House text, and also the amendments as they have been agreed to in conference. To-morrow morning I desire, if it is the will of the Senate, to make a statement as to just what the principal amendments agreed to in conference are, and also showing the revenue under the present law and the estimated revenue which the Mellon plan and the bill as agreed upon in conference would provide.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

The conference report is 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. 6715) to reduce and equalize taxation, to provide revenue, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 13, 14, 15, 18, 19, 21, 22, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 48, 53, 69, 71, 72, 76, 77, 80, 81, 82, 83, 89, 90, 92, 93, 95, 123, 127, 128, 129, 132, 136, 137, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 153, 157, 158, 159, 161, 162, 163, 164, 166, 167, 168, 169, 171, 172, 174, 176, 181, 183, 184, 188, 189, 190, 191, 192, 195, 196, 197, 198, 199, 203, 205, 206, 207, 208, 209, 210, 211, 215, 222, 223, 224, 225, 229, 253, 254, and 260.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 17, 20, 24, 29, 37, 38, 40, 42, 43, 45, 46, 49, 50, 52, 54, 55, 57, 58, 59, 60, 64, 65, 66, 67, 68, 70, 73, 74, 75, 78, 84, 85, 86, 87, 94, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107, 108, 109, 112, 113, 115, 116, 118, 119, 120, 121, 124, 125, 126, 130, 131, 133, 134, 135, 138, 139, 142, 151, 156, 160, 165, 170, 173, 175, 177, 178, 180, 182, 185, 193, 200, 201, 202, 204, 213, 214, 217, 218, 219, 220, 221, 226, 227, 231, 232, 233, 234, 235, 236, 237, 238, 239, 241, 242, 243, 244, 245, 246, 247, 248, 249, 251, 252, 255, 256, 257, 258, and 259, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by the Senate amendment and on page 16 of the House bill strike out all after "shall" in line 9 down to and including the comma in line 10; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) In the case of an individual the tax shall, in addition to the credits provided in section 222, be credited with 25 per cent of the amount of tax which would be payable if his earned net income constituted his entire net income; but in no case shall the credit allowed under this subdivision exceed 25 per cent of his tax under section 210" and a period.

And the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: On page 5 of the Senate engrossed amendments, line 18, strike out "Two"